

NO  
COLOR  
DOCUMENTS  
IN  
FILE

RECEIVED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS  
Department of Water Resources

In Re SRBA

Case No. 39576

A. Subcase 32-00087

(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)

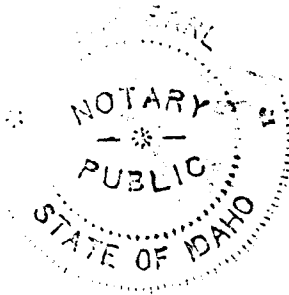
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

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 C. 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: ,

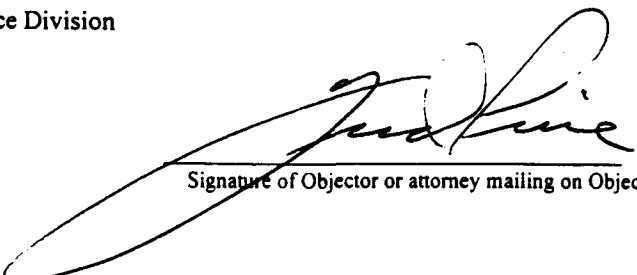
Name:  
Address: ,

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-62

RIGHTS FROM : SOURCE: BIRCH CREEK TRIBUTARY: SINKS

RIGHT NUMBER : 32-00087

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, 32-00073, 32-00077, 32-00078, 32-00079, 32-00085, 32-00086, 32-00089, 32-00090A, 32-00091, 32-00092, 32-00093, 32-00102

PRIORITY DATE : 05/01/1912

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 : 32-00087 (CONT)  
-----

PERIOD OF USE: (CONT)

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 120.0 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, 32-00073, 32-00077, 32-00078, 32-00079, 32-00085,  
32-00086, 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 120.0 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 32-00085, 32-00086

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  
ADMINISTRATION OF THE WATER RIGHTS.

EXPLANATORY MATERIAL : BASIS OF CLAIM - DECREE

RECEIVED

DEC 20 1999

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 32-00087

(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)

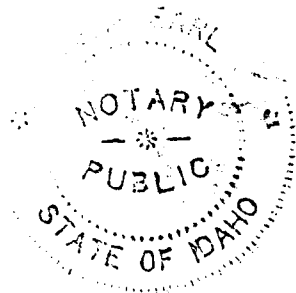
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

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 C. 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: ,

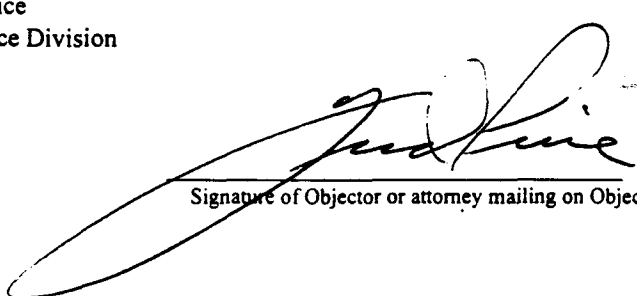
Name:  
Address: ,

3. Copies to:

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

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

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



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-62

-----  
RIGHTS FROM : SOURCE: BIRCH CREEK TRIBUTARY: SINKS  
-----  
RIGHT NUMBER : 32-00087  
-----  
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, 32-00073, 32-00077,  
32-00078, 32-00079, 32-00085, 32-00086, 32-00089,  
32-00090A, 32-00091, 32-00092, 32-00093, 32-00102

PRIORITY DATE : 05/01/1912  
POINT OF DIVERSION : T09N R30E S34

SESESW

BLM

Within CLARK County

PURPOSE AND  
PERIOD OF USE : PURPOSE OF USE  
IRRIGATION

PERIOD OF USE  
04-01 11-01

QUANTITY  
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: 32-00087 (CONT)  
-----

PERIOD OF USE: (CONT)

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 120.0 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, 32-00073, 32-00077, 32-00078, 32-00079, 32-00085,  
32-00086, 32-00089, 32-00090A, 32-00091, 32-00092,  
32-00093, 32-00132

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO  
THE IRRIGATION OF A COMBINED TOTAL OF 120.0 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 32-00085, 32-00086

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  
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<br/>RATE</u> | <u>ACRES</u> | <u>ANNUAL<br/>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 |

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 CountyPLACE 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      | 200          |
|            |            | 13           | SWSE 40      | SESE 40      |              |              |
|            |            |              | 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         | SENE 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         | SENE 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 |

Permissible Place of Use Acres: \* 5798

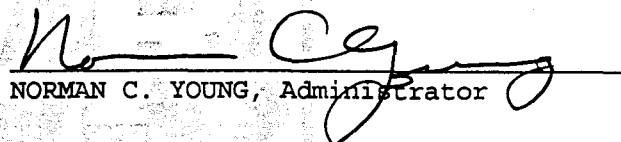
CONDITIONS OF APPROVAL

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 23<sup>RD</sup> 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<sup>PS</sup>/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.

A32-00087

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

EGWOK

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

RECEIVED

JUN 15 1999

Department of Water Resource  
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) 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. (Sorensens) 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.

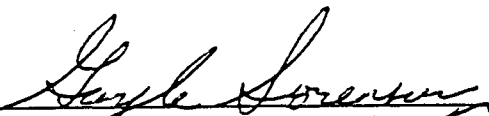
6. Sorensons agree that in addition to the irrigation water rights listed herein Wagoners will be entitled to divert up to 40 miner's inches (.8 cfs) of the water right which Sorensons will transfer to them which is Right No. 32-0067 for

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.

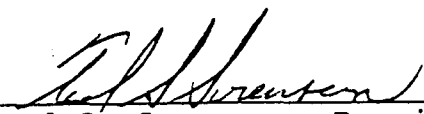
7. Wagoners shall not acquire in any way, directly or indirectly, through whatever means any water rights to the waters of Birch Creek held by George Woodie.

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, Montevideo, 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 D. Newman 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 \$ 9.00  
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<br>NO. | PRIORITY     | AMOUNT | NATURE OF USE | PERIOD OF<br>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 |

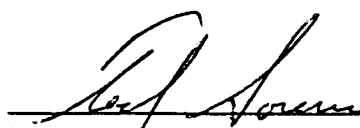
TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, remainders, or rents, issues and profits therefrom.

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.

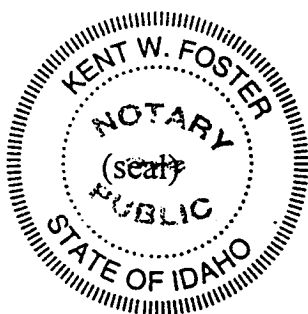
BIRCH CREEK RANCHES, L.L.C.

  
by Ted Sorenson, Managing Member

STATE OF IDAHO            )  
                                       )ss.  
 County of Bonneville        )

On the 10<sup>th</sup> 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.



G:\WPDATA\KWF\5568\QUITCLAI.BCR.kmc

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

02/9/2001

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

RIGHT NUMBER: 32-87

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 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 ~~41,579.2~~ 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.

PRIORITY DATE: 05/01/1912

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<br>84.90 AFY |

PLACE OF USE:

IRRIGATION Within CLARK County

|                     |      |      |                     |      |      |
|---------------------|------|------|---------------------|------|------|
| T08N R31E S12       | SESW | 40.0 | T08N R31E S12       | NWSE | 40.0 |
| T08N R31E S12       | SWSE | 40.0 | T08N R31E S12       | SESE | 40.0 |
| T08N R31E S13       | NENE | 40.0 | T08N R31E S13       | NWNE | 40.0 |
| T08N R31E S13       | SWNE | 40.0 | T08N R31E S13       | SENE | 40.0 |
| T08N R31E S13       | NENW | 40.0 | T08N R31E S13       | NWNW | 40.0 |
| T08N R31E S13       | SWNW | 40.0 | T08N R31E S13       | SENW | 40.0 |
| T08N R31E S13       | NESW | 40.0 | T08N R31E S13       | NWSW | 40.0 |
| T08N R31E S13       | NESE | 40.0 | T08N R31E S13       | NWSE | 39.0 |
| T08N R31E S14       | NENE | 39.0 | T08N R31E S14       | SENE | 39.0 |
| T08N R32E S10       | NESW | 40.0 | T08N R32E S10 Lot 3 | NWSW | 41.0 |
| T08N R32E S10 Lot 4 | SWSW | 41.0 | T08N R32E S10       | SESW | 40.0 |
| T08N R32E S10       | NESE | 40.0 | T08N R32E S10       | NWSE | 40.0 |
| T08N R32E S10       | SWSE | 40.0 | T08N R32E S10       | SESE | 40.0 |

|                          |           |                          |           |
|--------------------------|-----------|--------------------------|-----------|
| T08N R32E S01 Lot 1 NENE | 34.0      | T08N R32E S01 Lot 2 NWNE | 34.0      |
| T08N R32E S01            | SWNE 40.0 | T08N R32E S01            | SENE 40.0 |
| T08N R32E S01 Lot 3 NENW | 34.0      | T08N R32E S01 Lot 5 NWNW | 22.0      |
| T08N R32E S01            | SWNW 40.0 | T08N R32E S11            | NENE 41.0 |
| T08N R32E S11            | NWNE 41.0 | T08N R32E S11            | SENE 41.0 |
| T08N R32E S11            | NENW 41.0 | T08N R32E S11            | NWNW 28.0 |
| T08N R32E S01            | SENW 40.0 | T08N R32E S11            | SWNW 41.0 |
| T08N R32E S11            | SENW 41.0 | T08N R32E S11            | NESW 41.0 |
| T08N R32E S11            | NWSW 41.0 | T08N R32E S11            | SWSW 41.0 |
| T08N R32E S11            | SESW 41.0 | T08N R32E S01            | NESW 40.0 |
| T08N R32E S01            | NWSW 40.0 | T08N R32E S01            | SWSW 40.0 |
| T08N R32E S01            | SESW 40.0 | T08N R32E S01            | NESE 40.0 |
| T08N R32E S01            | NWSE 40.0 | T08N R32E S01            | SWSE 40.0 |
| T08N R32E S12            | NWNE 40.0 | T08N R32E S12            | NENW 40.0 |
| T08N R32E S12            | NWNW 40.0 | T08N R32E S01            | SESE 40.0 |
| T08N R32E S12            | SWNW 40.0 | T08N R32E S14            | NENW 40.0 |
| T08N R32E S14            | NWNW 40.0 | T08N R32E S15            | NENE 40.0 |
| T08N R32E S15            | NWNE 40.0 | T08N R32E S15            | SWNE 40.0 |
| T08N R32E S15            | SENE 40.0 | T08N R32E S15            | NENW 40.0 |
| T08N R32E S15 Lot 1 NWNW | 42.0      | T08N R32E S15 Lot 2 SWNW | 42.0      |
| T08N R32E S15            | SENW 40.0 | T08N R32E S02            | SENE 24.0 |
| T08N R32E S02            | SESW 26.0 | T08N R32E S02            | NESE 40.0 |
| T08N R32E S02            | NWSE 24.0 | T08N R32E S02            | SWSE 40.0 |
| T08N R32E S02            | SESE 40.0 | T08N R33E S05 Lot 3 NENW | 34.0      |
| T08N R33E S05 Lot 4 NWNW | 34.0      | T08N R33E S05            | SWNW 40.0 |
| T08N R33E S05            | SENW 40.0 | T08N R33E S05            | NWSW 40.0 |
| T08N R33E S05            | SWSW 40.0 | T08N R33E S06 Lot 1 NENE | 34.0      |
| T08N R33E S06 Lot 2 NWNE | 34.0      | T08N R33E S06            | SWNE 40.0 |
| T08N R33E S06            | SENE 40.0 | T08N R33E S06 Lot 3 NENW | 34.0      |
| T08N R33E S06 Lot 4 NWNW | 17.0      | T08N R33E S06 Lot 5 SWNW | 20.0      |
| T08N R33E S06            | SENW 40.0 | T08N R33E S06            | NESW 40.0 |
| T08N R33E S06 Lot 6 NWSW | 20.0      | T08N R33E S06 Lot 7 SWSW | 20.0      |
| T08N R33E S06            | SESW 40.0 | T08N R33E S06            | NESE 40.0 |
| T08N R33E S06            | NWSE 40.0 | T08N R33E S06            | SWSE 40.0 |
| T08N R33E S06            | SESE 40.0 | T08N R33E S07            | NENE 40.0 |
| T08N R33E S07            | NWNE 40.0 | T08N R33E S07            | SWNE 40.0 |
| T08N R33E S07            | SENE 40.0 | T08N R33E S07            | NENW 40.0 |
| T08N R33E S07            | NESE 40.0 | T08N R33E S07            | NWSE 40.0 |
| T08N R33E S07            | SWSE 40.0 | T08N R33E S07            | SESE 40.0 |
| T08N R33E S08            | NENW 40.0 | T08N R33E S08            | NWNW 40.0 |
| T08N R33E S08            | SWNW 40.0 | T08N R33E S08            | SENW 40.0 |
| 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 120.0 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 32-00085, 32-00086, 32-00087

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 120.0 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.

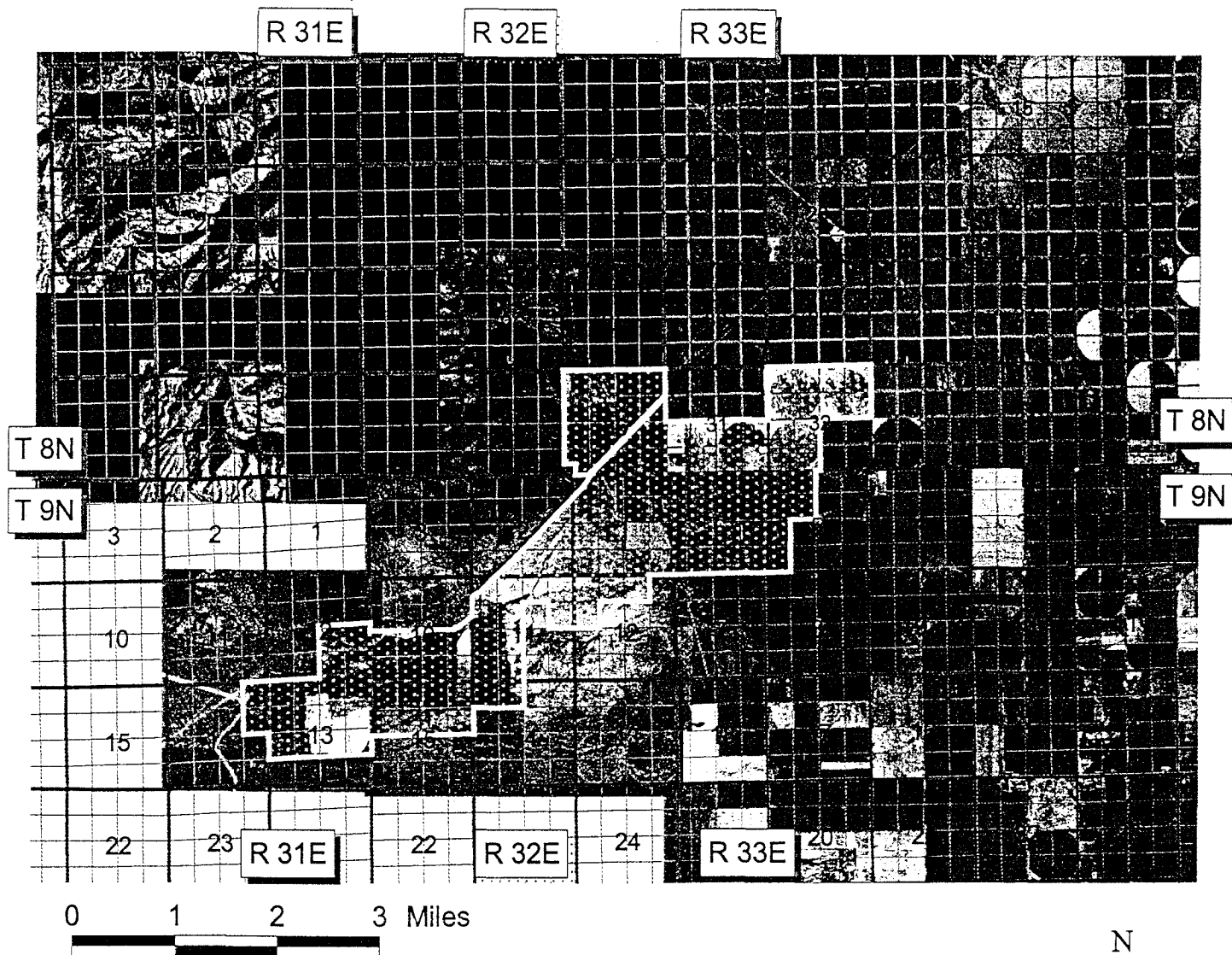
EXPLANATORY MATERIAL: Decreed

# 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*

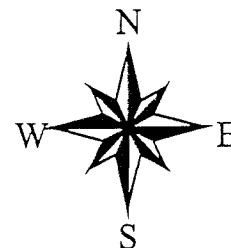


 1/4 1/4 Section Lines

 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: 32-87

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 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 ~~11,572.2~~ 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.

PRIORITY DATE: 05/01/1912

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<br>84.9 AFY |

PLACE OF USE:

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 120.0 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 120.0 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 32-00085, 32-00086, 32-00087

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 ~~3,422.2~~ 3,815 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

| OWNER<br>CODE    | NAME & ADDRESS                                             | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | THE RENO DITCH COMPANY INC<br>PO BOX 5<br>REXBURG ID 83440 | 05/01/1912       | 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     | :     |  |
| 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    | :      | 602.0 |  |
| 08N         | 32E | 2  | : | 01-02 |       |      | 03   | 30 | :    |       |       |       |    | :    | 03   |       | 03    | 30    | :    | 40   | 40   | 40    | 40    | :      | 231.0 |  |
| 08N         | 32E | 10 | : |       |       |      | 15   | :  |      |       |       |       |    | :    | 40   | 03-41 | 04-42 | 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    | :      | 539.0 |  |
| 08N         | 33E | 7  | : | 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    | :      | 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: 32-0073/0077/0078/0079/0085/0086/0102/00090B/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, 32-00073, 32-00077,  
32-00078, 32-00079, 32-00085, 32-00086, 32-00089,  
32-00090A, 32-00091, 32-00092, 32-00093, 32-00102

POU1 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 120.0 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, 32-00073, 32-00077, 32-00078, 32-00079, 32-00085,  
32-00086, 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 120.0 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 32-00085, 32-00086

Dates: Exam Made Date: 05/13/1999 Verified Date: Objection Filed Date:

Misc: Water District Number: 32D Field Inspection Flag:  
Presumption Flag: C

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

| OWNER<br>CODE | NAME & ADDRESS                                                                 | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO                | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|---------------|--------------------------------------------------------------------------------|------------------|------------|--------------------------------------|-------------------|---------------------|
| C             | BIRCH CREEK RANCHES<br>5203 S 11TH E<br>IDAHO FALLS ID 83404<br>(208) 374-5415 | 05/01/1912       | IRRIGATION | 01-01 12-31                          | 0.20 CFS          |                     |
|               |                                                                                |                  |            | TOTAL DIVERSION:<br>CONSUMPTIVE USE: | 0.20 CFS          | 847.50 AFA          |

|                        |                             |               |              |        |         |
|------------------------|-----------------------------|---------------|--------------|--------|---------|
| Water Source:          | BIRCH CREEK                 | Tributary to: | SINKS        | Stage: | DECREED |
| Point(s) of Diversion: | T09N R30E S05 Lot03(SENENW) |               |              |        |         |
|                        |                             |               | CLARK County |        |         |

[illegible]

**POU County: CLARK**

### Non-Irrigation Uses: STOCK WATER DIRECTLY FROM DITCHES

**Other Rights:** 32-0073/0077/0078/0079/0085/0086/0102

| Remarks: | GEN | RIGHT USED OVER ENTIRE PLACE OF USE AS CROPS DEMAND 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 EXCESS WATER EARLY AND LATE IN THE YEAR TO BRING THE SUBWATER UP.

3. HISTORICALLY PERIOD HAS BEEN LONGER THAT 4/1 TO 11/1

4. DECREE PERIOD OF USE STATED AS: "...have, at all times,..."

## 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: A32-00087  
Date Received: 4/22/1988  
Receipt No: E000140  
Received By: Kew

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

AMENDED

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 01, 1912

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 IRRIGATION

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

A32-00087

Page 1

Date: 12/13/88

MICROFILMED

NOV 18 1992



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:  
32-0073/0077/0078/0079/0085/0086/0102

14. Remarks:  
RIGHT USED OVER ENTIRE PLACE OF USE AS CROPS DEMAND 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 EXCESS WATER EARLY AND LATE IN THE YEAR TO BRING THE SUBWATER UP.  
3. HISTORICALLY PERIOD HAS BEEN LONGER THAT 4/1 TO 11/1  
4. DECREE PERIOD OF USE STATED AS: "...have, at all times,..."

15. Basis of Claim: DECREED

A32-00087

Page 2

Date: 12/13/88

MICROFILMED

NOV 18 1992

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.

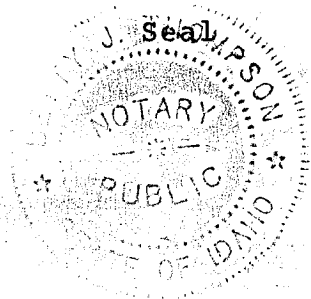
Signature of Claimant(s): Mac Wagoner Date: 12-13-88  
\_\_\_\_\_  
Date: \_\_\_\_\_

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

BETTY J. THOMPSON, NOTARY PUBLIC  
Residing at 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: A32-00087  
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 01, 1912

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 IRRIGATION

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:  
32-0073/0077/0078/0079/0085/0086/0102

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

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

AGNES B. RENO, ET. AL.  
Decree Plaintiff  
A32-00087

Page

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 ☒ 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): Mae Wagoner Date: 4-22-88  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Bonneville ) SS.

Subscribed and sworn (or affirmed) before me this 22<sup>nd</sup> day

of April 19 88

Colleen Wray  
Notary Public

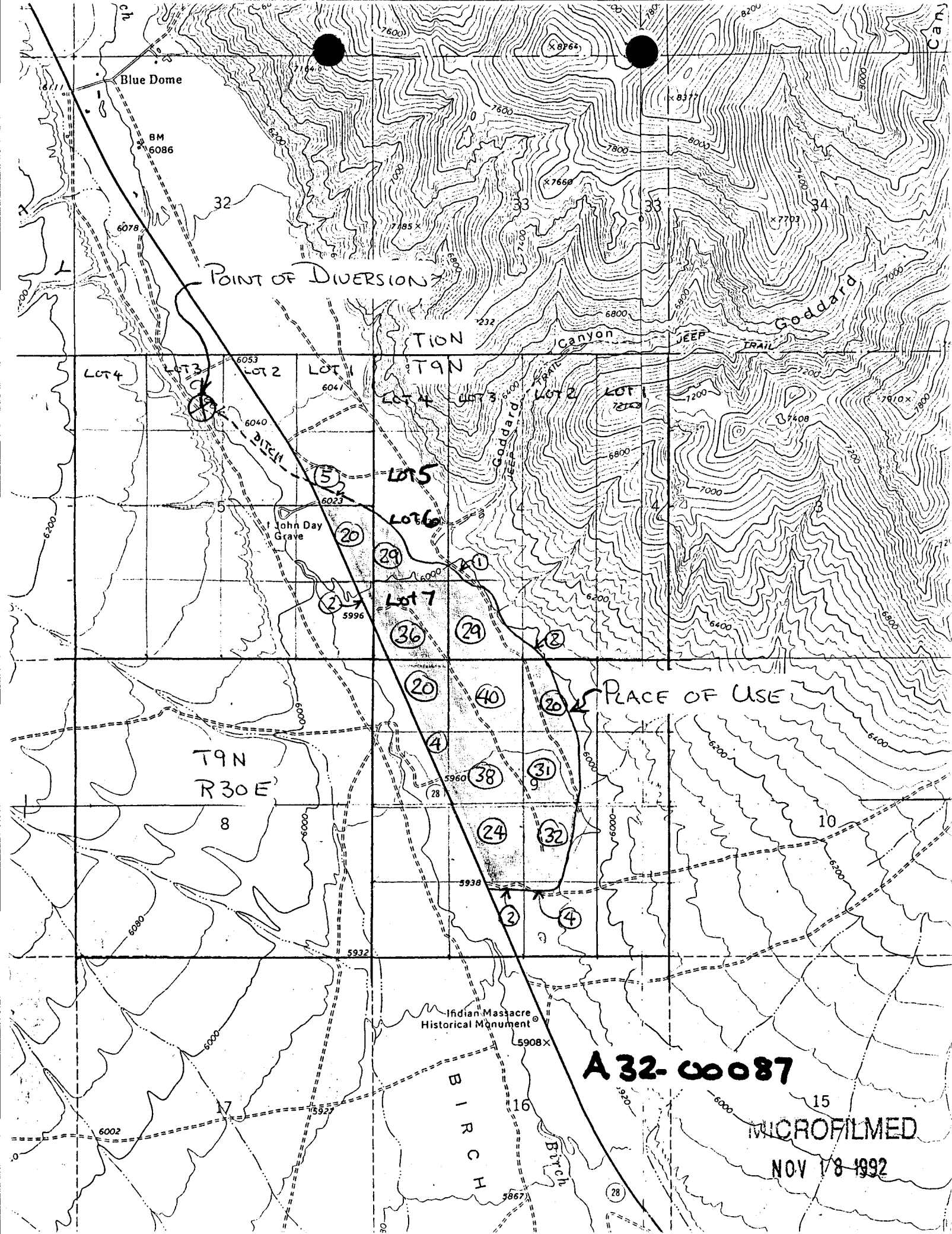
Seal

Residing at Idaho Falls, Id  
My Commission Expires 5/29/1991



A32-00087

Lease of 640000



Blue Dome

BM  
6086

POINT OF DIVERSION

T9N

Goddard Canyon

Goddard

LOT 4

LOT 3

LOT 2

LOT 1

LOT 4

LOT 3

LOT 2

LOT 1

LOT 5

LOT 6

LOT 7

John Day  
Grave

T9N  
R30E

PLACE OF USE

Indian Massacre  
Historical Monument

BIRCH

A 32-00087

MICROFILMED

NOV 18 1992