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Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

A. Subcase 32-00073

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau of
Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown 208 387-0835; Paul F. Holleman, 202 305-0494

United States Department of Justice; Environment and Natural Resource Division; General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Reno Ditch Company, Inc.

Address: P.O. Box 5, Rexburg, ID. 83440

Name:

Address: ,

Name:

Address: ,

Name:

Address: ,

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: _____

2. ☐ **Source**

Should be: _____

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point(s) of Diversion**

Should be: _____

6. ☐ **Instream Flow Description**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☒ **Place of Use**

Should be: See attached

11. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of Federal land is unauthorized. See attached POU. Claimant's water right should not include this POU.

F.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of Ada)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Larry A. Brown
(Attorney signing in representative capacity)

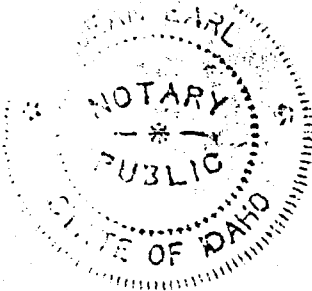
Subscribed and sworn to before me on: December 16, 1999

Jean Earl

Notary Public for Idaho

Residing at: Boise

My Commission Expires: 08-01-2002



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on December 17, 1999, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Reno Ditch Company, Inc.
Address: P.O. Box 5, Rexburg, ID. 83440

Name:
Address: ,

Name:
Address: ,

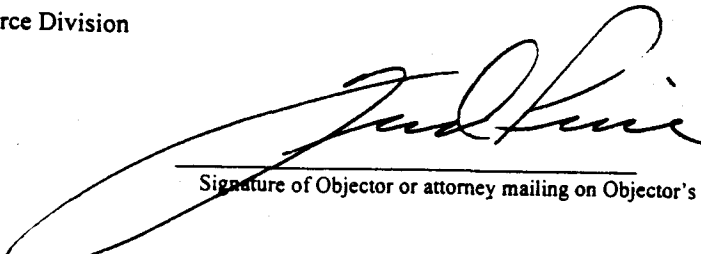
Name:
Address: ,

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449



Signature of Objector or attorney mailing on Objector's behalf

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: OCT-14-1999
PAGE: A-42-----
RIGHTS FROM : SOURCE: BIRCH CREEK TRIBUTARY: SINKS

RIGHT NUMBER : 32-00073

NAME & ADDRESS : RENO DITCH COMPANY INC
PO BOX 5
REXBURG ID 83440

SOURCE: BIRCH CREEK TRIBUTARY: SINKS

QUANTITY: 0.2 CFS
84.9 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 77.06 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 11,579.2 AF. RIGHTS OF THE RENO DITCH COMPANY : 32-00058, 32-00059, 32-00060, 32-00061C, 32-00061D, 32-00062, 32-00063, 32-00064, 32-00065, 32-00066, 32-00068, 32-00069, 32-00070A, 32-00070B, 32-00073, 32-00074, 32-00075, 32-00076, 32-00077, 32-00078, 32-00079, 32-00080, 32-00083, 32-00085, 32-00086, 32-00087, 32-00089, 32-00090A, 32-00091, 32-00092, 32-00093, 32-00101, 32-00102, 32-02043 & 32-02045.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3360 AF. COMBINED RIGHT NOS.: 32-00061C, 32-00068, 32-00077, 32-00078, 32-00079, 32-00085, 32-00086, 32-00087, 32-00089, 32-00090A, 32-00091, 32-00092, 32-00093, 32-00102

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 560.0 AF. COMBINED RIGHT NOS.: 32-00077, 32-00078, 32-00079

PRIORITY DATE : 05/15/1909

POINT OF DIVERSION : T09N R30E S34

SESESW

BLM

Within CLARK County

PURPOSE AND
PERIOD OF USE : PURPOSE OF USE
IRRIGATIONPERIOD OF USE
04-01 11-01QUANTITY
0.2 CFS
84.9 AFY

PLACE OF USE:

Issues:

Point of diversion on BLM

A review of the Idaho Department of Water Resources shape files for this claim indicates that the following places of use reside on public land administered by the Bureau of Land Management :

T.8N, R.31E, S.12 NESE
T. 8N, R. 32E, S.02 SWSW
T.8N, R.32E, S.10 SENE

RIGHTS FROM : SOURCE: BIRCH CREEK TRIBUTARY: SINKS

RIGHT NUMBER : 32-00073 (CONT)

PERIOD OF USE: (CONT)

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160.0 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS OF THE RENO DITCH COMPANY
LISTED ABOVE IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF
3,427 ACRES IN A SINGLE IRRIGATION SEASON.

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32-00078, 32-00079

PLACE OF USE WITHIN THE BOUNDARY OF THE RENO DITCH COMPANY.
TOTAL IRRIGATED ACRES: 5,798.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
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EXPLANATORY MATERIAL : BASIS OF CLAIM - DECREE

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Address:,
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Address:,
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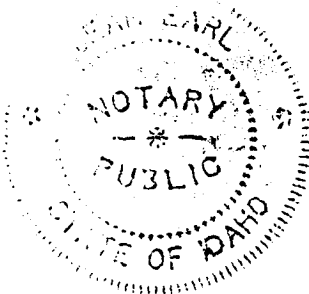
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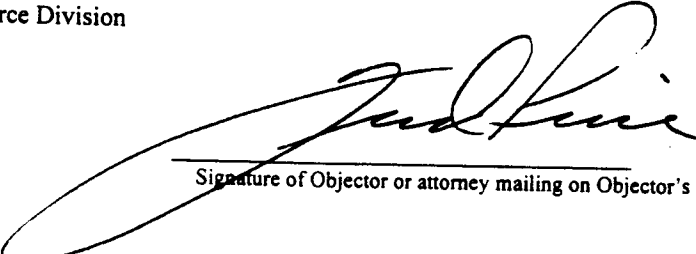
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AJ5856N?

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PERIOD OF USE: (CONT)

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THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS.

EXPLANATORY MATERIAL : BASIS OF CLAIM - DECREE

Easter

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5450

WATER RIGHT NO(S) . 32-00058/32-00059/32-00060/32-00061C/32-00061D
32-00062/32-00063/32-00064/32-00065/32-00066/32-00068/32-00069
32-00070A/32-00070B/32-00073/32-00074/32-00075/32-00076/32-00077
32-00078/32-00079/32-00080/32-00083/32-00085/32-00086/32-00087
32-00089/32-00090A/32-00091/32-00092/32-00093/32-00101/32-00102
32-02043 & 32-02045

This is to certify that: **RENO DITCH COMPANY**
C/O KENT FOSTER
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

The requested changes have been reviewed in accordance with the provisions of Section 42-222, Idaho Code, and are hereby approved as hereafter set forth. The rights shall be used as herein described in accordance with the conditions of approval and applicable laws and rules.

	<u>PRIORITY</u>	<u>DIVERSION RATE</u>	<u>ACRES</u>	<u>ANNUAL VOLUME</u>
Right No. 32-00058 :	04/01/1910	1.00 CFS	67.0	234.5 AF
Right No. 32-00059 :	05/10/1884	6.40 CFS	320.0	1120.0 AF
Right No. 32-00060 :	05/10/1883	3.20 CFS	320.0	1120.0 AF
Right No. 32-00080 :	05/10/1886	3.20 CFS	320.0	1120.0 AF
Right No. 32-00061C :	05/10/1888	0.40 CFS	20.0	70.0 AF
Right No. 32-00068 :	05/10/1887	3.20 CFS	160.0	560.0 AF
Right No. 32-00069 :	05/10/1888	3.20 CFS	160.0	560.0 AF
Right No. 32-00073 :	05/15/1909	0.20 CFS	160.0	84.9 AF
Right No. 32-00077 :	05/15/1910	0.20 CFS	160.0	84.9 AF
Right No. 32-00078 :	05/15/1911	0.20 CFS	160.0	84.9 AF
Right No. 32-00079 :	05/15/1913	0.80 CFS	160.0	339.6 AF
Right No. 32-00085 :	05/10/1910	0.20 CFS	120.0	84.9 AF
Right No. 32-00086 :	05/01/1911	0.20 CFS	120.0	84.9 AF
Right No. 32-00087 :	05/01/1912	0.20 CFS	120.0	84.9 AF

TRANSFER NO. 5450

Right No. 32-00089	:	05/10/1888	2.50 CFS	160.0	560.0 AF
Right No. 32-00090A	:	05/10/1886	0.80 CFS	80.0	280.0 AF
Right No. 32-00091	:	05/01/1901	0.50 CFS	240.0	212.2 AF
Right No. 32-00092	:	05/10/1888	2.50 CFS	240.0	840.0 AF
Right No. 32-00093		05/10/1886	1.60 CFS	240.0	679.2 AF
Right No. 32-00102	:	05/10/1889	4.00 CFS	120.0	420.0 AF
Right No. 32-00061D	:	05/10/1888	2.80 CFS	140.0	490.0 AF
Right No. 32-00070A	:	08/19/1886	2.40 CFS	120.0	420.0 AF
Right No. 32-02043	:	09/19/1912	6.40 CFS	320.0	1120.0 AF
Right No. 32-00062	:	04/01/1904	3.20 CFS	160.0	560.0 AF
Right No. 32-00070B	:	09/19/1886	0.80 CFS	40.0	140.0 AF
Right No. 32-02045	:	11/16/1912	6.40 CFS	320.0	1120.0 AF
Right No. 32-00063	:	04/01/1904	3.20 CFS	159.2	557.2 AF
Right No. 32-00065	:	05/10/1884	3.20 CFS	160.0	560.0 AF
Right No. 32-00064	:	04/01/1907	3.20 CFS	160.0	560.0 AF
Right No. 32-00066	:	01/05/1910	6.40 CFS	320.0	1120.0 AF
Right No. 32-00074	:	10/01/1910	0.14 CFS	160.0	59.4 AF
Right No. 32-00075	:	05/15/1911	0.26 CFS	160.0	110.4 AF
Right No. 32-00076	:	05/15/1912	0.80 CFS	160.0	339.6 AF
Right No. 32-00083	:	05/15/1912	0.46 CFS	160.0	195.3 AF
Right No. 32-00101	:	06/04/1909	2.90 CFS	160.0	560.0 AF

TOTALS:	* 77.06 CFS	* 3427.0	* 11579.2 AF
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BENEFICIAL USE
IRRIGATION

PERIOD OF USE
04/01 to 11/01

SOURCE
BIRCH CREEK

TRIBUTARY OF
SINKS

TRANSFER NO. 5450

LOCATION OF POINT(S) OF DIVERSION: SESW , Sec. 34, Township 09N, Range 30E
CLARK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08N	31E	12	SESW 40	NESE 40	NWSE 40	
			SWSE 40	SESE 40		200
		13	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	NESE 40	NWSE 40	480
		14	NENE 40	SENE 40		80
32E	1	Lot 1 (NENE)	34	Lot 2 (NWNE)	34	
			SENE 40	Lot 3 (NENW)	34	
			SWNW 40	SENW 40	Lot 4 (NWNW)	20
			NWSW 40	SWSW 40	NESW 40	
			NESE 40	NWSE 40	SESW 40	
			SESE 40		SWSE 40	602
	2	Lot 1 (NENE)	2	SWNE 3	SENE 30	
			NESW 3	SWSW 3	SESW 30	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			231
	10		SENE 15	NESW 40	Lot 3 (NWSW)	41
		Lot 4 (SWSW)	42	SESW 40	NESE 40	
			NWSE 40	SWSE 40	SESE 40	338
	11		NENE 40	NWNE 40	SENE 40	
			NENW 40	NWNW 20	SWNW 40	
			SENW 40	NESW 40	NWSW 40	
			SWSW 40	SESW 40		420
	12		NWNE 40	NENW 40	NWNW 40	
			SWNW 40			160
	14		NENW 40	NWNW 40		80
	15		NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	Lot 1 (NWNW)	42
		Lot 2 (SWNW)	42	SENW 40		324
33E	5	Lot 3 (NENW)	34	Lot 4 (NWNW)	34	
			SENW 40	NWSW 40	SWNW 40	
					SWSW 40	228
	6	Lot 1 (NENE)	34	Lot 2 (NWNE)	34	
			SENE 40	Lot 3 (NENW)	34	
		Lot 5 (SWNW)	20	SENW 40	Lot 4 (NWNW)	17
		Lot 6 (NWSW)	20	Lot 7 (SWSW)	20	
			NESE 40	NWSE 40	SESW 40	
			SESE 40		SWSE 40	539
	7		NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NESE 40	
			NWSE 40	SWSE 40	SESE 40	360
	8		NENW 40	NWNW 40	SWNW 40	
			SENW 40	NESW 40	NWSW 40	
			SWSW 40	SESW 40		320

TRANSFER NO. 5450

09N 31E 31	NESW 40	Lot 3 (NWSW) 40	Lot 4 (SWSW) 40	
	SESW 40	NESE 40	NWSE 40	
	SWSE 40	SESE 40		320
32	NENE 40	NWNE 40	SWNE 40	
	SENE 40	NENW 40	NWNW 40	
	SWNW 40	SENW 40	NESW 40	
	NWSW 40	SWSW 40	SESW 40	480
32E 36	NENE 40	NWNE 40	SWNE 40	
	SENE 40	NENW 40	NWNW 40	
	SWNW 40	SENW 40	NESW 40	
	NWSW 40	Lot 4 (SWSW) 35	Lot 3 (SESW) 41	
	NESE 40	NWSE 40	Lot 2 (SWSE) 40	
Lot 1 (SESE) 40				636
				* 5798

Permissible Place of Use Acres:

* 5798

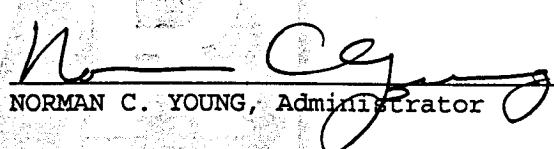
CONDITIONS OF APPROVAL

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 32D.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. Rights 32-00060 and 32-00080 when combined shall not exceed the total annual diversion volume of 1120.0 af and the irrigation of 320.0 acres.
8. Rights 32-00073, 32-00077, 32-00078 and 32-00079 when combined shall not exceed the total annual diversion volume of 560.0 af and the irrigation of 160.0 acres.
9. Rights 32-00085, 32-00086 and 32-00087 when combined shall not exceed the irrigation of 120.0 acres.
10. Rights 32-00089 and 32-00090A when combined shall not exceed the total annual diversion volume of 560.0 af and the irrigation of 160.0 acres.
11. Rights 32-00091, 32-00092 and 32-00093 when combined shall not exceed the total annual diversion volume of 840.0 af and the irrigation of 240.0 acres

TRANSFER NO. 5450

12. Rights 32-00061C, 32-00068, 32-00069, 32-00073, 32-00077, 32-00078, 32-00079, 32-00085, 32-00086, 32-00087, 32-00089, 32-00090A, 32-00091, 32-00092, 32-00093 and 32-00102 when combined shall not exceed the total annual diversion volume of 3360.0 af and the irrigation of 960.0 acres.
13. Rights 32-00061D, 32-00070A and 32-02043 when combined shall not exceed the total annual diversion volume of 1120.0 af and the irrigation of 320.0 acres.
14. Rights 32-00062, 32-00070B and 32-02045 when combined shall not exceed the total annual diversion volume of 1120.0 af and the irrigation of 320.0 acres.
15. Rights 32-00063 and 32-00065 when combined shall not exceed the total annual diversion volume of 560.0 af and the irrigation of 160.0 acres.
16. Rights 32-00074, 32-00075, 32-00076 when combined shall not exceed the irrigation of 160.0 acres.
- * 17. All rights under Transfer 5450 when combined shall not exceed a total diversion rate of 77.06 cfs, a total annual maximum diversion volume of 11,579.2 af at the field headgates, and the irrigation of 3,427.0 acres in the place of use described above in a single irrigation season.
18. Approval of Transfer 5450 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Dated this 23RD day of July, 19 99.


NORMAN C. YOUNG, Administrator

MEMORANDUM

TO: Files 32-00058/00059/00060/00061C/00061D/00062/00063/00064/00065/00066/
00068/00069/00070A/00070B/00073/00074/00075/00076/00077/00078/
00079/00080/00083/00085/00086/00087/00089/00090A/00091/00092/
00093/00101/00102/02043 & 02045.

FROM: Pam Skaggs^{OS}/State Office

SUBJECT: Transfer 5450

DATE: June 29, 1999

Transfer 5450 combines the above referenced rights from Birch Creek and creates a 5798-acre permissible place of use for the newly formed Reno Ditch Company. The rights will have a common diversion point and water will be distributed to shareholders within the service area. This transfer resolves previous disputes among the water users.

Region water right and adjudication staff reviewed these rights and provided initial recommendations. Review of the rights as originally decreed and licensed provided further detail to each right. The total combined use under these rights is limited to a diversion rate of 77.06 cfs, a total annual diversion volume of 11,579.2 af, and the irrigation of 3,427 total acres each season within in the permissible place of use.

Season of use was identified as 04-01 to 11-01 under these rights to be consistent with previous transfers. Recommended conditions include watermaster control, measuring device and lockable controlling works, irrigation overlap, permissible place of use limits, combined right limits, and standard transfer conditions.

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
GAYLE A. SORENSON, P.A.
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
SHAN B. PERRY
AMELIA A. CANEGALY

U.S. BANK OF IDAHO BUILDING
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

June 14, 1999

RECEIVED

JUN 15 1999

Department of Water Resources
Eastern Region

Eric Verner
IDAHO DEPARTMENT OF
WATER RESOURCES
900 North Skyline Drive
Idaho Falls, ID 83402

Dear Eric:

Enclosed is a Notice of Change of Water Right Ownership regarding the high water rights which were sold by Mac and Betty Wagoner to Birch Creek Ranches.

Pursuant to our telephone conversation, we will be preparing a Notice of Change of Water Right Ownership for the new Reno Ditch Company for these rights and all of the others that have been conveyed by Birch Creek Ranches, Lavar Newman and D&D Enterprises to the new ditch company.

Very truly yours,



Kent W. Foster

Enclosure

G:\WPDATA\KWF\5568\ERIC0611.LTR:kmc

Egork

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

JUN 15 1999

Please print or type. Attach pages with additional information. Instructions are on the back of this page. Department of Water Resources
Eastern Region
Incomplete forms will be returned.

1. Water Right Number(s) A32-00073, A32-00077, A32-00078, A32-00079, A32-00085, A32-00086,
A32-00087, A32-00102

Adjudication Claim Number(s) _____

2. The following **REQUIRED** information must be submitted with this form.

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question. **WITH ATTACHED LEGAL DESCRIPTION.**

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county).

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Mac and Betty Wagoner
Owner/Claimant(s) _____
5203 South 11th East, Idaho Falls, ID 83404

4. New Owner/Claimant(s) Birch Creek Ranches
Name connector (check one): ☐ AND ☐ OR, ☐ AND/OR

New Mailing Address: 5203 South 11th East

City, State and ZIP Code: Idaho Falls, Idaho 83404

New Telephone Number: (208) 374-5415

5. Date you acquired the property _____

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____

Cubic Feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New [Signature] Date 6/11/99
Owner/Claimant(s) _____

_____ Date _____

(Corporations or other organizations must submit list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attached a Notice of Appearance completed by your attorney.

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides the new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights, and, if a required claim for the water right has not been filed, to file the needed claim.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures, or if you have questions about completing this form, please contact your nearest IDWR office or call 1-800-451-4129.

If you need additional space to describe or explain any of the items on the form, please attach additional sheets to the form as you may require.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at Item 1. If you or the seller believe there are water right for the property but the numbers are unknown, you may wish to call IDWR or come into an office of IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at Item 3.
4. The name, mailing address, and telephone number of the new owner(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector "and", "or" or "and/or". If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign, however only one of the named parties is required to sign.
5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. If the property you have purchased is only a portion of the property owned by the former owner/seller, you may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at Item 6.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than ½ acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at Item 7. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you.

IDWR Western Region, 2735 Airport Way, Boise, ID 83705-5082 (208) 334-2190

IDWR Southern Region, 222 Shoshone St. E., Twin Falls, ID 83301-6105 (208) 736-3033

IDWR Northern Region, 1910 Northwest Blvd., Ste. 210, Coeur d'Alene, ID 83814-2615 (208) 769-1450

IDWR Eastern Region, 900 N. Skyline Dr., Ste. A, Idaho Falls, ID 83402-1718 (208) 525-7161

Donald L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO
P.O. Box 50130
Idaho Falls, Idaho 83405
Telephone: (208) 523-0620

Attorneys for Plaintiffs

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CLARK

TED S. SORENSON and GAYLE
SORENSON, dba SORENSON
ENGINEERING and BIRCH POWER
COMPANY, INC.,

Plaintiffs,

vs.

MAC WAGONER and BETTY WAGONER,
husband and wife,

Defendants.

Case No. 2-462

MEMORANDUM OF AGREEMENT

COME NOW Ted S. Sorenson, Gayle Sorenson d/b/a Sorenson Engineering, Birch Power Company, Inc. and Birch Creek Ranches, Inc. (Sorensons) and Mac Wagoner and Betty Wagoner (Wagoners) and enter into the following Memorandum of Agreement which agreement shall be made final by execution of settlement and release documents consistent herewith.

1. The season of use for Water Right No. 32-7067 and .8 cfs of the Right No. 32-0090 of the waters of Birch Creek,

which shall be transferred to Wagoners, shall hereafter be from April 1st of each year to and including October 15th of the same year; provided, however, that Wagoners may commence diversion of water under such right, if they deem it appropriate, later than April 1st in any given year, and if they do so, the same number of days from April 1st until the day such diversion is first commenced shall be added at the end of the irrigation season for such year so that they may continue diversions under such right for the same number of days after October 15th as elapsed between April 1st and the date subsequent thereto when diversion of water under such right actually began for such year. It is understood that regardless of the date diversions under such right commence, and regardless of whether water is or is not diverted under such right at any time during the above described season of use, such season shall not be extended longer than the actual number of days between April 1st and October 15th.

2. Sorensons will transfer to Wagoners the water rights on Birch Creek identified as Right No. 32-0067 for 3.2 cfs with a priority date of September 10, 1882 and Right No. 32-0090 for a portion of that right of .8 cfs with a priority date of May 10, 1886. Wagoners will transfer to Sorensons Water Right No. 32-0102 for 4.0 cfs with a priority date of May 10, 1889.

3. Sorensons will purchase from Wagoners, Wagoners "high

water" rights consisting of the following:

<u>NO.</u>	<u>CFS</u>	<u>PRIORITY</u>
0073	.2	05/15/1909
0085	.2	05/10/1910
0077	.2	05/15/1910
0086	.2	05/01/1911
0078	.2	05/15/1911
0087	.2	05/01/1912
0079	.8	05/15/1913

Sorensons will pay to Wagoners the amount of fifteen thousand dollars (\$15,000.00) after the transfer of the above-referenced rights.

4. Wagoners shall withdraw their notice of claim filed in the Snake River Basin Adjudication for 500 miner's inches (10 cfs) of "high water".

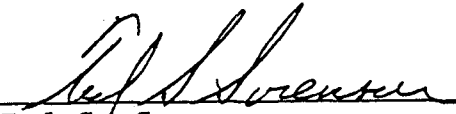
5. The 4 cfs or 200 inches of water represents Wagoners water. Sorensons agree to subordinate any additional water developed by them over which they have control as a result of any water saving effort such as lining portions of Birch Creek or any changes to the minimum bypass flow to Wagoners water. Wagoners will make no protest to any water saving activity undertaken by Sorensons.

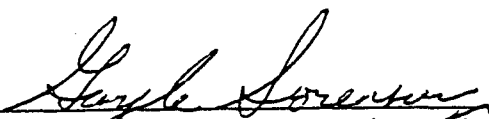
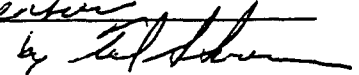
6. Sorensons agree that in addition to the irrigation water rights listed herein Wagoners will be entitled to divert up to 40 miner's inches (.8 cfs) of the water right which Sorensons will transfer to them which is Right No. 32-0067 for

stockwatering purposes commencing on or after March 1st of any year until such time as irrigation water is diverted and may continue such diversions in the same amount from the time irrigation ceases to no later than December 1st.

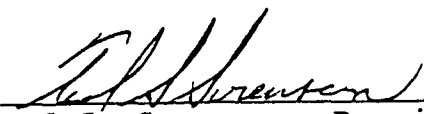
7. Wagoners shall not acquire in any way, directly or indirectly, through whatever means any water rights to the waters of Birch Creek held by George Woodie.

8. That Wagoners will withdraw their protest to the transfer of Sorensons now pending before the Idaho Department of Water Resources. The parties agree that this Memorandum of Agreement and the Settlement and Mutual Release that shall be entered into shall be conditioned on the premise that the Idaho Department of Water Resources does not require Wagoners to take land out of production for having sold the "high water" rights.


Ted S. Sorenson


Gayle Sorenson 

BIRCH POWER COMPANY, INC.

By: 
Ted S. Sorenson, President

BIRCH CREEK RANCHES, INC.

By: _____

[Signature]

Approved as to Form and Content By:

[Signature]
Donald L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO

[Signature]
Mac Wagoner

[Signature]
Betty Wagoner

Approved as to Form and Content By:

[Signature]
Breck H. Barton, Esq.
BARTON & ASSOCIATES

#5491.00
8029h/srr

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NE	24	10N	29E	Clark	
		NE	SE	24	10N	29E	Clark	
		SE	NE	24	10N	29E	Clark	
		SW	SW	29	10N	30E	Clark	
		NW	NW	32	10N	30E	Clark	
		NE	NE	14	10N	29E	Clark	
		NE	SW	11	10N	29E	Clark	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
10N	29E	11						30	35	35	30					35	10	40	215
		12											35						35
		13						35	40			15							90
		14	35			20													55
		24																25	25
		25	10																10
10N	30E	19							30			10	15	35			20		110
		29											20						20
		30	10	20	30	20	20	35		35									170
		32		5	15		35	20		40	35					40	40		230

Total acres 960

RECEIVED

JUN 18 1999

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Department of Water Resources
Eastern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) 32-00060B, 32-00059B, 32-00080B, 32-00070B, 32-00062, 32-02045, 32-00060A, 32-00059A, 32-00065, 32-00080A, 32-00070A, 32-00061D, 32-00063, 32-00064, 32-00058, 32-00066A&B, 32-00074, 32-00076, 32-00083, 32-02043, 32-00090A, 32-00093, 32-00068, 32-00061C, 32-00069, 32-00089, 32-00092, 32-00102, 32-00091, 32-00073, 32-00101, 32-00085, 32-00077, 32-00086, 32-00078, 32-00087, 32-00079, and 32-00075

Adjudication Claim Number(s) _____

2. The following **REQUIRED** information must be submitted with this form.

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question. WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county).

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) L2 Limited Partnership, Lewis Newman, General Partner, and L3 Limited Partnership, Lane Newman, General Partner; D&D Enterprises, Inc.; and Birch Creek Ranches, L.L.C.

2941 North 800 East, Montevieu, ID 83435; P.O. Box 5, Rexburg, Idaho 83440; and 5203 South 11th East, Idaho Falls, ID 83404

4. New Owner/Claimant(s) The Reno Ditch Company, Inc.

Name connector (check one): ☐ AND ☐ OR, ☐ AND/OR

New Mailing Address: P.O. Box 5,

City, State and ZIP Code: Rexburg, Idaho 83440

New Telephone Number: (208)

5. Date you acquired the property _____

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____

Cubic Feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) Jim P. McDonald Date 6/18/99

(Corporations or other organizations must submit list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attached a Notice of Appearance completed by your attorney.

COPY

Microfilm No. 048238
30 Day March 19 99
 At 1:40 O'Clock PM
CONNIS OWEN
 Clark Co. Recorder
 Fee \$ 7.00
Marcia Belcher Deputy
 Recorded at Request of
H, K, H & Chap

**QUITCLAIM DEED
 FOR
 WATER RIGHTS**

THIS INDENTURE is made this 10 day of March, 1999, between Birch Creek Ranches, L.L.C., referred to herein as the "GRANTOR" and Reno Ditch Company, Inc., whose principle place of business is in Clark County, Idaho and whose mailing address is P.O. Box 5, Rexburg, Idaho 83440, herein referred to as the "GRANTEE",

WITNESSETH, that the GRANTOR, for an in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to GRANTOR, in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM unto the GRANTEE, and to GRANTEE's successors and assigns forever, all right, title and interest now owned or hereafter acquired by the Grantor in all of the following described water rights or portions thereof used on lands in the Counties of Clark and Jefferson, State of Idaho, to-wit:

RIGHT NO.	PRIORITY	AMOUNT	NATURE OF USE	PERIOD OF USE
32-00090A	10 May, 1886	0.80	Irrigation	04/01 to 11/01
32-00093	10 May, 1886	1.60	Irrigation	04/01 to 11/01
32-00068	10 May, 1887	3.20	Irrigation	04/01 to 11/01
32-00061C	10 May, 1888	0.40	Irrigation	04/01 to 11/01
32-00069	10 May, 1888	3.20	Irrigation	04/01 to 11/01
32-00089	10 May, 1888	2.50	Irrigation	04/01 to 11/01
32-00092	10 May, 1888	2.50	Irrigation	04/01 to 11/01
32-00102	10 May, 1889	4.00	Irrigation	04/01 to 11/01

32-00091	1 May, 1901	0.50	Irrigation	04/01 to 11/01
32-00073	15 May, 1909	0.20	Irrigation	04/01 to 11/01
32-00101	4 June, 1909	2.90	Irrigation	04/01 to 11/01
32-00085	10 May, 1910	0.20	Irrigation	04/01 to 11/01
32-00077	15 May, 1910	0.20	Irrigation	04/01 to 11/01
32-00086	1 May, 1911	0.20	Irrigation	04/01 to 11/01
32-00078	15 May, 1911	0.20	Irrigation	04/01 to 11/01
32-00087	1 May, 1912	0.20	Irrigation	04/01 to 11/01
32-00079	15 May, 1913	0.80	Irrigation	04/01 to 11/01

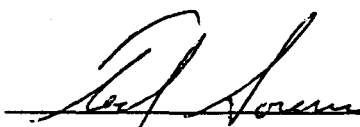
TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, remainders, or rents, issues and profits therefrom.

TO HAVE AND TO HOLD said water rights unto the GRANTEE, and to GRANTEE's successors and assigns forever.

In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the GRANTOR has executed the within instrument the day and year first above written.

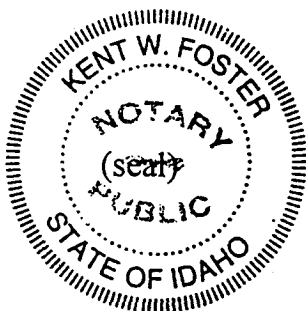
BIRCH CREEK RANCHES, L.L.C.


by Ted Sorenson, Managing Member

STATE OF IDAHO)
)ss.
 County of Bonneville)

On the 10th day of March, 1999, before me, the undersigned, a notary public in and for said State, personally appeared Ted Sorenson, known or identified to me to be the managing member of the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



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Kent W. Foster
 Notary Public for Idaho
 Residing at Idaho Falls, Idaho
 My Commission Expires: 11/20/2004

June 19, 1995

BIRCH CREEK RANCHES INC
5203 S 11TH E
IDAHO FALLS ID 83404

Re: Change in Ownership from Wagoner to Birch Creek Ranches.

Dear Sir:

After further review of the claims that were changed from Wagoner to Birch Creek Ranches on June 14, 1995, it appears that the rights should not have been changed at this time. Therefore, we have changed the names on the claims back to Wagoner.

We understand that Warranty Deeds have been exchanged by the parties and have been recorded at the county, but because a transfer has not been approved we cannot make the changes at this time. When the transfers are approved the Adjudication Claims will then be changed to reflect the current owner of the rights. Until that time, the claims will remain in the names of the party who originally filed.

Please do not hesitate to contact this office if you have any questions regarding this matter.

Sincerely,

Go

Gregory J. Taylor
Sr. Water Agent, Adjudications

cc: Wagoner
Kent Foster

MACROFILMED

NOV 14 1995

June 14, 1995

BIRCH CREEK RANCHES INC
5203 S 11TH E
IDAHO FALLS ID 83404

Re: Change in Ownership from Wagoner to Birch Creek Ranches.

Dear Sir:

The request for Change in Ownership concerning the enclosed Notices of Claim has been processed and the Notices modified to reflect you as the new owner. Enclosed are those typed Notices with your name shown as the current owner.

While reviewing the claims referenced on the change in ownership form we found an additional claim that was not mentioned, but is owned by the Wagoners. That Claim number is A32-10003. I have enclosed a "proof report" of the claim. If you agree that it should be changed to reflect Birch Creek Ranches as the new owner, simply file another change in ownership for A32-10003.

Please do not hesitate to contact this office if you have any questions regarding this matter.

Sincerely,

Gregory J. Taylor
Sr. Water Agent, Adjudications

Enclosures

See letter dated June 19

MICROFILMED

NOV 14 1990

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
GAYLE A. SORENSON, P.A.
DONALD L. HARRIS, P.A.
DALE W. STORER
MARIE T. TYLER
JOHN G. SIMMONS
ROBERT M. FOLLETT
FREDERICK J. HAHN, III

WEST ONE BANK BLDG.
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
TELEFAX (208) 523-9518

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

June 13, 1995

IDAHO DEPARTMENT OF
WATER RESOURCES
900 N. Skyline
Idaho Falls, Idaho 83402-1718

Gentlemen:

We are enclosing with this letter for filing an Assignment of Notice of Claims and a Notice of Change of Water Right Ownership. Thank you for your kind attention to this matter.

Very truly yours,



Kent W. Foster

Enclosure

G:\WPDATA\KWF\6936\IDWR0613.LTR:sjw

RECEIVED

JUN 14 1995

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NOV 14 1998

Department of Water Resources
Eastern District Office

**NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

DATE OF CLOSING: 9/27/94

LEGAL DESCRIPTION OF PROPERTY: Township _____, Range _____, Section _____, _____ 1/4 of _____ of _____ 1/4 of _____ 1/4, Govt. Lot _____, BMLot _____, Block, _____, Subdivision/Townsite _____.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☒ Water Rights Number(s)
Assigned by IDWR:

*Cannot process now.
Waiting for transfer approval.
L.T.*
32-0102/4.0cfs; 32-0073/.2cfs; 32-0085/.2cfs
32-0077/.2cfs; 32-0086/.2cfs; 32-0078/.2cfs
32-0087/.2cfs; 32-0079/.8cfs.

☒ Name and Address of Former
Owner/Claimant(s)(Seller):

Mac and Betty Wagoner
Box 26
Dubois, Idaho 83423

☒ New Owner/Claimant
(Purchaser):

Birch Creek Ranches, Inc.

☒ New Mailing Address:

5203 South 11th East
Idaho Falls, Idaho 83404

☒ New Telephone Number:

(208) 529-2469

☒ Does the change in ownership result in a splitting of the water right owned/claimed?
_____ yes X no. If yes, then describe the portion of the water right that is
now owned/claimed by the new owner:

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NOV 14 1994

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JUN 14 1995

Department of Water Resource
Eastern District Office

- [] Attach proof of ownership,
describe proof attached: _____
(proof of ownership must describe either the property conveyed or include the claim
number. Proof of ownership is not required if this form is signed by the former
owner/claimant.)

[] Signature of New Ed S. Lamm President Date 09/20/94
Owner/Claimant(s) Birch Creek Ranches, Inc. Date _____

[] Signature of Former Mac Wagoner Date 9-27-94
Owner/Claimant(s) Mac Wagoner Date 9-27-94
(Signature of former claimant(s) is not required if
proof of ownership is attached)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Number of Split, if any:

Original to be mailed to Idaho Department of
Water Resources. Copies to Former Owner and
New Owner

G:\WPDATA\KWF\6936\00BIR01.NOTG:\WPDATA\KWF\6936\00BIR01.NOT:sjw

MICROFILMED

NOV 14 1994

RECEIVED

JUN 14 1995

Department of Water Resources
Eastern District Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF NOTICE OF CLAIM(S)

We, Mac Wagoner and Betty Wagoner, hereby assign to Birch Creek Ranches, Inc., of 5203 South 11th East, Idaho Falls, Idaho 83404.

All our right, title, and interest in and to Notice of Claim No(s).
✓ A32-00102, A32-00073, A32-00085, A32-00077, A32-00086,
✓ A32-00078, A32-00087, and A32-00079
to a Water Right Acquired Under State Law.

NO - R - records / JP

The following described portion of my right, title, and interest in and to Notice of Claim No(s). _____

_____ to a Water Right Acquired Under State Law.

(If assigning a portion, describe that portion of the claim being assigned by listing the acreage within each 40-acre tract, the point of diversion and the amount of water in cubic feet per second for direct diversion, or acre feet for storage)

Made this 27th day of September, 1994.

Signature of Claimant(s)

Mac Wagoner
Betty Wagoner

STATE OF IDAHO)
 Clark) ss.
County of Bonneville)

On this 27th day of September, 1994, personally appeared before me the signer(s) of the above instrument, who duly acknowledge to me that he/she/they executed the same.

Notary Public: Betty K. Ketchum
Residing at: Dunsmuir, Id.
My Commission Expires: 2-28-2000

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resource

Receipt No: E000140

Date: 04/22/88
Time: 17:21:56

COPY

Received
From: MAC WAGONER

Type of Payment	Program A cct	Amount
ADJUDICATION FEE	0410162 9337 6490	\$789.00
Total		\$789.00

CHECK 5831

WR/NO: A32-00073 A32-00077 A32-00078 A32-00079 A32-00085
A32-00086 A32-00087 A32-00102 A32-10003

Idaho Department of Water Resources

Region: Eastern

Signature: Keith C Wilson

MICROFILMED
NOV 18 1992

02/9/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 32-73

NAME AND ADDRESS: RENO DITCH COMPANY INC
PO BOX 5
REXBURG ID 83440

SOURCE: BIRCH CREEK

TRIBUTARY: SINKS

QUANTITY: 0.20 CFS
84.9 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 77.06 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF ~~44,579.2~~ 12,937.2 AF. RIGHTS OF THE RENO DITCH COMPANY:
32-00058, 32-00059, 32-00060, 32-00061C, 32-00061D, 32-00062, 32-00063, 32-00064, 32-00065, 32-00066, 32-00068, 32-00069, 32-00070A, 32-00070B, 32-00073, 32-00074, 32-00075, 32-00076, 32-00077, 32-00078, 32-00079, 32-00080, 32-00083, 32-00085, 32-00086, 32-00087, 32-00089, 32-00090A, 32-00091, 32-00092, 32-00093, 32-00101, 32-00102, 32-02043, & 32-02045 & 32-11224.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3360 AF. COMBINED RIGHT NOS.:
32-00061C, 32-00068, 32-00069, 32-00073, 32-00077, 32-00078, 32-00079, 32-00085, 32-00086, 32-00087, 32-00089, 32-00090A, 32-00091, 32-00092, 32-00093, 32-00102.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 560.0 AF. COMBINED RIGHT NOS.:
32-00077, 32-00078, 32-00079

PRIORITY DATE: 05/15/1909

POINT OF DIVERSION:

T09N R30E S34 SESESW Within CLARK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 11/01	0.200 CFS 84.90 AFY

PLACE OF USE:

IRRIGATION Within CLARK County

<u>T08N R31E S12</u>	<u>SESW 40.0</u>	<u>T08N R31E S12</u>	<u>NWSE 40.0</u>
<u>T08N R31E S12</u>	<u>SWSE 40.0</u>	<u>T08N R31E S12</u>	<u>SESE 40.0</u>
<u>T08N R31E S13</u>	<u>NENE 40.0</u>	<u>T08N R31E S13</u>	<u>NWNE 40.0</u>
<u>T08N R31E S13</u>	<u>SWNE 40.0</u>	<u>T08N R31E S13</u>	<u>SENE 40.0</u>
<u>T08N R31E S13</u>	<u>NENW 40.0</u>	<u>T08N R31E S13</u>	<u>NWNW 40.0</u>
<u>T08N R31E S13</u>	<u>SWNW 40.0</u>	<u>T08N R31E S13</u>	<u>SENW 40.0</u>
<u>T08N R31E S13</u>	<u>NESW 40.0</u>	<u>T08N R31E S13</u>	<u>NWSW 40.0</u>
<u>T08N R31E S13</u>	<u>NESE 40.0</u>	<u>T08N R31E S13</u>	<u>NWSE 39.0</u>
<u>T08N R31E S14</u>	<u>NENE 39.0</u>	<u>T08N R31E S14</u>	<u>SENE 39.0</u>
<u>T08N R32E S10</u>	<u>NESW 40.0</u>	<u>T08N R32E S10 Lot 3</u>	<u>NWSW 41.0</u>

<u>T08N R32E S10 Lot 4 SWSW 41.0</u>	<u>T08N R32E S10 SESW 40.0</u>
<u>T08N R32E S10 NESE 40.0</u>	<u>T08N R32E S10 NWSE 40.0</u>
<u>T08N R32E S10 SWSE 40.0</u>	<u>T08N R32E S10 SESE 40.0</u>
<u>T08N R32E S01 Lot 1 NENE 34.0</u>	<u>T08N R32E S01 Lot 2 NWNE 34.0</u>
<u>T08N R32E S01 SWNE 40.0</u>	<u>T08N R32E S01 SENE 40.0</u>
<u>T08N R32E S01 Lot 3 NENW 34.0</u>	<u>T08N R32E S01 Lot 5 NWNW 22.0</u>
<u>T08N R32E S01 SWNW 40.0</u>	<u>T08N R32E S11 NENE 41.0</u>
<u>T08N R32E S11 NWNE 41.0</u>	<u>T08N R32E S11 SENE 41.0</u>
<u>T08N R32E S11 NENW 41.0</u>	<u>T08N R32E S11 NWNW 28.0</u>
<u>T08N R32E S01 SENW 40.0</u>	<u>T08N R32E S11 SWNW 41.0</u>
<u>T08N R32E S11 SENW 41.0</u>	<u>T08N R32E S11 NESW 41.0</u>
<u>T08N R32E S11 NWSW 41.0</u>	<u>T08N R32E S11 SWSW 41.0</u>
<u>T08N R32E S11 SESW 41.0</u>	<u>T08N R32E S01 NESW 40.0</u>
<u>T08N R32E S01 NWSW 40.0</u>	<u>T08N R32E S01 SWSW 40.0</u>
<u>T08N R32E S01 SESW 40.0</u>	<u>T08N R32E S01 NESE 40.0</u>
<u>T08N R32E S01 NWSE 40.0</u>	<u>T08N R32E S01 SWSE 40.0</u>
<u>T08N R32E S12 NWNE 40.0</u>	<u>T08N R32E S12 NENW 40.0</u>
<u>T08N R32E S12 NWNW 40.0</u>	<u>T08N R32E S01 SESE 40.0</u>
<u>T08N R32E S12 SWNW 40.0</u>	<u>T08N R32E S14 NENW 40.0</u>
<u>T08N R32E S14 NWNW 40.0</u>	<u>T08N R32E S15 NENE 40.0</u>
<u>T08N R32E S15 NWNE 40.0</u>	<u>T08N R32E S15 SWNE 40.0</u>
<u>T08N R32E S15 SENE 40.0</u>	<u>T08N R32E S15 NENW 40.0</u>
<u>T08N R32E S15 Lot 1 NWNW 42.0</u>	<u>T08N R32E S15 Lot 2 SWNW 42.0</u>
<u>T08N R32E S15 SENW 40.0</u>	<u>T08N R32E S02 SENE 24.0</u>
<u>T08N R32E S02 SESW 26.0</u>	<u>T08N R32E S02 NESE 40.0</u>
<u>T08N R32E S02 NWSE 24.0</u>	<u>T08N R32E S02 SWSE 40.0</u>
<u>T08N R32E S02 SESE 40.0</u>	<u>T08N R33E S05 Lot 3 NENW 34.0</u>
<u>T08N R33E S05 Lot 4 NWNW 34.0</u>	<u>T08N R33E S05 SWNW 40.0</u>
<u>T08N R33E S05 SENW 40.0</u>	<u>T08N R33E S05 NWSW 40.0</u>
<u>T08N R33E S05 SWSW 40.0</u>	<u>T08N R33E S06 Lot 1 NENE 34.0</u>
<u>T08N R33E S06 Lot 2 NWNE 34.0</u>	<u>T08N R33E S06 SWNE 40.0</u>
<u>T08N R33E S06 SENE 40.0</u>	<u>T08N R33E S06 Lot 3 NENW 34.0</u>
<u>T08N R33E S06 Lot 4 NWNW 17.0</u>	<u>T08N R33E S06 Lot 5 SWNW 20.0</u>
<u>T08N R33E S06 SENW 40.0</u>	<u>T08N R33E S06 NESW 40.0</u>
<u>T08N R33E S06 Lot 6 NWSW 20.0</u>	<u>T08N R33E S06 Lot 7 SWSW 20.0</u>
<u>T08N R33E S06 SESW 40.0</u>	<u>T08N R33E S06 NESE 40.0</u>
<u>T08N R33E S06 NWSE 40.0</u>	<u>T08N R33E S06 SWSE 40.0</u>
<u>T08N R33E S06 SESE 40.0</u>	<u>T08N R33E S07 NENE 40.0</u>
<u>T08N R33E S07 NWNE 40.0</u>	<u>T08N R33E S07 SWNE 40.0</u>
<u>T08N R33E S07 SENE 40.0</u>	<u>T08N R33E S07 NENW 40.0</u>
<u>T08N R33E S07 NESE 40.0</u>	<u>T08N R33E S07 NWSE 40.0</u>
<u>T08N R33E S07 SWSE 40.0</u>	<u>T08N R33E S07 SESE 40.0</u>
<u>T08N R33E S08 NENW 40.0</u>	<u>T08N R33E S08 NWNW 40.0</u>
<u>T08N R33E S08 SWNW 40.0</u>	<u>T08N R33E S08 SENW 40.0</u>

T08N R33E S08	NESW	40.0	T08N R33E S08	NWSW	40.0
T08N R33E S08	SWSW	40.0	T08N R33E S08	SESW	40.0
T09N R32E S36	NENE	40.0	T09N R32E S36	NWNE	40.0
T09N R32E S36	SWNE	40.0	T09N R32E S36	SENE	40.0
T09N R32E S36	NENW	40.0	T09N R32E S36	NWNW	40.0
T09N R32E S36	SWNW	40.0	T09N R32E S36	SENW	40.0
T09N R32E S36	NESW	40.0	T09N R32E S36	NWSW	40.0
T09N R32E S36 Lot 4 SWSW		37.0	T09N R32E S36 Lot 3 SESW		40.0
T09N R32E S36	NESE	40.0	T09N R32E S36	NWSE	40.0
T09N R32E S36 Lot 2 SWSE		40.0	T09N R32E S36 Lot 1 SESE		40.0
T09N R33E S31	NESW	40.0	T09N R33E S31 Lot 3 NWSW		40.0
T09N R33E S31 Lot 4 SWSW		40.0	T09N R33E S31	SESW	40.0
T09N R33E S31	NESE	40.0	T09N R33E S31	NWSE	40.0
T09N R33E S31	SWSE	40.0	T09N R33E S31	SESE	40.0
T09N R33E S32	NENE	40.0	T09N R33E S32	NWNE	40.0
T09N R33E S32	SWNE	40.0	T09N R33E S32	SENE	40.0
T09N R33E S32	NENW	40.0	T09N R33E S32	NWNW	40.0
T09N R33E S32	SWNW	40.0	T09N R33E S32	SENW	40.0
T09N R33E S32	NESW	40.0	T09N R33E S32	NWSW	40.0
T09N R33E S32	SWSW	40.0	T09N R33E S32	SESW	40.0

5723 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 160.0 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 32-00077 32-00078, 32-00079

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 960.0 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 32-00061C, 32-00068, 32-00069, 32-00073, 32-00077, 32-00078, 32-00079, 32-00085, 32-00086, 32-00087, 32-00089, 32-00090A, 32-00091, 32-00092, 32-00093, 32-00102.

USE OF THE RIGHTS OF THE RENO DITCH COMPANY LISTED ABOVE IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF ~~3,427~~ 3,815 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

~~PLACE OF USE WITHIN THE BOUNDARY OF THE RENO DITCH COMPANY. TOTAL IRRIGATED ACRES 5798.~~

THE USE OF WATER WITHIN T08NR32E S02 SESW, NWSE AND SENE, AND S11 NWNW DOES NOT INCLUDE ANY FEDERAL PUBLIC LANDS.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

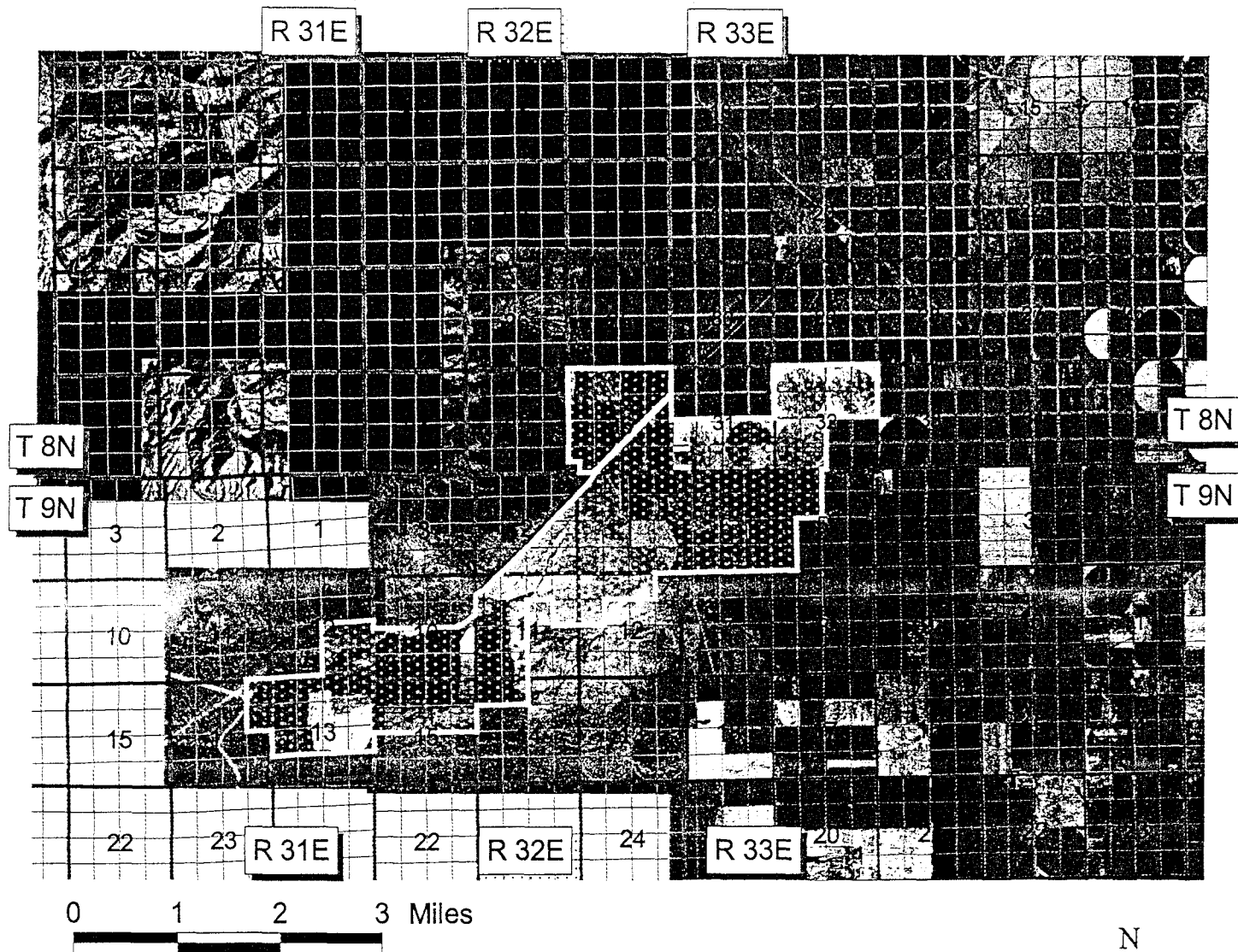
EXPLANATORY MATERIAL: Decreed

IDAHO DEPARTMENT OF WATER RESOURCES

The Reno Ditch Company, Inc

Water Right Numbers: 32-00058, 32-00059, 32-00060, 32-00061C, 32-00061D, 32-00062, 32-00063, 32-00064, 32-00065, 32-00066, 32-00068, 32-00069, 32-00070A, 32-00070B, 32-00073, 32-00074, 32-00075, 32-00076, 32-00077, 32-00078, 32-00079, 32-00080, 32-00083, 32-00085, 32-00086, 32-00087, 32-00089, 32-00090A, 32-00091, 32-00092, 32-00093, 32-00101, 32-00102, 32-02043, 32-02045

*Original
Claim sent
to court
12-17-99*



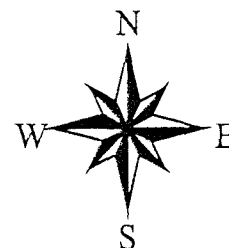
1/4 1/4 Section Lines



Section Lines

Place of Use Boundary

Townships 8N and 9N
Ranges 31E, 32E and 33E



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: Bryce A. Contor
Date: August, 1999

11/14/2000

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 32-73

NAME AND ADDRESS: RENO DITCH COMPANY INC
PO BOX 5
REXBURG, ID 83440

SOURCE: BIRCH CREEK TRIBUTARY: SINKS

QUANTITY: 0.2 CFS
84.9 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 560.0 AF. COMBINED RIGHT NOS.: 32-00077, 32-00078, 32-00079

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3360 AF. COMBINED RIGHT NOS.: 32-00061C, 32-00068, 32-00069, 32-00073, 32-00077, 32-00078, 32-00079, 32-00085, 32-00086, 32-00087, 32-00089, 32-00090A, 32-00091, 32-00092, 32-00093, 32-00102.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 77.06 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF ~~11,573.2~~ 12,927.2 AF. RIGHTS OF THE RENO DITCH COMPANY: 32-00058, 32-00059, 32-00060, 32-00061C, 32-00061D, 32-00062, 32-00063, 32-00064, 32-00065, 32-00066, 32-00068, 32-00069, 32-00070A, 32-00070B, 32-00073, 32-00074, 32-00075, 32-00076, 32-00077, 32-00078, 32-00079, 32-00080, 32-00083, 32-00085, 32-00086, 32-00087, 32-00089, 32-00090A, 32-00091, 32-00092, 32-00093, 32-00101, 32-00102, 32-02043, & ~~32-02045~~ & ~~32-11224~~.

PRIORITY DATE: 05/15/1909

POINT OF DIVERSION: T09N R30E S34 SESESW Within CLARK County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	4-01 11-01	0.20 CFS 84.9 AFY

PLACE OF USE:

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160.0 ACRES WITHIN THE ~~PLACE OF USE DESCRIBED ABOVE~~ BOUNDARY OF THE ~~RENO DITCH COMPANY~~ IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 160.0 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 32-00077 32-00078, 32-00079

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USE OF THE RIGHTS OF THE RENO DITCH COMPANY LISTED ABOVE IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF ~~3,427~~ 5,815 ACRES IN A SINGLE IRRIGATION SEASON.

PLACE OF USE WITHIN THE BOUNDARY OF THE RENO DITCH COMPANY.
TOTAL IRRIGATED ACRES: 5,798 5,740.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

AJ5809NP
No. R32-00073

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/29/99
PAGE: 27

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	THE RENO DITCH COMPANY INC PO BOX 5 REXBURG ID 83440	05/15/1909	IRRIGATION	04-01 11-01	0.200 CFS	84.90 AFA
TOTAL DIVERSION:					0.200 CFS	84.90 AFA

Water Source: BIRCH CREEK

Tributary to: SINKS

Stage: DECREED

Point(s) of Diversion:

T09N R30E S34

SESESW

CLARK County

Place of use Legal Description for: IRRIGATION

NE										NW										SW										SE										
		NENE		NWNE		SWNE		SENE		:	NENW		NWNW		SWNW		SENW		:	NESW		NWSW		SWSW		SESW		:	NESE		NWSE		SWSE		SESE		:	SUM		
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:			
08N	31E	12	:							:									:								:	40		40		40		40		40		200.0		
08N	31E	13	:	40		40		40		40		40		40		40		40	:	40		40					:	40		40							480.0			
08N	31E	14	:	40				40		:									:								:										80.0			
08N	32E	1	:	01-34		02-34		40		40	:	03-34		04-20		40		40	:	40		40		40		40	:	40		40		40		40		40		602.0		
08N	32E	2	:	01-02				03		30	:								:	03				03		30	:	40		40		40		40		40		231.0		
08N	32E	10	:					15		:									:	40		03-41		04-42		40	:	40		40		40		40		40		338.0		
08N	32E	11	:	40		40				40	:	40		20		40		40	:	40		40		40		40	:										420.0			
08N	32E	12	:			40				:	40		40		40				:								:										160.0			
08N	32E	14	:							:	40		40						:								:										80.0			
08N	32E	15	:	40		40		40		40	:	40		42		42		40	:								:										324.0			
08N	33E	5	:							:	03-34		04-34		40		40		:			40		40			:										228.0			
08N	33E	6	:	01-34		02-34		40		40	:	03-34		04-17		05-20		40	:	40		06-20		07-20		40	:	40		40		40		40		40		539.0		
08N	33E	7	:	40		40		40		40	:	40						:								:	40		40		40		40		40		360.0			
08N	33E	8	:							:	40		40		40		40		:	40		40		40		40	:										320.0			
09N	31E	31	:							:									:	40		03-40		04-40		40	:	40		40		40		40		40		320.0		
09N	31E	32	:	40		40		40		40	:	40		40		40		40	:	40		40		40		40	:										480.0			
09N	32E	36	:	40		40		40		40	:	40		40		40		40	:	40		40		03-35		04-41	:	40		40		02-40		01-40				636.0		
																												TOTAL ACRES		5798.0										

POU County: CLARK, JEFFERSON

Other Rights: 32-0077/0078/0079/0085/0086/0087/0102/00063/000908/00067

Remarks: QNT

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 77.06 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 11,579.2 AF. RIGHTS OF THE
RENO DITCH COMPANY: 32-00058, 32-00059, 32-00060, 32-00061C,
32-00061D, 32-00062, 32-00063, 32-00064, 32-00065, 32-00066,
32-00068, 32-00069, 32-00070A, 32-00070B, 32-00073, 32-00074,
32-00075, 32-00076, 32-00077, 32-00078, 32-00079, 32-00080,
32-00083, 32-00085, 32-00086, 32-00087, 32-00089, 32-00090A,
32-00091, 32-00092, 32-00093, 32-00101, 32-00102, 32-02043 &
32-02045.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3360 AF.

Remarks: COMBINED RIGHT NOS.: 32-00061C, 32-00068, 32-00077,
32-00078, 32-00079, 32-00085, 32-00086, 32-00087, 32-00089,
32-00090A, 32-00091, 32-00092, 32-00093, 32-00102
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 560.0 AF.
COMBINED RIGHT NOS.: 32-00077, 32-00078, 32-00079

POU1 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160.0 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH THE RIGHTS OF THE RENO DITCH COMPANY
LISTED ABOVE IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF
3,427 ACRES IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 960.0 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 32-0061C, 32-00068,
32-00069, 32-00077, 32-00078, 32-00079, 32-00085,
32-00086, 32-00087, 32-00089, 32-00090A, 32-00091, 32-00092,
32-00093, 32-00102
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 160.0 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 32-00077
32-00078, 32-00079

Dates: Exam Made Date: 05/12/1999 Verified Date: Objection Filed Date:
Misc: Water District Number: 32D Field Inspection Flag:
Presumption Flag: C

AJ0749NP
No. A32-00073

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 06/17/99
PAGE: 1

OWNER CODE : C
NAME & ADDRESS : BIRCH CREEK RANCHES
5203 S 11TH E
IDAHO FALLS ID 83404
(208) 374-5415

PRIORITY DATE : 05/15/1909
WATER USE : IRRIGATION

USE PERIOD FROM TO : 01-01 12-31
DIVERSION RATE : 0.20 CFS
DIVERSION VOLUME : 847.50 AFA

TOTAL DIVERSION: 0.20 CFS
CONSUMPTIVE USE:

Water Source: BIRCH CREEK
Tributary to: SINKS
Stage: DECREED
CLARK County

Point(s) of Diversion: T09N R30E S05 Lot03(SENENW)

Place of use Legal Description for: IRRIGATION

NE										SW										SE																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																															
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POU County: CLARK

Non-Irrigation Uses: STOCK WATER DIRECTLY FROM DITCHES

Other Rights: 32-0077/0078/0079/0085/0086/0087/0102

Remarks: GEN RIGHT USED OVER ENTIRE PLACE OF USE AS CROP DEMANDS DURING THE IRRIGATION SEASON
PERIOD OF USE JUSTIFICATION:
1. ACTUAL PERIOD MAY BE ONLY 2/15 TO 11/20 DUE TO ICEING
2. SOIL TYPE(GRAVELY) REQUIRES EXCESSWATER EARLY AND LATE IN THE YEAR TO BRING THE SUBWATER UP.
3. HISTORICALLY PERIOD HAS BEEN LONGER THAN 4/1 TO 11/1
4. DECREE PERIOD OF USE STATED AS: "...have, at all times,..."
*** CHANGE OF OWNERSHIP FILED 6/15/99, ESV

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag: Presumption Flag:

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A32-00073
Date Received: 4/22/1988
Receipt No: E000140
Received By: KCW

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: MAC WAGONER
Address: P.O.BOX 296
DUBOIS, ID

83423

208-374-5415

OR

Name: BETTY WAGONER
Address: P.O.BOX 296
DUBOIS, ID

83423

208-374-5415

2. Date of Priority: MAY 15, 1909

3. Source: BIRCH CREEK

Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09N	30E	5	SE	NE	NW	3	CLARK

5. Description of diverting works:

DIVERSION DAM, HEADGATE TO DITCHES FOR FLOOD IRRIGATIONB

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	01/01	12/31	0.200		

7. Total Quantity Appropriated is:
0.200 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 847.5 Acre Feet Per Annum.

9. Non-irrigation uses:

STOCK WATER DIRECTLY FROM DITCHES

A32-00073

Page 1

Date: 12/13/88

MICROFILMED

NOV 18 1992

A3200073



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres	
09N	30E	4	NE	SW		IRR	1.0	
			NW	SW	6	IRR	29.0	
			SW	SW	7	IRR	36.0	
			SE	SW		IRR	29.0	
			SW	SE		IRR	2.0	
							Section Acres	97.0
		5	SE	NE		IRR	5.0	
			NE	SE		IRR	20.0	
			SE	SE		IRR	2.0	
							Section Acres	27.0
		9	NW	NE		IRR	20.0	
			SW	NE		IRR	31.0	
			NE	NW		IRR	40.0	
			NW	NW		IRR	20.0	
			SW	NW		IRR	4.0	
SE	NW			IRR	38.0			
NE	SW			IRR	24.0			
SE	SW			IRR	2.0			
NW	SE			IRR	32.0			
SW	SE			IRR	4.0			
					Section Acres	215.0		
					Total Acres	339.0		

11. Place of use in counties: CLARK

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
32-0077/0078/0079/0085/0086/0087/0102

14. Remarks:
RIGHT USED OVER ENTIRE PLACE OF USE AS CROP DEMANDS DURING THE IRRIGATION SEASON
PERIOD OF USE JUSTIFICATION:
1.ACTUAL PERIOD MAY BE ONLY 2/15 TO 11/20 DUE TI ICEING
2.SOIL TYPE(GRAVELY) REQUIRES EXCESSWATER EARLY AND LATE IN THE YEAR TO BRING THE SUBWATER UP.
3.HISTORICALLY PERIOD HAS BEEN LONGER THAN 4/1 TO 11/1
4.DECREE PERIOD OF USE STATED AS:"...have, at all times,...."

15. Basis of Claim: DECREED

Case Number:
Court :
Decree date:

AGNES B. RENO, ET. AL.
Decree Plaintiff

vs

J. R. RICHARDS, ET. AL.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Mac Wagoner Date: 12-13-88

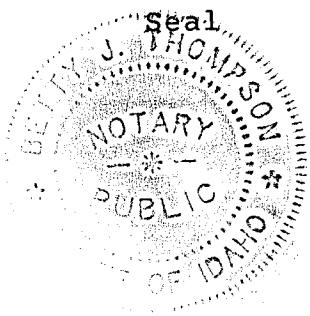
Date: _____

State of Idaho)
County of Bonneville) ss.

Subscribed and sworn (or affirmed) before me this 13 day
of Dec 19 88

Betty J. Thompson
Notary Public

Residing at BETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT IDAHO FALLS, IDAHO
My Commission Expires MY COMMISSION EXPIRES: 6-30-94



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A32-00073
Date Received: 4/22/1988
Receipt No: E000140

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MAC WAGONER 208-374-5415
Address: P.O.BOX 296
DUBOIS, ID 83423

OR
Name: BETTY WAGONER 208-374-5415
Address: P.O.BOX 296
DUBOIS, ID 83423

2. Date of Priority: MAY 15, 1909

3. Source: BIRCH CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
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5. Description of diverting works:
DIVERSION DAM, HEADGATE TO DITCHES FOR FLOOD IRRIGATIONB

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.200		

7. Total Quantity Appropriated is:
0.200 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCK WATER DIRECTLY FROM DITCHES

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres	
09N	30E	4	NE		SW		IRR	1.0	
			NW		SW	6	IRR	29.0	
			SW		SW	7	IRR	36.0	
			SE		SW		IRR	29.0	
			SW		SE		IRR	2.0	
			Section Acres						97.0
		5	SE		NE		IRR	5.0	
			NE		SE		IRR	20.0	
			SE		SE		IRR	2.0	
			Section Acres						27.0
		9	NW		NE		IRR	20.0	
			SW		NE		IRR	31.0	
			NE		NW		IRR	40.0	
			NW		NW		IRR	20.0	
			SW		NW		IRR	4.0	
			SE		NW		IRR	38.0	
			NE		SW		IRR	24.0	
			SE		SW		IRR	2.0	
			NW		SE		IRR	32.0	
			SW		SE		IRR	4.0	
			Section Acres						215.0
			Total Acres						339.0

11. Place of use in counties: CLARK

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
32-0077/0078/0079/0085/0086/0087/0102

14. Remarks:
RIGHT USED OVER ENTIRE PLACE OF USE AS CROP DEMANDS DURING THE
IRRIGATION SEASON

15. Basis of Claim: DECREED
Water Right Number:
Case Number:
Court :
Decree date:

AGNES B. RENO, ET. AL.
Decree Plaintiff
A32-00073

vs
2

J. R. RICHARDS, ET. AL.
Decree Defendant
Date: 04/22/88

MICROFILMED
NOV 18 1992

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s):

Mac Wagon

Date: 4-22-88

Date: _____

State of Idaho)

County of

Dunnville

)
) SS.
)

Subscribed and sworn (or affirmed) before me this 22nd day

of April 19 88

William Wheat
Notary Public

Seal

Residing at

Idaho Falls

My Commission Expires

5/29/1991

