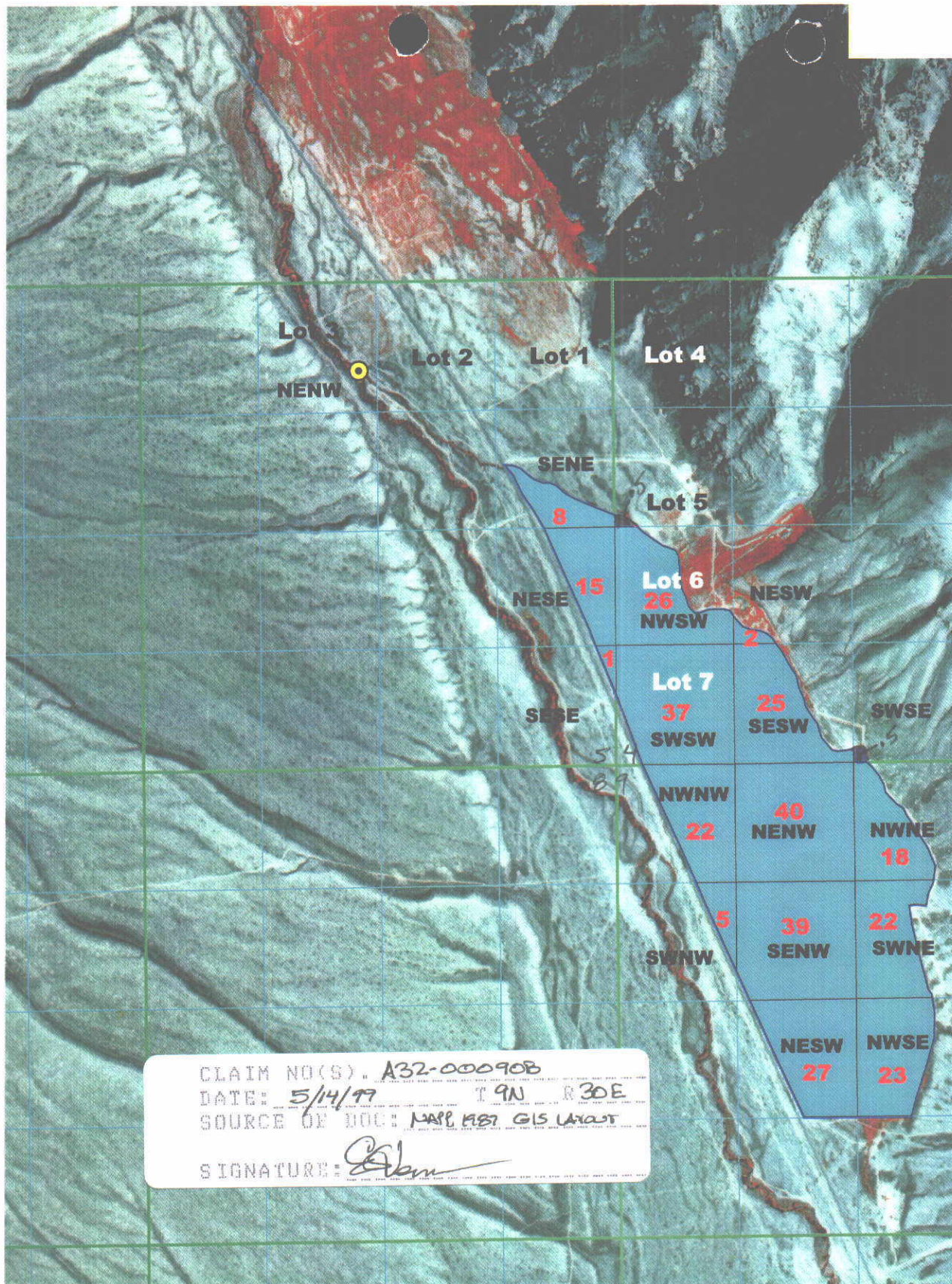
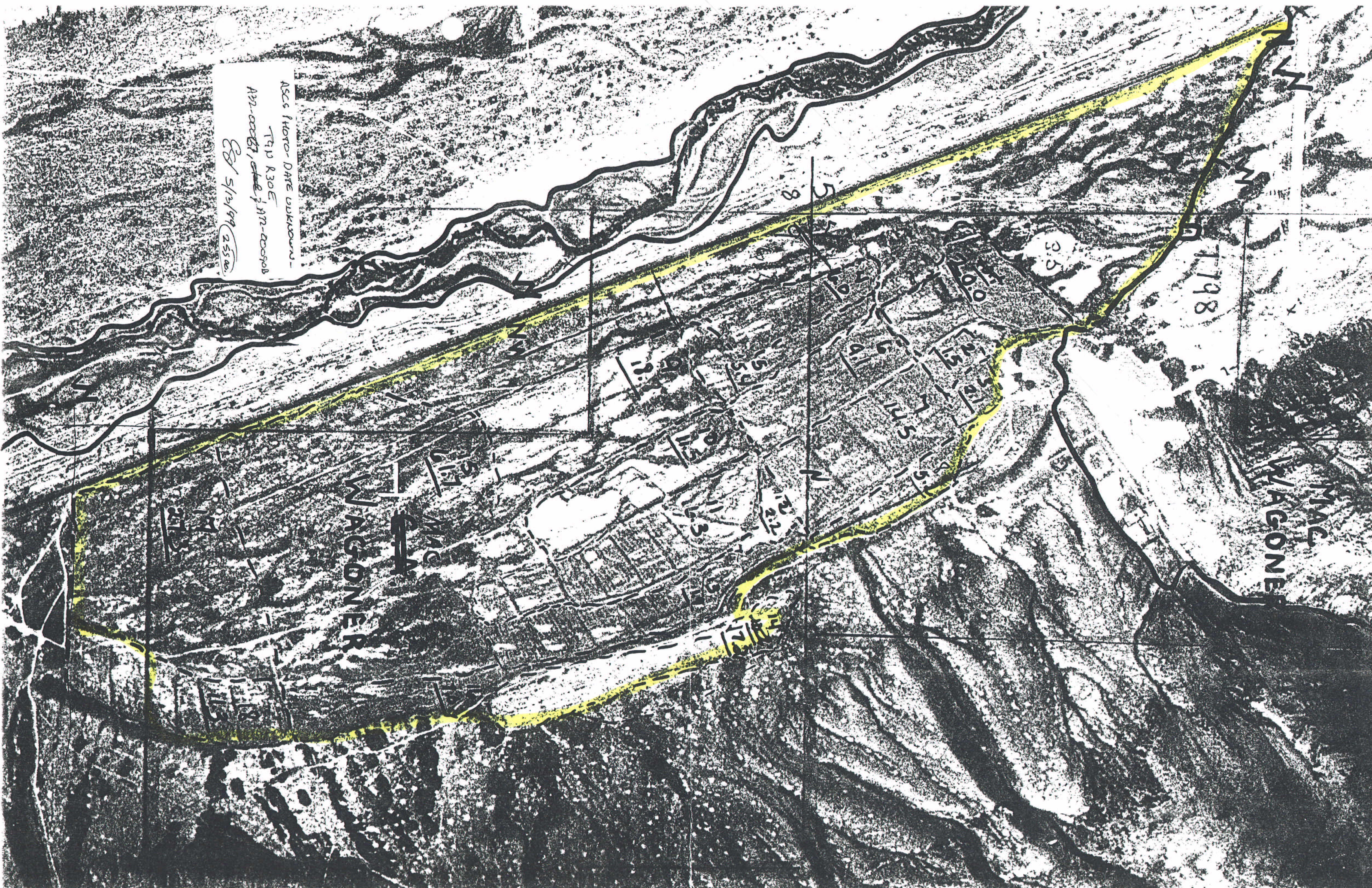




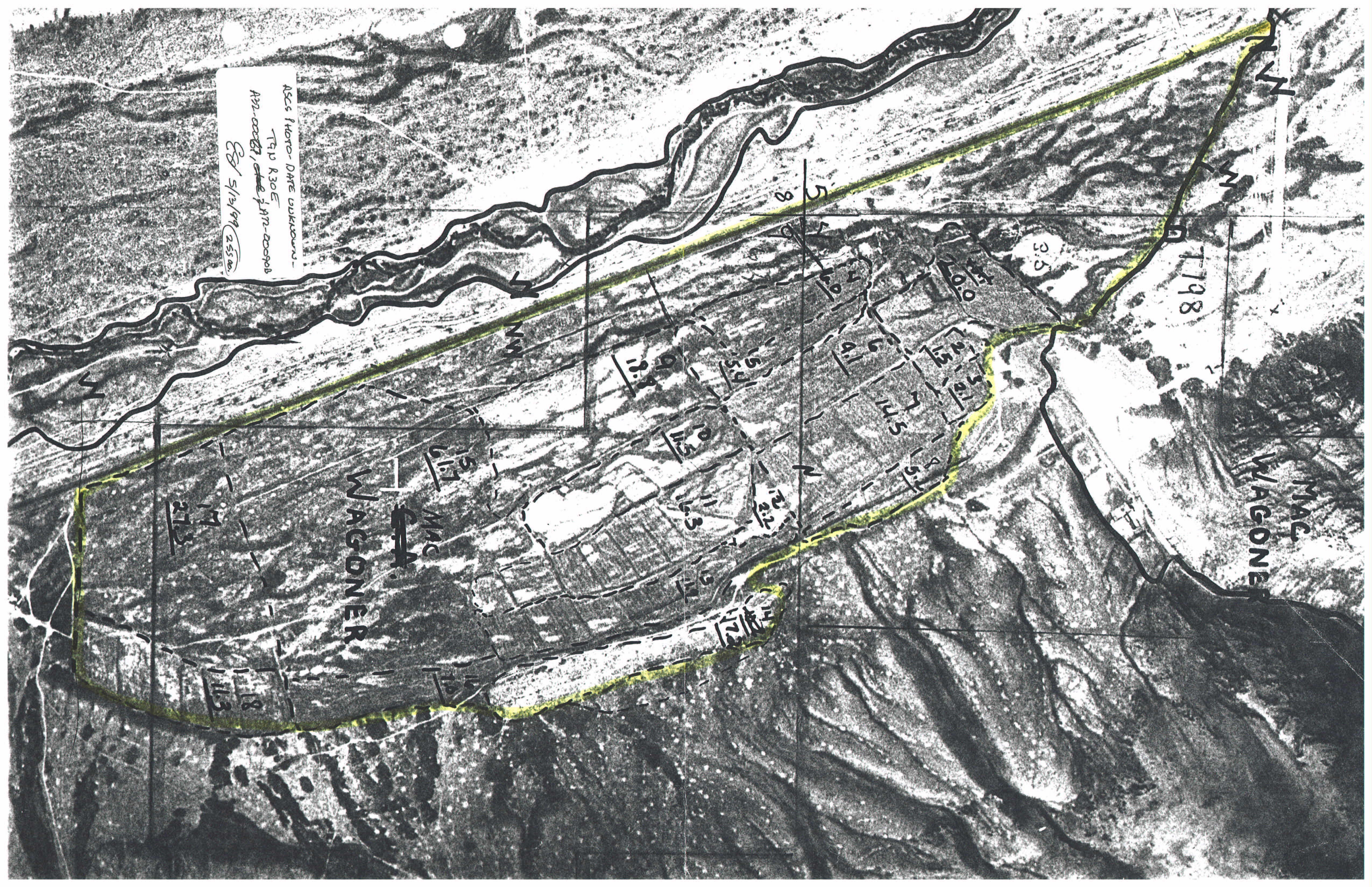
CLAIM NO(S): A32-00090B
DATE: 5/14/99 T 9N R 30E
SOURCE OF DOC: MAP 1987 GIS LAYOUT
SIGNATURE: *[Signature]*

Total ACRES (R60) = 311

ASCS PHOTO-DATE UNKNOWN-
T910 R30E
A32-00083, ~~date~~ 11M-0009018
C8/ 5/13/99 25500

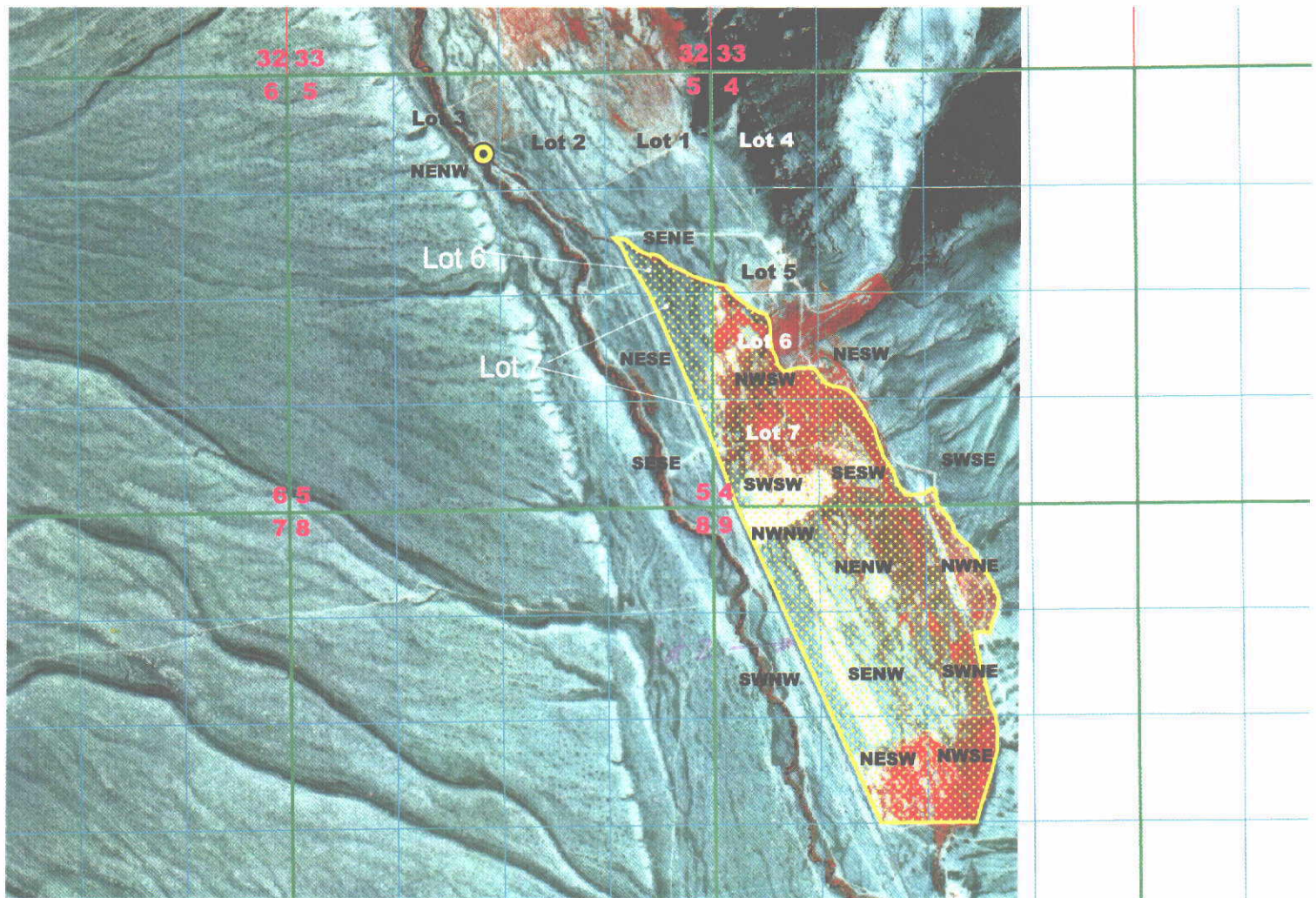


ASCS PHOTO - DATE UNKNOWN -
T9U R30E
AM-00087, ~~date~~ AM-000908
CB 5/13/99 (25500)



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Nos. 32-00067 & 32-00090B



0 1320 2640 3960 5280 6600 Feet



Point of Diversion



Place of Use
Boundary

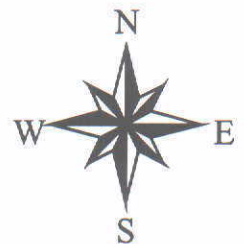


Section Lines



Quarter/Quarter Lines

Townships 9N Range 30E
Acres Irrigated: 311



GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: Eric S. Verner
Date: June, 1999

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 32-00090B

(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: Mac & Betty Wagoner

Address: P.O. Box 296, Dubois, ID. 83423

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 remark (or some version of) excluding public land in the Explanatory Material section needs to be moved under the Place of Use element so that it will be included in the Partial Decree.

F.

VERIFICATION (Must be Completed)

State of Idaho)

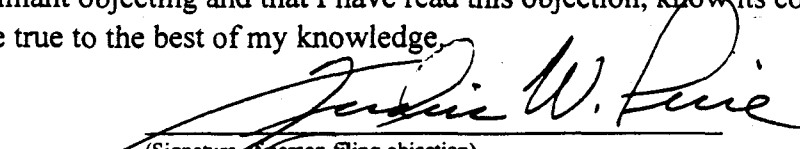
) ss.

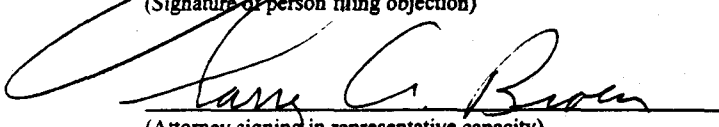
County of Ada)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:

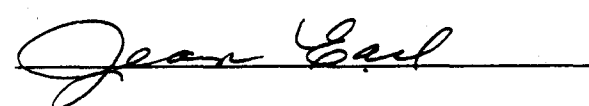
(Name of person filing objection)

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.


(Signature of person filing objection)


(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: Mac & Betty Wagoner
Address: P.O. Box 296, Dubois, ID. 83423

Name:
Address: ,

Name:
Address: ,

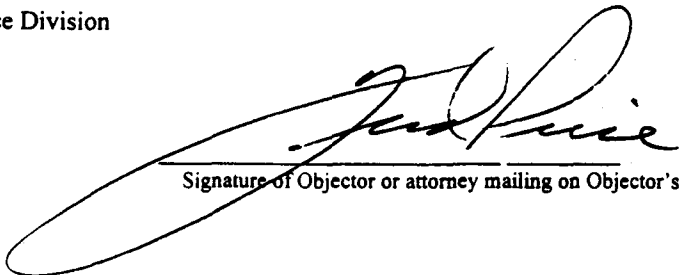
Name:
Address: ,

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-13

RIGHTS FROM : SOURCE: BIRCH CREEK TRIBUTARY: SINKS

RIGHT NUMBER : 32-00090B

NAME & ADDRESS : BETTY WAGONER
MAC WAGONER
PO BOX 296
DUBOIS ID 83423

SOURCE: BIRCH CREEK

TRIBUTARY: SINKS

QUANTITY: 0.8 CFS
266.4 AFYUSE OF THIS RIGHT WITH RIGHT NO. 32- 00067 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.00 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 1088.5 AF.

PRIORITY DATE : 05/10/1886

POINT OF DIVERSION : T09N R30E S05

LOT 3 (SEENW) BLM

Within CLARK County

PURPOSE AND
PERIOD OF USE : PURPOSE OF USE
IRRIGATIONPERIOD OF USE
04-01 10-31QUANTITY
0.8 CFS
266.4 AFY

PLACE OF USE :

IRRIGATION

Within CLARK County

T09N R30E S04

Lot 5 (SWNW) 0.5

SESW 25

S05 Lot 6 (SENE) 8

Lot 7

NWSW 2

SWSE 0.5

Lot 6

(NWSW) 26

Lot 7 (SWSW) 37

S09 Lot 6 (SENE) 8

(NESE) 15

Lot 7

(SESE) 1

NENW 40

NWSW 27

Mixed

(NWNW) 22

Mixed

NWSE 23

311 ACRES TOTAL

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

NONE OF THE PLACE OF USE IN THIS WTER RIGHT INCLUDE FEDERAL
PUBLIC LAND.RIGHT NO. 32-00067 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.Issue:

Point of diversion on BLM

Places of use with mixed ownership between
BLM and private land.

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 32-00090B

(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: Mac & Betty Wagoner

Address: P.O. Box 296, Dubois, ID. 83423

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 remark (or some version of) excluding public land in the Explanatory Material section needs to be moved under the Place of Use element so that it will be included in the Partial Decree.

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)

Sam C. Brown
(Attorney signing in representative capacity)

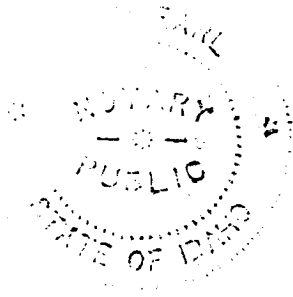
Subscribed and sworn to before me on: December 16, 1999

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: Mac & Betty Wagoner
Address: P.O. Box 296, Dubois, ID. 83423

Name:
Address: ,

Name:
Address: ,

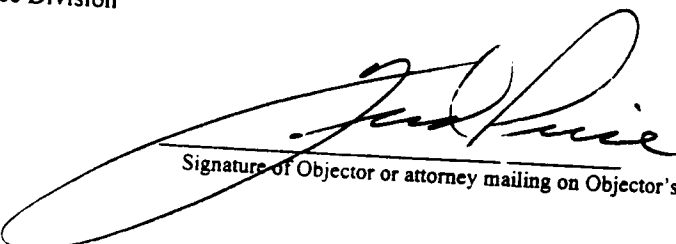
Name:
Address: ,

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

RIGHTS FROM : SOURCE: BIRCH CREEK TRIBUTARY: SINKS

RIGHT NUMBER : 32-00090B

NAME & ADDRESS : BETTY WAGONER
MAC WAGONER
PO BOX 296
DUBOIS ID 83423

SOURCE: BIRCH CREEK TRIBUTARY: SINKS

QUANTITY: 0.8 CFS
266.4 AFY

USE OF THIS RIGHT WITH RIGHT NO. 32- 00067 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.00 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 1088.5 AF.

PRIORITY DATE : 05/10/1886

POINT OF DIVERSION : T09N R30E S05 LOT 3 (SENE) BLM Within CLARK County

PURPOSE AND PERIOD OF USE : PURPOSE OF USE IRRIGATION PERIOD OF USE 04-01 10-31 QUANTITY 0.9 CFS 266.4 AFY

PLACE OF USE : IRRIGATION Within CLARK County
T09N R30E S04 Lot 5 (SNNW) 0.5 NESW 2 Lot 6 (NWSW) 26 Lot 7 (SWSW) 37
SESW 25 SWSE 0.9 Mixed
S05 Lot 6 (SENE) 8 Lot 7 (NESE) 15 Lot 7 (SESE) 1
S09 NWNE 18 SWNE 22 NENW 40
Lot 2 (SNNW) 5 SENW 39 NESW 2 Mixed NWNW 22 Mixed NWSE 23
311 ACRES TOTAL

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
NONE OF THE PLACE OF USE IN THIS WTER RIGHT INCLUDE FEDERAL
PUBLIC LAND.
RIGHT NO. 32-00067 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

Issue:

Point of diversion on BLM

Places of use with mixed ownership between
BLM and private land.

August 1, 1999

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: September 10, 1999

Water right number: 32-00090B

BETTY WAGONER
MAC WAGONER
PO BOX 296
DUBOIS ID 83423

Daytime Telephone Number:

Evening Telephone Number:

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation; no changes need to be made.

DATE: 8-26-99 SIGNATURE: Mac Wagoner

Please print your name: MAC WAGONER



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 4, 1999

MAC & BETTY WAGONER
PO BOX 296
DUBOIS ID 83423

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE OF CLAIM TO A WATER RIGHT A32-00067,
A32-00090B

Dear Mr. & Mrs. Wagoner:

The request for Change of Water Right Ownership concerning the above-referenced Notice of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Please keep this report for your records.

Respectfully yours,

Jennifer Hoagland
Jennifer Hoagland
Technical Records Specialist

Enclosure

JUN 03 1999

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES Department of Water Resources
Eastern Region
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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) ~~A32-00067~~ AND A32-000908
Adjudication Claim Number(s) A32-00067 AND A32-000908
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) WILLIAM T. SIMMON OR THEOLA SIMONS
HC 69 Box 2510, SWEETWATER, ID 83425
4. New Owner/Claimant(s) MAC OR BETTY WAGONER
Name connector (Check one): ☐ AND, ☐ OR, ☒ AND/OR
New Mailing Address PO Box 296, DUBOIS, ID. 83423
City, State and ZIP Code DUBOIS, ID. 83423
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 Owner/Claimant(s) Mac Wagoner Date 6-3-99
Deezy A. Wagoner Date 6-3-99
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
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 attach 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 that 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 rights 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 1/2 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., Suite 210, Coeur d'Alene, ID 83814-2615 (208) 769-1450

IDWR Eastern Region, 900 N Skyline Dr., Suite 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.

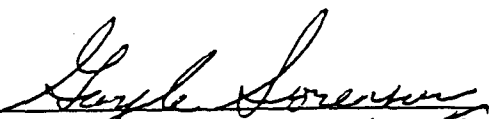
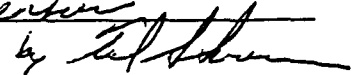
6. Sorensons agree that in addition to the irrigation water rights listed herein Wagoners will be entitled to divert up to 40 miner's inches (.8 cfs) of the water right which Sorensons will transfer to them which is Right No. 32-0067 for

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.

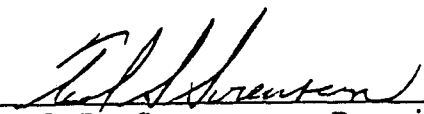
7. Wagoners shall not acquire in any way, directly or indirectly, through whatever means any water rights to the waters of Birch Creek held by George Woodie.

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: _____

Ed Shenson

Approved as to Form and Content By:

Donald L. Harris
Donald L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO

Mac Wagoner
Mac Wagoner

Betty Wagoner
Betty Wagoner

Approved as to Form and Content By:

Breck H. Barton
Breck H. Barton, Esq.
BARTON & ASSOCIATES

#5491.00
8029h/srr

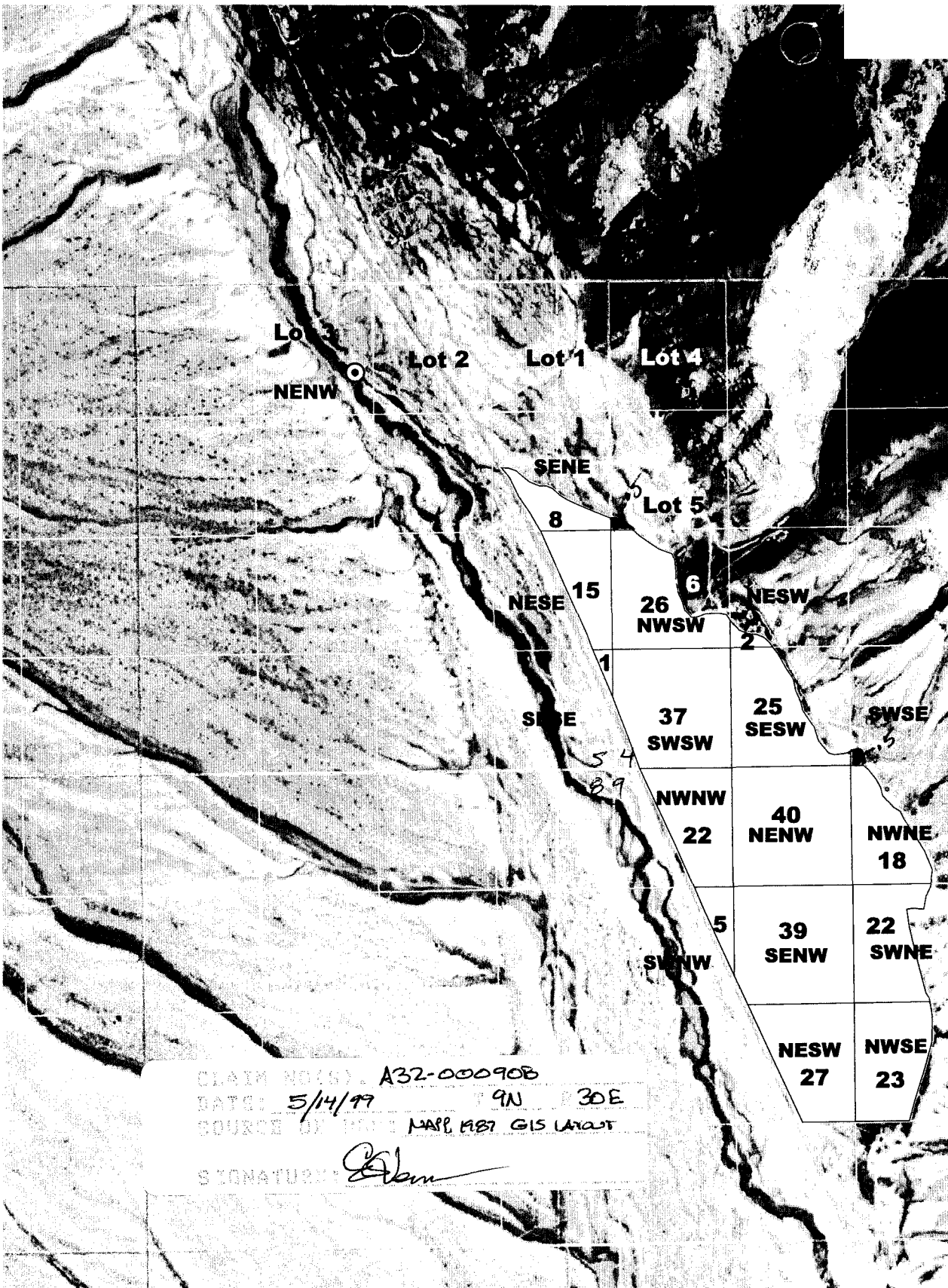
7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Two.	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



CLAIM NO(6). A32-000908
DATE: 5/14/99 T 9N R 30E
SOURCE ON MAP: MAP 1987 GIS LARGST

$$\begin{aligned} & \frac{\partial}{\partial t} \left(\rho \frac{\partial \phi}{\partial x} \right) + \frac{\partial}{\partial x} \left(\rho \frac{\partial \phi}{\partial t} \right) = - \frac{\partial}{\partial x} \left(\rho \frac{\partial \phi}{\partial x} \right) \\ & \quad + \frac{\partial}{\partial x} \left(\rho \frac{\partial \phi}{\partial t} \right) = - \frac{\partial}{\partial x} \left(\rho \frac{\partial \phi}{\partial x} \right) \\ & \quad + \frac{\partial}{\partial x} \left(\rho \frac{\partial \phi}{\partial t} \right) = - \frac{\partial}{\partial x} \left(\rho \frac{\partial \phi}{\partial x} \right) \end{aligned}$$

TOTAL ACRES (R6D) = 20
511

MAC
~~G.A.~~
WAGONER

ASCS PHOTO- DATE UNKNOWN -
T910 R30E
A32-00067, ~~etc~~, A32-00070B
EJ 5/13/99 (25500)

MAC
WAGONER

T198

3.5

20.0

5
8

9

6

9.1

7

14.5

8

5.2

12

2.2

14

17.5

11

16.3

10

11.5

9

18.8

15

5.4

14

17.5

15

6.1

MAC
~~C.A.~~

WAGONER

16

17.5

18

11.3

17

27.3

ASCS PHOTO DATE UNKNOWN

T910 R30E

APR 0000, ~~APR 0000~~ APR 200908

ES 5/13/99 (2550)

Water Right Number - 32-00090B

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

BIRCH CREEK RANCHES INC

1 - C/O HOLDEN KIDWELL HAHN CRAPO

2 - PO BOX 50130

3 -

City- IDAHO FALLS

State- ID Zip- 83405

Phone - 208-523-0620

*** O - ORIGINAL OWNER ***

WATTS

C B

1 -

2 -

3 -

City-

State- ID Zip-

Phone - 208-000-0000

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +

05/10/1886

15 EASTERN

D - DECREED

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +

BIRCH CREEK

SINKS

+ - - - - Point of Diversion - - - - - +

Twn Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.

09N 30E 5 NE NW 3 (33) CLARK WAGONER DIVERSION

+ - - - - Water Use - - - - - +

Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 04/15 10/15 0.800 290.40

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +

0.800

290.40

0.0

+ - - - - Place of Use - - - - - +

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09N	30E	4	NE SW		1.0	01	IRRIGATION	(33) CLARK
09N	30E	4	NW SW	6	29.0	01	IRRIGATION	(33) CLARK
09N	30E	4	SW SW	7	36.0	01	IRRIGATION	(33) CLARK
09N	30E	4	SE SW		29.0	01	IRRIGATION	(33) CLARK
09N	30E	4	SW SE		2.0	01	IRRIGATION	(33) CLARK
09N	30E	5	SE NE	6	5.0	01	IRRIGATION	(33) CLARK
09N	30E	5	NE SE	7	20.0	01	IRRIGATION	(33) CLARK
09N	30E	5	SE SE	7	2.0	01	IRRIGATION	(33) CLARK
09N	30E	9	NW NE		20.0	01	IRRIGATION	(33) CLARK
09N	30E	9	SW NE		31.0	01	IRRIGATION	(33) CLARK
09N	30E	9	NE NW		40.0	01	IRRIGATION	(33) CLARK
09N	30E	9	NW NW		20.0	01	IRRIGATION	(33) CLARK
09N	30E	9	SW NW		4.0	01	IRRIGATION	(33) CLARK
09N	30E	9	SE NW		38.0	01	IRRIGATION	(33) CLARK
09N	30E	9	NE SW		24.0	01	IRRIGATION	(33) CLARK

add to adj. recommend

Skip - I was making a shape file
for T-3827 (Birch Creek) and
found that part of the POW transfer
is on BCM lands. I called
Deena Teal and emailed her a
copy of the Property ownership
image. If you look @ the photo
overlay - most of the BCM land
~~was~~ wasn't irrigated in 1987...
Deena will probably be calling
regarding status of transfer, etc...
I gave her your name since I'll
be gone till Thursday -

Eric - -
Please see me so I
can help you out of this. Hef

Water right number - 32-00090B

Prefix Translation: WATER RIGHT

+ - - - - Place of Use - - - - - +									
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County	
09N	30E	9	SE SW		2.0	01	IRRIGATION	(33)	CLARK
09N	30E	9	NW SE		32.0	01	IRRIGATION	(33)	CLARK
09N	30E	9	SW SE		4.0	01	IRRIGATION	(33)	CLARK
Total Acres:					339.0				

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - - +

GEN Combined Right Nos. 32-00067 and 32-00090B shall not exceed a total combined annual volume of 1,186.5 af for the total combined irrigation of 339 acres.

Any other rights from Birch Creek serving the place of use described above that are in excess of one inch per acre of water or 6.78 cfs, shall be transferred to other lands within the next five (5) years or shall be considered abandoned.

The Director retains jurisdiction to determine and assess a delivery loss to be applied at any time water is available for delivery under this approved transfer but would not have been available under the rights appurtenant to these lands prior to approval of this transfer.

+ - - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers found.

+ - - - - - Conditions of Approval - - - - - +

R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 32D.

R30 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 3.5 afa per acre for
- irrigation of the lands above.

T04 - Approval of this transfer in no way grants any right-of-way or
- easement for use of a delivery system owned by person(s) other
- than the right owner.

T07 - The right holder shall accomplish the change authorized by this
- transfer within one (1) year of the date of this approval.

T08 - Failure of the right holder to comply with the conditions of this
- transfer is cause for the Director to rescind approval of the
- transfer.

T09 - 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.

Water right number - 32-00090B

Prefix Translation: WATER RIGHT

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +

AGNES B. RENO, ET. AL.

J. R. RICHARDS, ET. AL.

09/06/1922

+ - - - - ~ - - - - - - - - - - - Comments- - - - - +

Date: 06/19/1996 User Id: PSKAGGS Subject: TRANSFER 3827

Transfer 3827 changes the point of diversion & place of use under all of Right 32-00067, and a portion of Right 32-00090, splitting the right into Parts A & B.

+ - - Audit Fields - 04/29/99 PSKAGGS 04/29/99 PSKAGGS

+ Water Rights Dates and Flags Area +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 07/15/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 320
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	- I
Presumption Flag	-	Name Connector	-	POU Ownership Flag	- Y
SRBA Decreed Flag	-				



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 7, 1997

Kent Foster
Holden, Kidwell, Hahn, and Crapo
P.O. Box 50130
Idaho Falls, Idaho 83405

Re: Application for Transfer 3827 in the name of Birch Creek Ranches, Inc.

Dear Mr. Foster:

Thank you for your letter of April 4, 1997. I understand your frustration concerning the processing of this application. As usual, the department finds itself in a position of having to make a decision that cannot fully satisfy everyone and, perhaps, not anyone. As you know, the Wagoners have actively sought the immediate approval of this transfer of a right which has been deeded to them. The Findings of Fact in the preliminary order describe the changed conditions that caused me to continue processing. This recognizes your opportunity to object to the preliminary order to allow any unresolved matters to be heard.

You indicate that your letter can be treated as a petition for reconsideration or exceptions to the preliminary order, but further indicates that you do not desire to delay entry of a final order. IDWR is treating your letter as a petition for reconsideration. Rule 730.02a of IDWR's Rules of Procedure (IDAPA 37.01.01) provides that a petition is denied if IDWR does not respond within 21 days of receipt of the petition. Because IDWR did not respond within the 21-day period, the petition is denied by operation of the rules. Accordingly, the preliminary decision will be final on May 19, 1997, without further action of the department.

Your first concern relates to regulation of preseason use under the transferred rights. It is apparent from the information provided in your letter that the approval of the transfer does not, itself, create the concern about early diversions for irrigation or excessive diversion rates for stock watering prior to the irrigation season. These issues could exist with or without approval of the transfer application. If this matter cannot be resolved by communication and cooperation between your client and the Wagoners, the private agreement, to the extent it provides a division of valid water rights, can be enforced by civil action.

Mr. Kent Foster
Page 2
May 7, 1997

Enforcement through the department or the water district requires that the water rights be adequately known. The existing decrees on Birch Creek do not describe stock watering as a separate use. Even so, stock watering rights do exist from Birch Creek where diversion and beneficial use occurred prior to the mandatory permit requirement. To the extent these rights are known, the following options exist for regulation through a watermaster:

1. Water districts have the option of authorizing the elected watermaster to serve year-round.
2. Section 42-608(1), Idaho Code, provides for the watermaster to be called on upon the petition of one wateruser stating the necessity for regulation.
3. Section 42-608(5), Idaho Code, provides for the term of service to be extended after the irrigation season under certain conditions.

Next, you inquire whether the Wagoners have water rights for stock watering other than the contractual agreement with Ted Sorenson. Wagoners filed Claim No. 32-10003 in the Snake River Basin Adjudication which lists stockwater as a use. The stockwater part of this claim is for 0.07 cfs from Birch Creek during the period February 15 to November 20 of each year. A 1930 priority is claimed.

Eight other claims filed by Wagoner on previously decreed rights from Birch Creek now deeded to your client, listed stockwater as an incidental use to the irrigation use claimed.

Condition 8. The 1,186.5 AF annual volume was calculated by the procedure outlined in your letter. The volume represents a reasonable field headgate requirement and does not take into account a delivery loss from the point of diversion to the field headgate. It is not intended that the watermaster will limit the use of water in accordance with this volume.

Condition 10. The reasoning behind this condition relates to the nature of the exchange accomplished by the Sorenson/Wagoner agreement. Delivery has been made at the Wagoner diversion under the rights originally appurtenant to his lands. To the extent that these junior rights would have been in priority, it does not seem that the creek loss will be increased by delivering water to the same point under an earlier priority right. When water availability causes these junior rights to be curtailed, the delivery of the senior priority right a longer distance in a losing reach will increase the bedloss, and under that situation a delivery loss will be assessed to the right transferred to Wagoner under the approval.

Will the same logic be applied to Sorenson? It will be under similar circumstances. The loss to be assessed is an issue in a contested case involving Mr. Sorenson's transfer and must be left for determination in that proceeding.

Mr. Kent Foster
Page 3
May 7, 1997

Please contact me if you have additional questions on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Norman C. Young". The signature is fluid and cursive, with the first name "Norman" and last name "Young" clearly distinguishable.

NORMAN C. YOUNG
Administrator
Water Management Division

c: Mac Wagoner
Breck Barton
Peter Anderson
Blair J. Grover
George Petersen
Jerry Rigby

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 3827
WATER RIGHT NO(S). 32-00067/32-00090B

This is to certify that: BIRCH CREEK RANCHES INC
C/O HOLDEN KIDWELL HAHN CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 32-00067 :			
IRRIGATION	04/15 to 10/15	3.20 CFS	1161.5 AF
Priority: 09/10/1882			
Right No. 32-00090B :			
IRRIGATION	04/15 to 10/15	0.80 CFS	290.4 AF
Priority: 05/10/1886			
TOTAL:		4.00 CFS	1186.5 AF

SOURCE

BIRCH CREEK

TRIBUTARY OF

SINKS

LOCATION OF POINT(S) OF DIVERSION: Lot 3(NENW), Sec. 5, 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>
09N	30E	4	NESW 1	Lot 6(NWSW) 29	Lot 7(SWSW) 36	
			SESW 29	SWSE 2		97
		5	SENE 5	NESE 20	SESE 2	27
		9	NWNE 20	SWNE 31	NENW 40	
			NWNW 20	SWNW 4	SENW 38	
			NESW 24	SESW 2	NWSE 32	
			SWSE 4			215
Total number of acres irrigated:						339

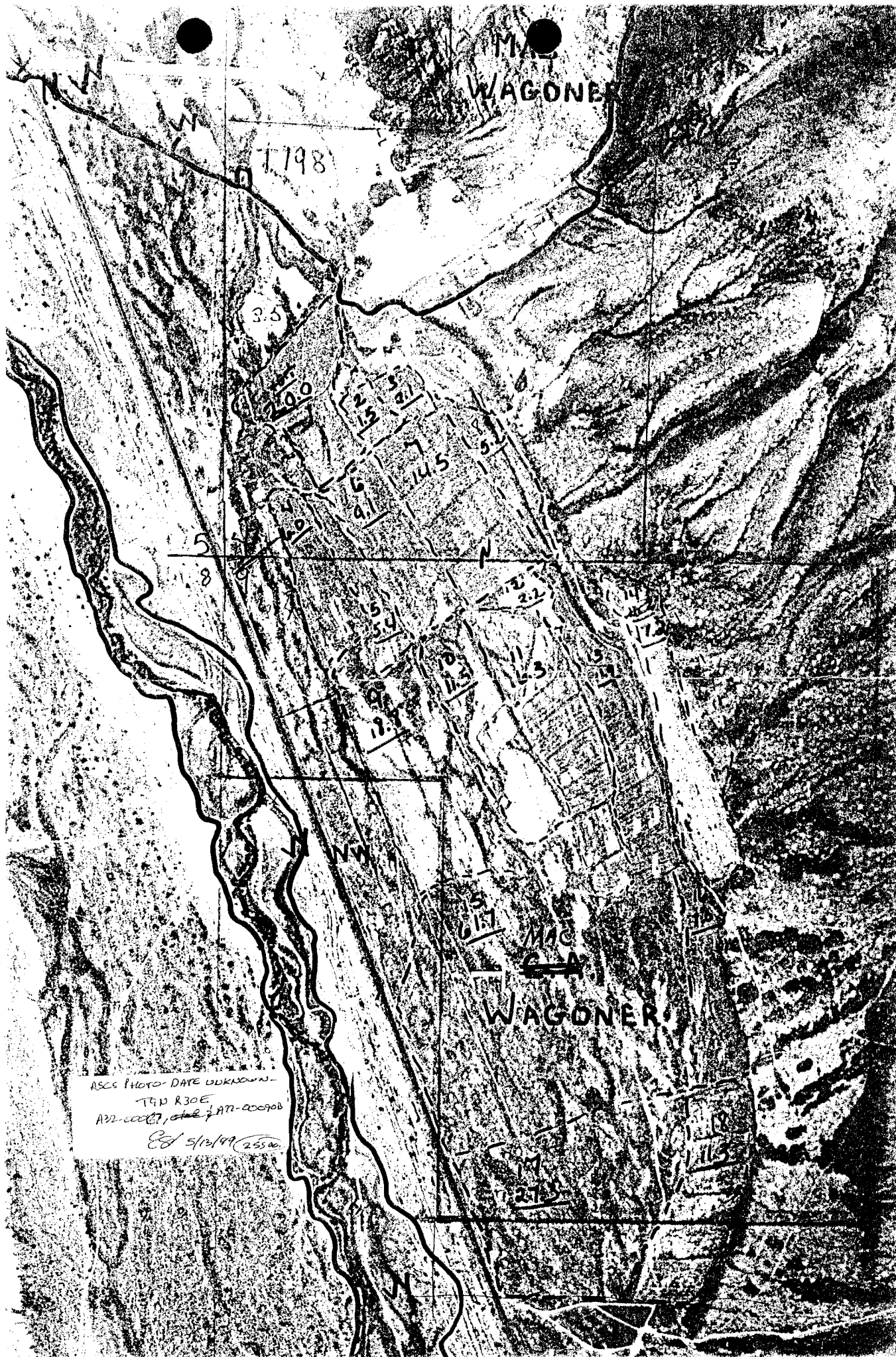
TRANSFER NO. 3827
WATER RIGHT NO(S). 32-00067/32-00090B

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 32D.
2. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works 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 .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
4. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. The change authorized by this transfer shall be accomplished within one (1) year of the date that this approval is final.
6. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
7. 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.
8. Combined Right Nos. 32-00067 and 32-00090B shall not exceed a total combined annual volume of 1,186.5 af for the total combined irrigation of 339 acres.
9. Any other rights from Birch Creek serving the place of use described above that are in excess of one inch per acre of water or 6.78 cfs, shall be transferred to other lands within the next five (5) years or shall be considered abandoned.
10. The Director retains jurisdiction to determine and assess a delivery loss to be applied at any time water is available for delivery under this approved transfer but would not have been available under the rights appurtenant to these lands prior to approval of this transfer.

Dated this 21st day of March, 1997


Chief, Water Alloc. Bureau



December 3, 1996

RECEIVED

DEC 4 1996

Department of Water Resources
Eastern Region

Idaho Department of Water Resources
1301 North Orchard
Boise, ID. 83706
Attn: Mr. Carl Drehr, Director

Dear Mr. Drehr:

I'm writing in reference to Transfer Number 3827.
In the name of Birch Creek Ranches and Mac & Betty
Wagoner a trade of priority dates water rights in
the amount of 4 C.F.S. to my 339 acres on Birch Creek.
This all started in 1993.

This was sent to Boise from your Idaho Falls office
for approval on 3-27-96. Since then no information
has been asked for so I assumed everything was ok
for approval.

I contacted Harold Jones at your Idaho Falls office
on 7-16-96 about the status of this transfer of which
he nor I had heard anything.

On 9-16-96 Mr. Harold Jones upon my request asked
the status of this transfer and the bar-queary as of
8-15-96 says it is on Jim Johnson desk.

This transfer started in 1993 and nothing as been and
apparently nothing is being done about this. This is
very frustrating and very upsetting to think this is
just setting on someones desk, when it is so important
that it be approved at once.

Your help Mr. Drehr in getting this done and over
with will be greatly appreciated, as I feel this has
been carried on way to long.

very truly yours,



Mac Wagoner
P.O. Box 296
Dubois, ID. 83423

cc Harold Jones IDWR Idaho Falls office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 2827

~~AMENDED~~ APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Feb 13 1991

Name of applicant Birch Creek Ranches, Inc. Phone (208) 523-0620
Post Office address c/o Holden, Kidwell, Hahn & Crapo, P.O. Box 50130, Idaho Falls, ID 83405

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Birch Creek Ranches and Mac and Betty Wagoner have resolved the dispute raised by Wagoners' protest in this proceeding and which was the subject of a separate action in Clark County District Court in Case No. 2-462. See attached copy of Memorandum of Agreement. (Attachment No. 1)

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|---|-------------------|-----------------------|-------------------|------------------------------|
| <u>32-0067</u> | <u>09/10/1882</u> | <u>3.2 cfs</u> | <u>Irrigation</u> | <u>04/01</u> to <u>11/01</u> |
| <u>"</u> | <u>"</u> | <u>.8 cfs</u> | <u>Stockwater</u> | <u>03/01</u> to <u>12/01</u> |
| <u>32-0090 B</u> | <u>05/10/1886</u> | <u>.8 cfs</u> | <u>Irrigation</u> | <u>04/01</u> to <u>11/01</u> |
| | | | | to |
| 2. Total amount of water being transferred <u>4.0</u> cubic feet per second and/or _____ acre-feet per annum. | | | | |
| 3. Source of water <u>Birch Creek</u> tributary to <u>Sinks</u> | | | | |
| 4. Point(s) of Diversion: | | | | |

[illegible]

5. Lands irrigated or place of use:

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 32-0067 Decreed to Wood Livestock Co.
in case of Agnes B. Reno, et al. vs. J. R. Richards, et al.
dated 09/06/1922 in 9th District Court county of Fremont
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 2165 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Birch Creek tributary to Sinks

4. Date or priority 09/10/1882

5. Water is used for the following purpose:

amount 3.2 cfs for Irrigation purposes from 04/01 to 11/01
(cfs/ac-ft)
amount .8 cfs for Stockwater purposes from 03/01 to 12/01
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 3.2 cfs cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: See Attachment No. 2

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use: See Attachment No. 3

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	

Total acres _____

9. Describe any other water rights used for the same purpose as described above 32-0090, 32-0093, 32-0068,
32-0089, 32-0069, 32-0092, 32-0061, and 32-0091.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 32-0090 Decreed to C. B. Watts
in case of Agnes B. Reno, et al. vs. J. R. Richards, et al.
dated 09/06/1922 in 9th District Court county of Fremont
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 2165 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Birch Creek tributary to Sinks

4. Date or priority 05/10/1886

5. Water is used for the following purpose:

amount 1.6 cfs for Irrigation purposes from 04/01 to 11/01
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.6 cfs cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: See Attachment No. 2

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use: See Attachment No. 3

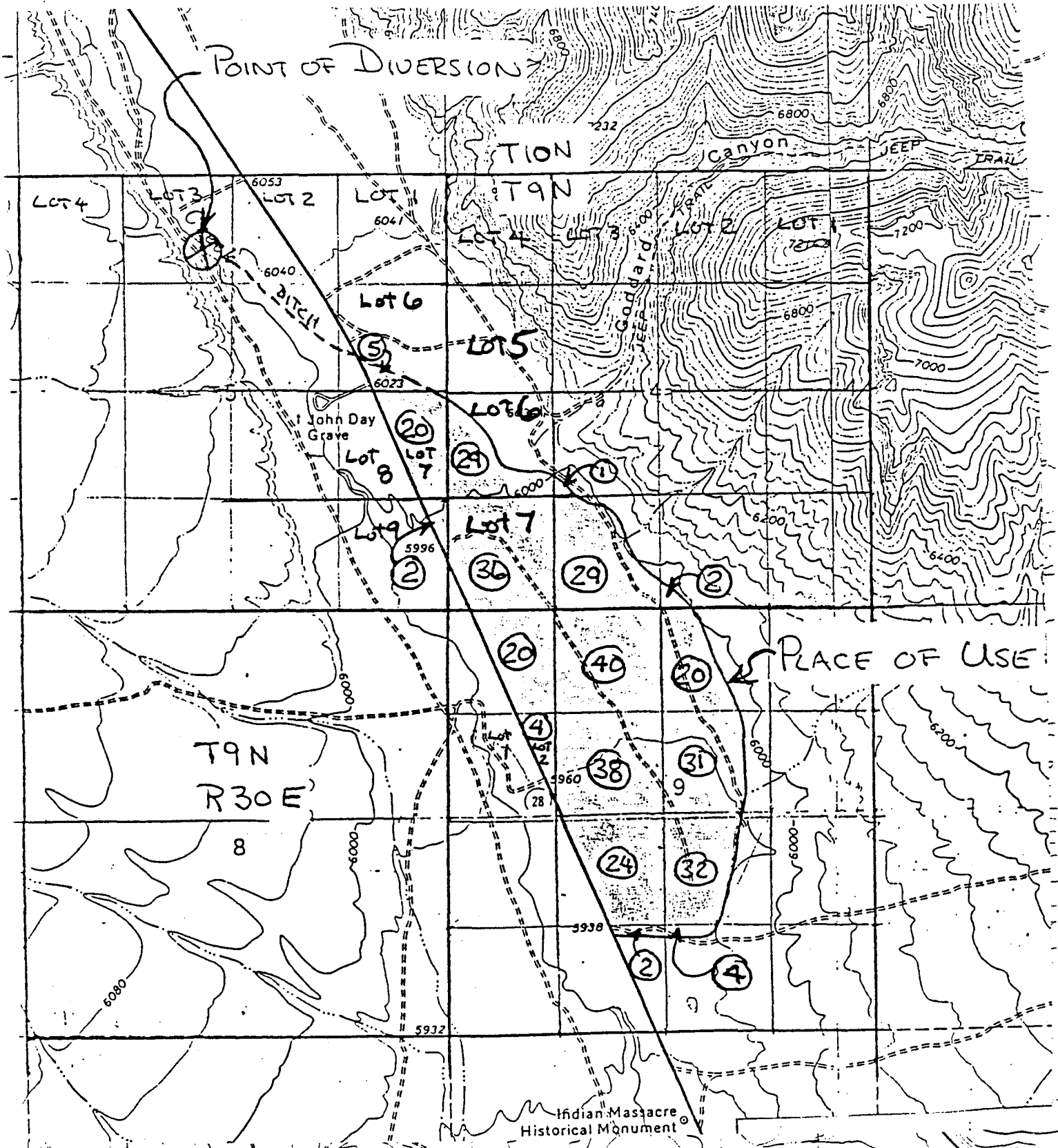
Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

9. Describe any other water rights used for the same purpose as described above 32-0067, 32-0093, 32-0068,

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



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.

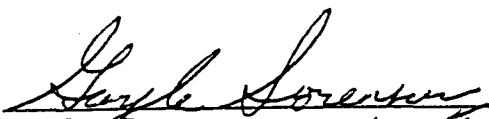
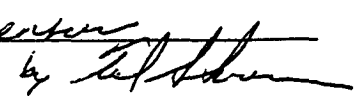
6. Sorensons agree that in addition to the irrigation water rights listed herein Wagoners will be entitled to divert up to 40 miner's inches (.8 cfs) of the water right which Sorensons will transfer to them which is Right No. 32-0067 for

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.

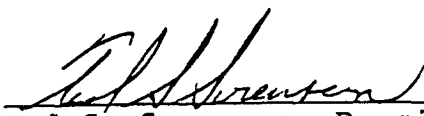
7. Wagoners shall not acquire in any way, directly or indirectly, through whatever means any water rights to the waters of Birch Creek held by George Woodie.

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: _____

Approved as to Form and Content By:

Donald L. Harris
Donald L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO

Mac Wagoner
Mac Wagoner

Betty Wagoner
Betty Wagoner

Approved as to Form and Content By:

Breck H. Barton
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

M E M O R A N D U M

FROM: H. W. JONES
TO: PAM SKAGGS
DATE: APRIL 24, 1996
RE: BIRCH CREEK RANCHES TRANSFER #3827

I just needed to give you some history and recent activity about this transfer and others that might help the Wagoners get this approved. As you are aware, Transfer 2165 put a group of rights on to 960 acres. Rights 32-00067 and 32-00090 were a part of that. Now, Mr. Wagoner and Mr. Sorensen (Birch Creek Ranches), simply wish to swap rights because of the priority advantage the Wagoners need. All the users below Wagoners have agreed this is acceptable.

At this point, Birch Creek Ranches now own all of Wagoner's other rights that were appurtenant to Wagoner's 339 acres. I have in hand a transfer application that Birch Creek Ranches recently filed to take Wagoner's old rights, the remainder of the rights left on the acres left on Transfer 2165 (960-339), and along with other rights, move them all to a new place of use.

The net effect is no additional acres irrigated. This seems to be our goal, so I would expect that we could approve Transfer 3827 under the circumstances.

Wagoners were willing to take a trade of 4 cfs for 6 cfs to use on their ground strictly for the 1882 priority to avoid being shut off by the watermaster. Birch Creek Ranches can then pass what water is left down through the power plant and then on to LaVar Newman, D & D Ranches, and to the new proposed place of use that Birch Creek Ranches has acquired.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:36:50
05/27/99

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A32-000908

LAST: SIMMONS
ADDRESS: HC 69 BOX 2510
CITY: HAMER
PHONE NUMBER: 208-663-4322

OWNER CODE: C

FIRST: WILLIAM T

STATE: ID ID ZIP: 83425

LAST: SIMMONS
ADDRESS: HC 69 BOX 2510
CITY: HAMER
PHONE NUMBER: 208-663-4322

OWNER CODE: C

FIRST: THEOLA

STATE: ID ID ZIP: 83425

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: GEN

AS PER TRANS. #2165.
STOCK DRINK DIRECTLY FROM DITCHES AND CREEK
AS PER TRANS #2165.
STOCK DRINK DIRECTLY FROM DITCHES AND CREEK
AAA CLAIM SPLIT AND AMENDED PURSUANT TO APPROVED TRANSFER #3827,
ESV 5/26/99

DATABASE
Y

FIELD
EXAMINER
Y(X) N()

FIELD EXAMINATION INFORMATION

CONTACT PERSON: MAC OR ANNY WAGGNER PHONE NUMBER: () - - -
DATE OF FIELD EXAM: 5/13/92 APPOINTMENT MADE: Y(X) N() TIME: 10:00 A(X) P()
ACCOMPANIED BY: MAC AND ANNY WAGGNER PHONE NUMBER: () - - -
RELATIONSHIP TO CLAIMANT: OWNERS
DIRECTIONS TO PROPERTY / NOTES:

MEET AT Hwy 504 address from Bum Camp Ground. See A32-00067 Field Notes.

A. AJ CLAIM: # A32-00090B, PRIORITY DATE: 05-10-1886, STAGE: D

B. WR RECORD: # 32-00090B, PRIORITY DATE: 05-10-1886, STAGE: D

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE?

Y(☒) N(☐)

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE?

Y(☐) N(☒)

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE? (IF YES, DESCRIBE BELOW)

Y(☐) N(☒)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROVE OF BENEFICIAL USE SUBMITTED

N/A(☒) Y(☐) N(☐)

FIELD EXAM COMPLETED

N/A(☒) Y(☐) N(☐)

FIELD EXAM SENT TO STATE OFFICE

N/A(☒) Y(☐) N(☐)

LICENSE ISSUED

N/A(☒) Y(☐) N(☐)

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT, USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE OF THE PRIORITY DATE REQUIRED?

N/A(☒) Y(☐) N(☐)

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED, INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY?

Y(☒) N(☐)

NOTES:

RECOMMENDED PRIORITY DATE:

05-10-1886

REVIEWED BY

DATE 6/3/99

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A32-000908	09N 30E	5	SE	NE	NW		3		CLARK	WAGNER DIVERSION	

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX
A32-00067
A32-00073
A32-00077
A32-00078
A32-00079
A32-00085
A32-00086
A32-00087
A32-00102
A32-10003

WR RECORDS IN SAME 40 ACRE TRACT

32-00067

verified w/ field

SOURCE: BIRCH CREEK

TRIB: SINKS

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
32-000908	09N 30E	5	NE	NE	NW		3		CLARK	WAGNER DIVERSION	

OTHER WR RECORDS WITH SAME WR POD

32-00067

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX

A32-00067
A32-00073
A32-00077
A32-00078
A32-00079
A32-00085
A32-00086
A32-00087
A32-00102
A32-10003

SOURCE: BIRCH CREEK

TRIB: SINKS

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(X) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y(X) N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y(X) N()

$$N/A(\quad) Y(X) N(\quad)$$

☐ Yes
☒ No
☐ Don't know

$$Y \sim (X) \sim (Y)$$

SECRET

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

☐ ☒ ☐

THE UNIVERSITY OF CHICAGO

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Figure 1

RECEIVED

SKIN
TREATMENT

6/3/99

11

333 Pg 15 of 20R #A32-00067

A. ROOT WATER RIGHT NUMBERS: A32-000908

B. POD LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	MR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
09N	30E	4	NE	SW	4	SIMMONS, WILLIAM T	A32-000908 / 1.0	32-000908 / 1.0			
			NE	SW		WAGONER, BETTY	A32-10003 / 1.0	-			
			NE	SW		WAGONER, MAC	A32-00073 / 1.0	-		2.0	2.0
			NE	SW		WAGONER, MAC	A32-00077 / 1.0	-			
			NE	SW		WAGONER, MAC	A32-00078 / 1.0	-			
			NE	SW		WAGONER, MAC	A32-00079 / 1.0	-			
			NE	SW		WAGONER, BETTY	A32-00085 / 1.0	-			
			NE	SW		WAGONER, BETTY	A32-00086 / 1.0	-			
			NE	SW		WAGONER, MAC	A32-00087 / 1.0	-			
			NE	SW		WAGONER, MAC	R32-00102 / 1.0	-			
			NE	SW		WAGONER, MAC	A32-00073 / 1.5	-			
			NE	SW		SIMMONS, WILLIAM T	A32-00067 / 1.0	32-00067 / 1.0			
			NE	SW		WAGONER, MAC	32-07222 / 1.0	32-07222 / 1.0			
09N	30E	4	NW	SW	6	SIMMONS, WILLIAM T	A32-000908 / 29.0	32-000908 / 29.0	29.0		29.0
			NW	SW		WAGONER, BETTY	A32-10003 / 29.0	-			
			NW	SW		WAGONER, MAC	A32-10005 / 29.0	-			
			NW	SW		WAGONER, MAC	A32-00073 / 29.0	-		26.0	26.0
			NW	SW		WAGONER, MAC	A32-00077 / 29.0	-			
			NW	SW		WAGONER, MAC	A32-00078 / 29.0	-			
			NW	SW		WAGONER, MAC	A32-00079 / 29.0	-			
			NW	SW		WAGONER, BETTY	A32-00085 / 29.0	-			
			NW	SW		WAGONER, BETTY	A32-00086 / 29.0	-			
			NW	SW		WAGONER, MAC	A32-00087 / 29.0	-			
			NW	SW		WAGONER, MAC	A32-00102 / 29.0	-			
			NW	SW		WAGONER, MAC	R32-00073 / 26.0	-			
			NW	SW		WAGONER, MAC	32-10005 / 29.0	-			
			NW	SW		SIMMONS, WILLIAM T	A32-00067 / 29.0	32-00067 / 29.0			
			NW	SW		WAGONER, MAC	32-07222 / 29.0	32-07222 / 29.0			
09N	30E	4	SW	SW	7	SIMMONS, WILLIAM T	A32-000908 / 36.0	32-000908 / 36.0	36.0		36.0
			SW	SW		WAGONER, BETTY	A32-10003 / 36.0	-			
			SW	SW		WAGONER, MAC	A32-00073 / 36.0	-			
			SW	SW		WAGONER, MAC	A32-00077 / 36.0	-		32.0	32.0
			SW	SW		WAGONER, MAC	A32-00078 / 36.0	-			
			SW	SW		WAGONER, MAC	A32-00079 / 36.0	-			
			SW	SW		WAGONER, BETTY	A32-00085 / 36.0	-			
			SW	SW		WAGONER, BETTY	A32-00086 / 36.0	-			
			SW	SW		WAGONER, MAC	A32-00087 / 36.0	-			
			SW	SW		WAGONER, MAC	A32-00102 / 36.0	-			
			SW	SW		WAGONER, MAC	R32-00073 / 37.0	-			
			SW	SW		SIMMONS, WILLIAM T	A32-00067 / 36.0	32-00067 / 36.0			
			SW	SW		WAGONER, MAC	32-07222 / 36.0	32-07222 / 36.0			

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	AK #/ACRES	TANUSAT DATA	FIELD EXAM.	RECORD ACRES
05N	30E	4	SE	SW	SE	SIMMONS, WILLIAM T	A32-000908 / 29.0	32-000908 / 29.0	8.0		
			SE	SW	SE	WAGNER, BETTY	A32-10003 / 29.0			25	25
			SE	SW	SE	WAGNER, MAC	A32-00073 / 29.0				
			SE	SW	SE	WAGNER, MAC	A32-00077 / 29.0				
			SE	SW	SE	WAGNER, MAC	A32-00078 / 29.0				
			SE	SW	SE	WAGNER, BETTY	A32-00085 / 29.0				
			SE	SW	SE	WAGNER, BETTY	A32-00086 / 29.0				
			SE	SW	SE	WAGNER, MAC	A32-00087 / 29.0				
			SE	SW	SE	WAGNER, MAC	A32-00102 / 29.0				
			SE	SW	SE	SIMMONS, WILLIAM T	A32-00067 / 29.0	32-00067 / 29.0			
			SE	SW	SE	WAGNER, MAC	R32-00073 / 25.0	32-07222 / 29.0			
05N	30E	4	SW	SE	SE	SIMMONS, WILLIAM T	A32-000908 / 2.0	32-000908 / 2.0		0.5	0
			SW	SE	SE	WAGNER, BETTY	A32-10003 / 2.0				
			SW	SE	SE	WAGNER, MAC	A32-00073 / 2.0				
			SW	SE	SE	WAGNER, MAC	A32-00077 / 2.0				
			SW	SE	SE	WAGNER, MAC	A32-00078 / 2.0				
			SW	SE	SE	WAGNER, MAC	A32-00079 / 2.0				
			SW	SE	SE	WAGNER, BETTY	A32-00085 / 2.0				
			SW	SE	SE	WAGNER, BETTY	A32-00086 / 2.0				
			SW	SE	SE	WAGNER, MAC	A32-00087 / 2.0				
			SW	SE	SE	WAGNER, MAC	A32-00102 / 2.0				
			SW	SE	SE	SIMMONS, WILLIAM T	A32-00067 / 2.0	32-00067 / 2.0			
			SW	SE	SE	WAGNER, MAC	R32-00073 / 1.0	32-07222 / 2.0			
05N	30E	5	SE	NE	NE	SIMMONS, WILLIAM T	A32-000908 / 5.0	32-000908 / 5.0	4.0	8	8
			SE	NE	NE	WAGNER, BETTY	A32-10003 / 5.0				
			SE	NE	NE	WAGNER, MAC	A32-00073 / 5.0				
			SE	NE	NE	WAGNER, MAC	A32-00077 / 5.0				
			SE	NE	NE	WAGNER, MAC	A32-00078 / 5.0				
			SE	NE	NE	WAGNER, MAC	A32-00079 / 5.0				
			SE	NE	NE	WAGNER, BETTY	A32-00085 / 5.0				
			SE	NE	NE	WAGNER, BETTY	A32-00086 / 5.0				
			SE	NE	NE	WAGNER, MAC	A32-00087 / 5.0				
			SE	NE	NE	WAGNER, MAC	A32-00102 / 5.0				
			SE	NE	NE	SIMMONS, WILLIAM T	A32-00067 / 5.0	32-00067 / 5.0			
			SE	NE	NE	WAGNER, MAC	R32-00073 / 5.0	32-07222 / 5.0			
05N	30E	5	NE	SE	SE	SIMMONS, WILLIAM T	A32-000908 / 20.0	32-000908 / 20.0	20.0	15	15
			NE	SE	SE	WAGNER, BETTY	A32-10003 / 20.0				
			NE	SE	SE	WAGNER, MAC	A32-00073 / 20.0				
			NE	SE	SE	WAGNER, MAC	A32-00077 / 20.0				
			NE	SE	SE	WAGNER, MAC	A32-00078 / 20.0				
			NE	SE	SE	WAGNER, MAC	A32-00079 / 20.0				
			NE	SE	SE	WAGNER, BETTY	A32-00085 / 20.0				
			NE	SE	SE	WAGNER, BETTY	A32-00086 / 20.0				

BULLARD -
DROP

Lot 6

Lot 7

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	OR #/ACRES	DATE	FIELD EXAM.	RECORD ACRES
05N	30E	5	SE	SE	SE	WAGONER, MAC	A32-00087 / 20.0	-	-	-	-
			SE	SE	SE	WAGONER, MAC	A32-00102 / 20.0	-	-	-	-
			NE	NE	NE	SIMMONS, WILLIAM T	A32-00067 / 20.0	32-00067 / 20.0	-	-	-
			NE	NE	NE	WAGONER, MAC	-	32-07222 / 20.0	-	-	-
05N	30E	5	SE	SE	SE	SIMMONS, WILLIAM T	A32-000908 / 2.0	32-000908 / 2.0	16.0	-	-
			SE	SE	SE	WAGONER, BETTY	A32-10003 / 2.0	-	-	-	-
			SE	SE	SE	WAGONER, MAC	A32-00073 / 2.0	-	-	-	-
			SE	SE	SE	WAGONER, MAC	A32-00077 / 2.0	-	-	-	-
			SE	SE	SE	WAGONER, MAC	A32-00078 / 2.0	-	-	-	-
			SE	SE	SE	WAGONER, MAC	A32-00079 / 2.0	-	-	-	-
			SE	SE	SE	WAGONER, BETTY	A32-00085 / 2.0	-	-	-	-
			SE	SE	SE	WAGONER, BETTY	A32-00086 / 2.0	-	-	-	-
			SE	SE	SE	WAGONER, MAC	A32-00087 / 2.0	-	-	-	-
			SE	SE	SE	WAGONER, MAC	A32-00102 / 2.0	-	-	-	-
			SE	SE	SE	AMERICA ACTING THROUGH, UNITED	A32-10365 / 2.0	-	-	-	-
			SE	SE	SE	AMERICA ACTING THROUGH, UNITED	A32-10365 / 2.0	-	-	-	-
			SE	SE	SE	SIMMONS, WILLIAM T	A32-00067 / 2.0	32-00067 / 2.0	-	-	-
			SE	SE	SE	WAGONER, MAC	-	32-07222 / 2.0	-	-	-
05N	30E	9	NW	NW	NW	SIMMONS, WILLIAM T	A32-000908 / 20.0	32-000908 / 20.0	-	-	-
			NW	NW	NW	WAGONER, BETTY	A32-10003 / 20.0	-	-	-	-
			NW	NW	NW	WAGONER, MAC	A32-00073 / 20.0	-	-	-	-
			NW	NW	NW	WAGONER, MAC	A32-00077 / 20.0	32-00073 / 20.0	-	-	-
			NW	NW	NW	WAGONER, MAC	A32-00078 / 20.0	32-00077 / 20.0	-	-	-
			NW	NW	NW	WAGONER, MAC	A32-00079 / 20.0	32-00078 / 20.0	-	-	-
			NW	NW	NW	WAGONER, BETTY	A32-00085 / 20.0	32-00079 / 20.0	-	-	-
			NW	NW	NW	WAGONER, BETTY	A32-00086 / 20.0	-	-	-	-
			NW	NW	NW	WAGONER, MAC	A32-00087 / 20.0	-	-	-	-
			NW	NW	NW	WAGONER, MAC	A32-00102 / 20.0	-	-	-	-
			NW	NW	NW	SIMMONS, WILLIAM T	A32-00067 / 20.0	32-00067 / 20.0	-	-	-
			NW	NW	NW	WAGONER, MAC	-	32-07222 / 20.0	-	-	-
05N	30E	9	SW	SW	SW	SIMMONS, WILLIAM T	A32-000908 / 31.0	32-000908 / 31.0	1.0	-	-
			SW	SW	SW	WAGONER, BETTY	A32-10003 / 31.0	-	-	-	-
			SW	SW	SW	WAGONER, MAC	A32-00073 / 31.0	-	-	-	-
			SW	SW	SW	WAGONER, MAC	A32-00077 / 31.0	32-00073 / 31.0	-	-	-
			SW	SW	SW	WAGONER, MAC	A32-00078 / 31.0	32-00077 / 31.0	-	-	-
			SW	SW	SW	WAGONER, MAC	A32-00079 / 31.0	32-00078 / 31.0	-	-	-
			SW	SW	SW	WAGONER, BETTY	A32-00085 / 31.0	32-00079 / 31.0	-	-	-
			SW	SW	SW	WAGONER, BETTY	A32-00086 / 31.0	-	-	-	-
			SW	SW	SW	WAGONER, MAC	A32-00087 / 31.0	-	-	-	-
			SW	SW	SW	WAGONER, MAC	A32-00102 / 31.0	-	-	-	-
			SW	SW	SW	SIMMONS, WILLIAM T	A32-00067 / 31.0	32-00067 / 31.0	-	-	-
			SW	SW	SW	WAGONER, MAC	-	32-07222 / 31.0	-	-	-

LOT

1.0 1.0

18 18

22 22

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	OR +/ACRES	LANDREAU DATA	FIELD EXAM.	RECORD ACRES
05N	30E	9	NE	NW		SIMMONS, WILLIAM T	A32-000908 / 40.0	32-000908 / 40.0	23.0		
			NE	NW		WAGONER, BETTY	A32-10003 / 40.0	-			
			NE	NW		WAGONER, MAC	A32-00073 / 40.0	32-00073 /		40	40
			NE	NW		WAGONER, MAC	A32-00077 / 40.0	32-00077 /			
			NE	NW		WAGONER, MAC	A32-00078 / 40.0	32-00078 /			
			NE	NW		WAGONER, MAC	A32-00079 / 40.0	32-00079 /			
			NE	NW		WAGONER, BETTY	A32-00085 / 40.0	-			
			NE	NW		WAGONER, BETTY	A32-00086 / 40.0	-			
			NE	NW		WAGONER, MAC	A32-00087 / 40.0	-			
			NE	NW		WAGONER, MAC	A32-00102 / 40.0	-			
			NE	NW		WAGONER, MAC	R32-00073 / 40.0	-			
			NE	NW		SIMMONS, WILLIAM T	A32-00067 / 40.0	32-00067 / 40.0			
			NE	NW		WAGONER, MAC	A32-00067 / 40.0	32-07222 / 40.0			
05N	30E	9	NW	NW		SIMMONS, WILLIAM T	A32-000908 / 20.0	32-000908 / 20.0	18.0		
			NW	NW		WAGONER, BETTY	A32-10003 / 20.0	-			
			NW	NW		WAGONER, MAC	A32-00073 / 20.0	-			
			NW	NW		WAGONER, MAC	A32-00077 / 20.0	-		22	22
			NW	NW		WAGONER, MAC	A32-00078 / 20.0	-			
			NW	NW		WAGONER, MAC	A32-00079 / 20.0	-			
			NW	NW		WAGONER, BETTY	A32-00085 / 20.0	-			
			NW	NW		WAGONER, BETTY	A32-00086 / 20.0	-			
			NW	NW		WAGONER, MAC	A32-00087 / 20.0	-			
			NW	NW		WAGONER, MAC	A32-00102 / 20.0	-			
			NW	NW		AMERICA, ACTING THROUGH, UNITED	A32-10365 /	-			
			NW	NW		AMERICA, ACTING THROUGH, UNITED	A32-10365 /	-			
			NW	NW		WAGONER, MAC	R32-00073 / 22.0	-			
			NW	NW		SIMMONS, WILLIAM T	A32-00067 / 20.0	32-00067 / 20.0			
			NW	NW		WAGONER, MAC	A32-00067 / 20.0	32-07222 / 20.0			
05N	30E	9	SW	NW		SIMMONS, WILLIAM T	A32-000908 / 4.0	32-000908 / 4.0			
			SW	NW		WAGONER, BETTY	A32-10003 / 4.0	-			
			SW	NW		WAGONER, MAC	A32-00073 / 4.0	-			
			SW	NW		WAGONER, MAC	A32-00077 / 4.0	-		5	5
			SW	NW		WAGONER, MAC	A32-00078 / 4.0	-			
			SW	NW		WAGONER, MAC	A32-00079 / 4.0	-			
			SW	NW		WAGONER, BETTY	A32-00085 / 4.0	-			
			SW	NW		WAGONER, BETTY	A32-00086 / 4.0	-			
			SW	NW		WAGONER, MAC	A32-00087 / 4.0	-			
			SW	NW		WAGONER, MAC	A32-00102 / 4.0	-			
			SW	NW		AMERICA, ACTING THROUGH, UNITED	A32-10365 /	-			
			SW	NW		AMERICA, ACTING THROUGH, UNITED	A32-10365 /	-			
			SW	NW		WAGONER, MAC	R32-00073 / 5.0	-			
			SW	NW		SIMMONS, WILLIAM T	A32-00067 / 4.0	32-00067 / 4.0			
			SW	NW		WAGONER, MAC	A32-00067 / 4.0	32-07222 / 4.0			
05N	30E	9	SE	NW		SIMMONS, WILLIAM T	A32-000908 / 38.0	32-000908 / 38.0	20.0		
			SE	NW		WAGONER, BETTY	A32-10003 / 38.0	-			

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	UK #/ACRES	ANNUAL DATA	FIELD EXAM.	RECORD ACRES
09N	30E	9	SE	NW		WAGONER, MAC	A32-00073 / 38.0	/			
			SE	NW		WAGONER, MAC	A32-00077 / 38.0	/			
			SE	NW		WAGONER, MAC	A32-00078 / 38.0	/			
			SE	NW		WAGONER, MAC	A32-00079 / 38.0	/			
			SE	NW		WAGONER, MAC	A32-00085 / 38.0	/			39
			SE	NW		WAGONER, BETTY	A32-00086 / 38.0	/			39
			SE	NW		WAGONER, MAC	A32-00087 / 38.0	/			
			SE	NW		WAGONER, MAC	A32-00102 / 38.0	/			
			SE	NW		WAGONER, MAC	R32-00073 / 39.0	/			
			SE	NW		WAGONER, WILLIAM T	A32-00067 / 38.0	/			
			SE	NW		WAGONER, MAC	32-07222 / 38.0	/			
09N	30E	9	NE	SW		SIMMONS, WILLIAM T	A32-00098 / 24.0	/	30.0		
			NE	SW		WAGONER, BETTY	A32-10003 / 24.0	/			
			NE	SW		WAGONER, MAC	A32-00073 / 24.0	/			27
			NE	SW		WAGONER, MAC	A32-00077 / 24.0	/			27
			NE	SW		WAGONER, MAC	A32-00078 / 24.0	/			
			NE	SW		WAGONER, MAC	A32-00079 / 24.0	/			
			NE	SW		WAGONER, BETTY	A32-00085 / 24.0	/			
			NE	SW		WAGONER, BETTY	A32-00086 / 24.0	/			
			NE	SW		WAGONER, MAC	A32-00087 / 24.0	/			
			NE	SW		WAGONER, MAC	A32-00102 / 24.0	/			
			NE	SW		WAGONER, MAC	R32-00073 / 27.0	/			
			NE	SW		WAGONER, WILLIAM T	A32-00067 / 24.0	/			
			NE	SW		WAGONER, MAC	32-07222 / 24.0	/			
09N	30E	9	SE	SW		SIMMONS, WILLIAM T	A32-00098 / 2.0	/	1.0		
			SE	SW		WAGONER, BETTY	A32-10003 / 2.0	/			
			SE	SW		WAGONER, MAC	A32-00073 / 2.0	/			φ
			SE	SW		WAGONER, MAC	A32-00077 / 2.0	/			φ
			SE	SW		WAGONER, MAC	A32-00078 / 2.0	/			
			SE	SW		WAGONER, MAC	A32-00079 / 2.0	/			
			SE	SW		WAGONER, MAC	A32-00085 / 2.0	/			
			SE	SW		WAGONER, BETTY	A32-00086 / 2.0	/			
			SE	SW		WAGONER, MAC	A32-00087 / 2.0	/			
			SE	SW		WAGONER, MAC	A32-00102 / 2.0	/			
			SE	SW		WAGONER, WILLIAM T	A32-00067 / 2.0	/			
			SE	SW		WAGONER, MAC	32-07222 / 2.0	/			
09N	30E	9	NE	SW		SIMMONS, WILLIAM T	A32-00098 / 32.0	/	2.0		
			NE	SW		WAGONER, BETTY	A32-10003 / 32.0	/			
			NE	SW		WAGONER, MAC	A32-00073 / 32.0	/			23
			NE	SW		WAGONER, MAC	A32-00077 / 32.0	/			23
			NE	SW		WAGONER, MAC	A32-00078 / 32.0	/			
			NE	SW		WAGONER, MAC	A32-00079 / 32.0	/			
			NE	SW		WAGONER, MAC	A32-00085 / 32.0	/			
			NE	SW		WAGONER, BETTY	A32-00086 / 32.0	/			
			NE	SW		WAGONER, BETTY	A32-00087 / 32.0	/			
			NE	SW		WAGONER, MAC	A32-00102 / 32.0	/			
			NE	SW		WAGONER, WILLIAM T	A32-00067 / 32.0	/			
			NE	SW		WAGONER, MAC	32-07222 / 32.0	/			

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BURN LAND
NOT REBILGATED
SEE PHOTOS re A32-00067

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RETURN. ACRES
09N	30E	9	SW	SE		WAGONER, MAC	A32-00102 / 32.0	-			
			NW	SE		WAGONER, MAC	A32-00073 / 23.0	-			
			NW	SE		SIMMONS, WILLIAM T	A32-00067 / 32.0	32-00067 / 32.0			
			NW	SE		WAGONER, MAC	A32-00067 / 32.0	32-07222 / 32.0			
			SW	SE		SIMMONS, WILLIAM T	A32-000908 / 4.0	32-000908 / 4.0			
			SW	SE		WAGONER, BETTY	A32-10003 / 4.0	-			
			SW	SE		WAGONER, MAC	A32-00073 / 4.0	-			
			SW	SE		WAGONER, MAC	A32-00077 / 4.0	-			
			SW	SE		WAGONER, MAC	A32-00078 / 4.0	-			
			SW	SE		WAGONER, MAC	A32-00079 / 4.0	-			
			SW	SE		WAGONER, BETTY	A32-00085 / 4.0	-			
			SW	SE		WAGONER, BETTY	A32-00086 / 4.0	-			
			SW	SE		WAGONER, MAC	A32-00087 / 4.0	-			
			SW	SE		WAGONER, MAC	A32-00102 / 4.0	-			
			SW	SE		SIMMONS, WILLIAM T	A32-00067 / 4.0	32-00067 / 4.0			
			SW	SE		WAGONER, MAC	32-07222 / 4.0	32-07222 / 4.0			

0
 0
 BLUE LAND, NOT
 RELOCATED -
 SEE PLOTS IN A32-00067

ADDITIONAL POU FOUND

310 310

TOTAL ACRES A32-000908 339.00 339.00 208.00

POU COUNTY: CLARK

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N(X)

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	POU RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A32-000908	BIRCH CREEK	SIMMONS, WILLIAM T	0.800	0.002	290.40	0.85
A32-00067	BIRCH CREEK	SIMMONS, WILLIAM T	3.300	0.009	560.00	1.95
A32-00073	BIRCH CREEK	WAGONER, MAC	0.200			
A32-00077	BIRCH CREEK	WAGONER, MAC	0.200			

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A32-00078	BIRCH CREEK	WAGONER, MAC	0.200			
A32-00079	BIRCH CREEK	WAGONER, MAC	0.200	0.002		
A32-00085	BIRCH CREEK	WAGONER, BETTY	0.200			
A32-00086	BIRCH CREEK	WAGONER, BETTY	0.200			
A32-00087	BIRCH CREEK	WAGONER, MAC	0.200			
A32-00102	BIRCH CREEK	WAGONER, MAC	4.000	0.011		
A32-10003	BIRCH CREEK	WAGONER, BETTY	10.000	0.029		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	DATE	VOLUME
A32-10003	STOCKWATER	WAGONER, BETTY	FROM 02-15	TO 11-20	0.070 CFS
A32-10005	DOMESTIC	WAGONER, MAC	FROM 01-01	TO 12-31	0.040 CFS
A32-10005	STOCKWATER	WAGONER, MAC	FROM 01-01	TO 12-31	0.070 CFS
32-10005	DOMESTIC	WAGONER, MAC	FROM 01-01	TO 12-31	0.040 CFS
32-10005	STOCKWATER	WAGONER, MAC	FROM 01-01	TO 12-31	0.070 CFS
32-10365	STOCKWATER	AMERICA, ACTING THROUGH, UNITED	FROM 01-01	TO 12-31	0.020 CFS
A32-10365	STOCKWATER	AMERICA, ACTING THROUGH, UNITED	FROM 01-01	TO 12-31	0.070 CFS
A32-10365	WILDLIFE	AMERICA, ACTING THROUGH, UNITED	FROM 01-01	TO 12-31	0.010 CFS

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y(☒) N(☐)

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: 32-00067

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A(☐) Y(☒) N(☐)

* IF NO, AND IF THE CHARGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A(☐) Y(☒) N(☐)

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y(☒) N(☐)

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y(☐) N(☒)

CHECK DOCUMENTS USED TO VERIFY POU: () ORTHOPHOTOQUAD, TOWR NO. _____; () TOPOGRAPHIC QUAD, TOWR NO. _____;
(X) NAPP, TOWR NO. 1987, GIS Layout; (X) ASES PHOTO; () OTHER _____

NOTES: _____

RECOMMENDATIONS:

TOTAL ACRES: 310

N/A()

REVIEWED BY: EB

DATE: 5/13/99

A. AT CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A32-000908 IRRIGATION	FROM 04-15 TO 10-15	0.800 CFS	290.40 AE/A
	TOTAL DIVERSION RATE/VOLUME	0.800 CFS	290.40 AE/A

B. NR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
32-000908 IRRIGATION	FROM 04-15 TO 10-15	0.800 CFS	290.40 AE/A
	TOTAL DIVERSION RATE/VOLUME	0.800 CFS	290.40 AE/A

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE?

Y(☒) N()

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y(☒) N()

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM?

Y() N(☒)

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS?

Y(☒) N()

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS?

Y(☒) N()

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y(☒) N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM?

N/A() Y() N(☒)

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y(☒) N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM?

N/A() Y() N(☒)

NOTES:

AJ CLAIM TOTAL DIVERSION RATE: 0.800 CFS

WE RWT RIGHT TOTAL DIVERSION RATE: 0.800 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(X) N()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y(X) N()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y() N(X)

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y() N(X)

FLOW MEASUREMENT

MEASUREMENT METHOD

, SEE ATTACHED CALCULATIONS.

E.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 310 x 0.02 CFS/ACRE = 6.20 CFS
(Taken from you review)

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N()

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME =

ACRES 310 x DIVERSION VOL.. AF/A FOR AREA 3.5 =

TOTAL DIVERSION VOLUME 1085 AE/A

3. IRRIGATION CONSUMPTIVE USE 290.4

CLAIMED CONSUMPTIVE USE = AE/A

ACRES 310 x CONSUMPTIVE VOL.. AF/A FOR AREA 3.5 =

TOTAL CONSUMPTIVE USE 290.4 AE/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

N/A

1b. CALCULATIONS

(0.8 cfs) For 1832 day (1.9835 AF/Hr) = 290.4

Not Limited by Q.

NOTES:

WR RECORD CONDITIONS/REMARKS:

- R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 32D.
R00 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 3.5 afa per acre for
- irrigation of the lands above.
T0A - Approval of this transfer in no way grants any right-of-way or
- easement for use of a delivery system owned by person(s) other
- than the right owner.
T07 - The right holder shall accomplish the change authorized by this
- transfer within one (1) year of the date of this approval.
T08 - Failure of the right holder to comply with the conditions of this

10/10/11
Col

- T09 - transfer is cause for the Director to rescind approval of the transfer.
- 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.

310 acres @ 0.02 cfs = max = 6.2 cfs

32-00067 = 3.20 cfs

32-00090B = 0.8 cfs

TOTAL 4.00 cfs DOES NOT EXCEED 1" KARE

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

ACCEPTED AS CLAIMED ()
NEEDS REVIEW ()

OWNERSHIP FOREFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 32-00090

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE: 1.600
EXAMINER: _____
CES: _____

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A32-000908	0.800	0.8	0.8	32-00090A	0.800
-	A32 00090A	0.800	0.8	0.8	32-000908	0.800
	TOTAL CES	0.800 1.600	1.60	1.60		1.600

DIVERSION RATE REVIEW

DO THE SUM CES RATE OF THE SPLITS EQUAL THE ROOT RIGHT CES RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE: N
FIELD EXAMINER: Y() N()

NOTES:

Right is claimed in Fee.

AUTHENTICATION: _____

SIGNATURE: _____

NAME OF FIELD EXAMINER: _____

DATE: 6/3/99

TITLE: S.W.A.

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)

IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION

COPY INCLUDED
IN FILE?

☐ ORTHOPHOTOQUAD	DATE OF PHOTO	TOWN ID NO.	Y() N()
☐ TOPOGRAPHIC	DATE FIELD CHECKED	TOWN ID NO.	Y() N()
☒ NAPP	DATE OF PHOTO	1957, GIS	Y() N()
☒ ASCS AERIAL PHOTO	DATE OF PHOTO	2- Suspect 1987	Y() N()
☐ ASCS COLOR SLIDE	DATE OF PHOTO		Y() N()
☐ BLM OR USES AERIAL PHOTO	DATE OF PHOTO		Y() N()
☐ TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY		Y() N()
☐ SCS SOIL SURVEY MAP	DATE ISSUED		Y() N()
☐ SUBDIVISION PLAT MAP	DATE OF MAP		Y() N()
☐ OTHER	DATE		Y() N()
☐ OTHER	DATE		Y() N()
☐ OTHER	DATE		Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)

IF ATTACHED, SUPPLY APPROPRIATE INFORMATION

NOTES

☐ LICENSING FIELD EXAM	DATE OF FIELD EXAM		
☐ WATER RIGHT LICENSE	DATE LICENSE SIGNED		
☒ IDWR APPROVED TRANSFER # 3827	DATE TRANSFER APPROVED		
☐ SYSTEM DESCRIPTION	DATE DRAWN		
☐ PHOTOGRAPHS	DATE(S) PHOTOS TAKEN		
☐ SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED		
☐ HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED		
☐ CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED		
☐ FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED		
☒ OTHER Memorandum of Agreement	DATE	?	
☐ OTHER	DATE	7	Other Appr: Documents

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

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05/27/99

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QUICKLOOK INFORMATION

CLAIM NUMBER: A32-00090B

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WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE			5/13/99	N		8/6/99		
POINT OF DIV				N				
SOURCE				N				
PLACE OF USE	Y			Y				
DIV. AMOUNT CES/VOLUME				N				
CONSUMPTION USE				N				
PURPOSES OF USE				N				
PERIOD OF USE				N				
BASIS OF CLAIM	Y			N				
REMARKS	Y			N				

BARCODE UPDATED
WHOM/DATE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

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PROFILE REPORT

CLAIM NUMBER: A32-00090B

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WILLIAM T SIMMONS	05/10/1886	IRRIGATION	04-15 10-15	0.80 CFS	290.40 AEA
C	THEOLA SIMMONS				0.80 CFS	290.40 AEA

Water Source: BIRCH CREEK

Tributary to: SINKS

Stage: DECREASED

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

CLARK County

Place of use Legal Description for: IRRIGATION

T	R	S	NE			NW			SW			SE			SUM			
			NENE Lt Ac	SWNE Lt Ac	SENE Lt Ac	NNW Lt Ac	NNW Lt Ac	SUNW Lt Ac	SNW Lt Ac	NWSW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	NWSE Lt Ac	SESE Lt Ac				
09N	30E	4												97.0				
09N	30E	5												37.0				
09N	30E	9	20	31	05	40	20	04	38	24	01	06-29	0/-36	29	30	02	02	215.0
TOTAL, ACRES																		339.0
																		310.0

09N County: CLARK

in notes

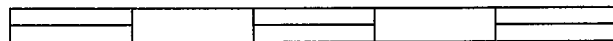
POU County: CLARK

Other Rights: 32-00067

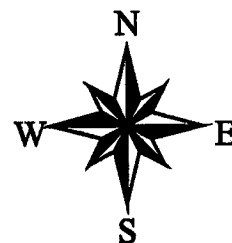
Remarks: GEN AS PER TRANS. #2165.
STOCK DRINK DIRECTLY FROM DITCHES AND CREEK
AS PER TRANS #2165.
STOCK DRINK DIRECTLY FROM DITCHES AND CREEK
*** CLAIM SPLIT AND AMENDED PURSUANT TO APPROVED TRANSFER #3827, ESU 5/26/99

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number: 320	Field Inspection Flag:	
		Presumption Flag:	

Water Right Nos.
32-00067 & 32-00090B



Townships 9N Range 30E
Acres Irrigated: 311



GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: Eric S. Verner
Date: June, 1999



Water Right Number - R32-000908

A3200090B

Old (D) Number -

+ - - - - Last Name - - - - + + - - - - First Name - - - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
WAGONER

MAC

1 - PO BOX 296
2 -
3 -City- DUBOIS
Phone - 208-374-5415
1 - PO BOX 296

State- ID Zip- 83423

WAGONER

BETTY

2 -
3 -
City- DUBOIS
Phone - 208-374-5415
1 - PO BOX 296

State- ID Zip- 83423

*** O - ORIGINAL OWNER ***
SIMMONS

WILLIAM T

1 - HC 69 BOX 2510
2 -
3 -

State- ID Zip- 83425

SIMMONS

THEOLA

City- HAMER
Phone - 208-663-4322
1 - HC 69 BOX 2510
2 -
3 -

State- ID Zip- 83425

+ - - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
05/10/1986 15 EASTERN J - BENEFICIAL USE+ - - - - Source - - - - + + - - - - Tributary - - - - - +
BIRCH CREEK SINKS+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

09N 30E 5 SE NE NW 3 (33) CLARK WAGONER DIVERSION

+ - - - - Description Period From Period To Water Use Diversion Rate Diversion Volume

01 - IRRIGATION 04/01 10/31 0.800 266.40

+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Consumptive Use - + + - - KW Usage - +
0.800 266.40 0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

09N	30E	4	SW NW	5	0.5	01	IRRIGATION	(33)	CLARK
09N	30E	4	NE SW	6	2.0	01	IRRIGATION	(33)	CLARK
09N	30E	4	NW SW	7	26.0	01	IRRIGATION	(33)	CLARK
09N	30E	4	SW SW	7	37.0	01	IRRIGATION	(33)	CLARK
09N	30E	4	SE SW	25.0	25.0	01	IRRIGATION	(33)	CLARK
09N	30E	4	SW SE	0.5	0.5	01	IRRIGATION	(33)	CLARK
09N	30E	5	SE NE	6	8.0	01	IRRIGATION	(33)	CLARK

Water right number - R32-00090B

Prefix Translation: RESEARCH

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
09N	30E	5	NE SE	7	15.0		01 IRRIGATION	(33) CLARK
09N	30E	5	SE SE		1.0		01 IRRIGATION	(33) CLARK
09N	30E	9	NW NE		18.0		01 IRRIGATION	(33) CLARK
09N	30E	9	SW NE		22.0		01 IRRIGATION	(33) CLARK
09N	30E	9	NE NW		40.0		01 IRRIGATION	(33) CLARK
09N	30E	9	NW NW		22.0		01 IRRIGATION	(33) CLARK
09N	30E	9	SW NW		5.0		01 IRRIGATION	(33) CLARK
09N	30E	9	SE NW		39.0		01 IRRIGATION	(33) CLARK
09N	30E	9	NE SW		27.0		01 IRRIGATION	(33) CLARK
09N	30E	9	NW SE		23.0		01 IRRIGATION	(33) CLARK

Total Acres: 311.0

+ - - Diversion Means - PUMPS TO SPRINKLERS, HEADGATE TO DITCHES FOR FLOOD IRRIGATION

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 32-00067

..... Remarks

USE OF THIS RIGHT WITH RIGHT NO. 32-00067 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.00 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1088.5 AF.

EXP RIGHT NO. 32-00067 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

	No Old Water Right Numbers Found	- - - - -	Old Water Right Numbers	+ - - - - +
--	----------------------------------	-----------	-------------------------	-------------

+ - - - - +
- Conditions of Approval
No Conditions of Approval found.

+ - - - - +

+ - - -	- Decree Plaintiff	- - - +	+ - - -	- Decree Defendant	- - - +	+ - Decree Date	- +
	AGNES B. RENO, ET. AL.			J. R. RICHARDS, ET. AL.		09/06/1922	

	Date:	07/22/1999	User Id:	BCONTOR	Subject:	COPIED FROM REMARKS	-Comments-
	AS PER TRANS.	#2165.					STOCK DRINK DIRECTLY FROM DITCHES AND CREEK
	AS PER TRANS	#2165.					STOCK DRINK DIRECTLY FROM DITCHES AND CREEK
	*** CLAIM SPLIT AND AMENDED PURSUANT TO APPROVED TRANSFER #3827,					ESV 5/26/99	
	*** CHAGE OF OWNERSHIP FILED 6/3/99.					ESV	

+ - - Audit Fields - - + 07/22/99 BCONTOR

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: A32-00090B
Date Received: 6/15/1988
Receipt No: X777777
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name:	MAC WAGONER	208-374-5415
Address:	PO BOX 296	
	DUBOIS ID	83423
	OR	
Name:	BETTY WAGONER	208-374-5415
Address:	PO BOX 296	
	DUBOIS ID	83423

2. Date of Priority: MAY 10, 1886

3. Source: BIRCH CREEK Trib. to: SINKS

4. Point of Diversion:

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

5. Description of diverting works:
PUMPS TO SPRINKLERS, 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	04/15	10/15	0.800		290.40

7. Total Quantity Appropriated is:
0.800 C.F.S. (and/or) 290.40 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	30E	4	NE	SW		IRR	1.0

10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
09N	30E	4	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:
32-00067

14. Remarks:

AS PER TRANS. #2165.
STOCK DRINK DIRECTLY FROM DITCHES AND CREEK
AS PER TRANS #2165.
STOCK DRINK DIRECTLY FROM DITCHES AND CREEK
*** CLAIM SPLIT AND AMENDED PURSUANT TO APPROVED TRANSFER #3827,
ESV 5/26/99
*** CHAGE OF OWNERSHIP FILED 6/3/99, ESV

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 9/ 6/1922

AGNES B. RENO, ET. AL.
Decree Plaintiff

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

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: **A32-00090B**
Date Received: 6/15/1988
Receipt No: X777777
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: WILLIAM T SIMMONS 208-663-4322
Address: HC 69 BOX 2510
HAMER ID 83425
OR
Name: THEOLA SIMMONS 208-663-4322
Address: HC 69 BOX 2510
HAMER ID 83425

2. Date of Priority: MAY 10, 1886

3. Source: BIRCH CREEK Trib. to: SINKS

4. Point of Diversion:

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

5. Description of diverting works:
PUMPS TO SPRINKLERS, HEADGATE TO DITCHES FOR FLOOD IRRIGATION

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7. Total Quantity Appropriated is:
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8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	30E	4	NE	SW		IRR	1.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	30E	4	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:
32-00067

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AS PER TRANS. #2165.
STOCK DRINK DIRECTLY FROM DITCHES AND CREEK
AS PER TRANS #2165.
STOCK DRINK DIRECTLY FROM DITCHES AND CREEK
*** CLAIM SPLIT AND AMENDED PURSUANT TO APPROVED TRANSFER #3827,
ESV 5/26/99

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 9/ 6/1922

AGNES B. RENO, ET. AL.

Decree Plaintiff

J. R. RICHARDS, ET. AL.

vs

Decree Defendant