

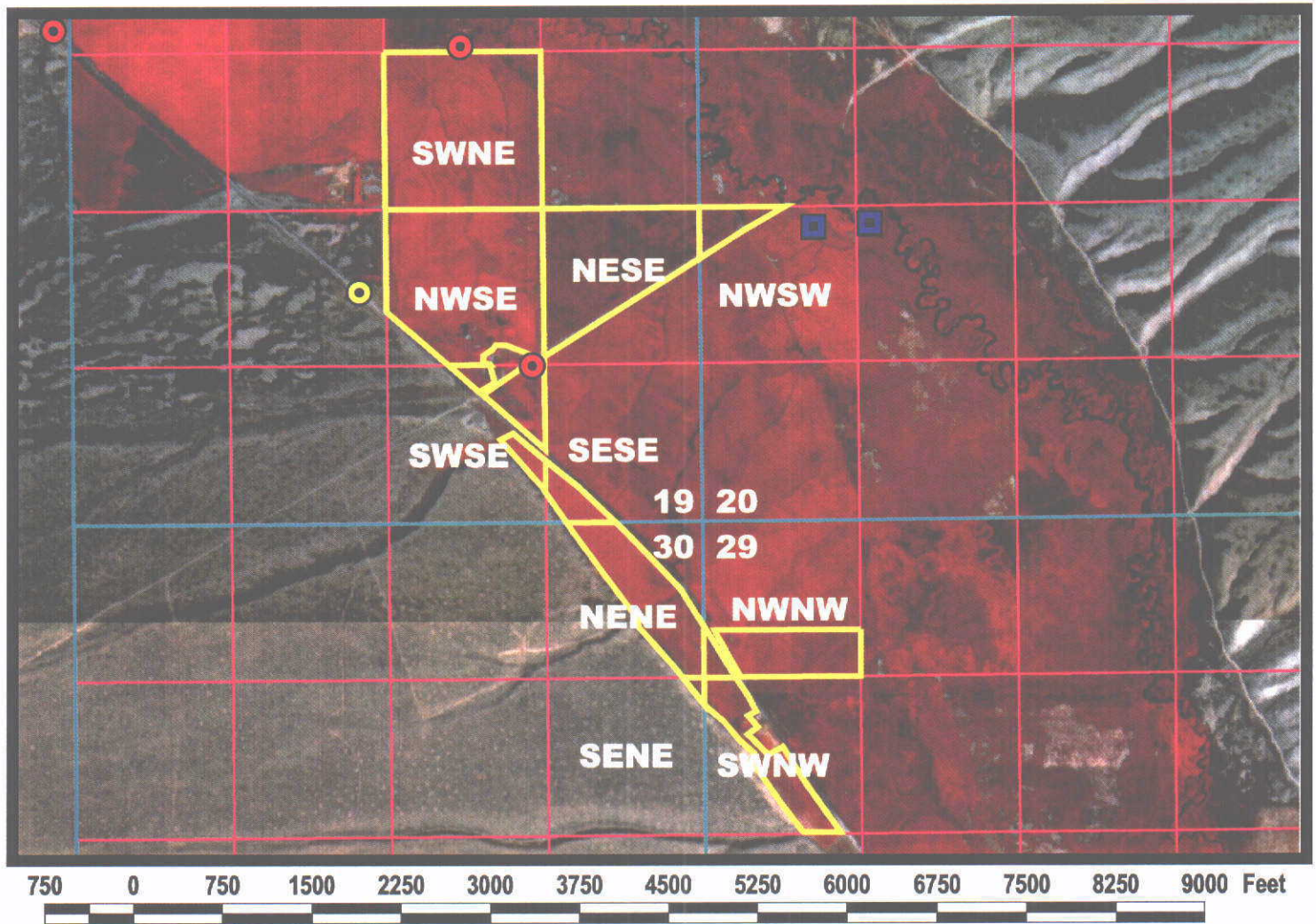


STATE OF IDAHO

Department of Water Resources

Eastern Region

Water Right(s): 33-02106, 33-11002



LEGEND



Point of Diversion- GW



Point of Diversion- SW

SESE

Place of Use



Section Line

Quarter-section line

**Place(s) of Use: T.10N., R.27E.
(Parts of) Sections 19,20,29,30**

**Point(s) of Diversion: T.10N., R.27E.
Sec. 19 SENESW**

**Note: 33-11002 is a Beneficial Use claim.
Same Point of Diversion as 33-02106.**



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: July 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

33-2106

33-2141

33-11002

December 31, 2002

RE: In the matter of Application for Transfer No. 5760 in the in the name of
Reno Ditch Company, Inc.

Dear Parties:

Enclosed, is a copy of a **Notice of Conditional Withdrawal** issued in response to the request filed by Ted Sorenson on December 30, 2002 regarding the above-entitled matter. This order grants a thirty (30) day extension to the parties for submittal of information as requested by the department.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

Cc: Service List

RECEIVED
JAN 02 2003
Department of Water Resources
Eastern Region

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 5760 IN THE)
NAME OF RENO DITCH COMPANY,)
INC.)
_____)

**NOTICE OF
CONDITIONAL WITHDRAWAL**

This matter having come before the Idaho Department of Water Resources ("Department"), the Department issues the following Findings of Fact, Conclusions of Law and Notice of Conditional Withdrawal Order:

FINDINGS OF FACT

1. On December 26, 2002, the Department served a Notice of Proposed Default Order ("notice") upon Reno Ditch Co, Inc. ("applicant") for failure respond to an information request and to provide requested information.
2. On December 30, 2002, the applicant responded to the notice advising that he had not received the letter from the Department dated October 24, 2002 that requested additional information and that the address used by the Department to mail the notice was incorrect.

CONCLUSIONS OF LAW

1. IDAPA Rule 37.01.01702 (Rule of Procedure 702) authorizes the Department to withdraw a Notice of Default Order upon a satisfactory showing why a default order should not be entered.
2. The Department should conditionally withdraw the notice, since the mailing address used by the Department is incorrect.

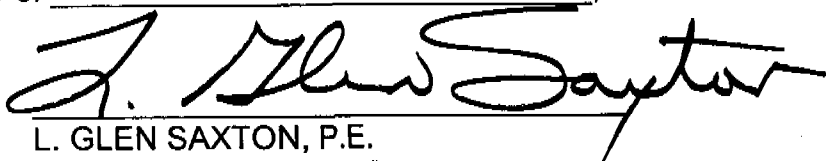
ORDER

IT IS THEREFORE, HEREBY ORDERED that the Notice of Proposed Default Order issued by the Department on December 26, 2002 in connection with Application for Transfer No. 5760 is **CONDITIONALLY WITHDRAWN** as described below:

1. The applicant shall submit the requested information within thirty (30) days of the date of service of this order.

2. Failure of the applicant to timely submit the requested information or failure to submit suitable information to respond to enlargement and injury concerns due to the proposed transfer from the Little Lost River drainage to the Birch Creek River drainage will result in reinstatement of the Notice of Proposed Default Order originally issued on December 26, 2002.

Dated this 30th day of December, 2002.


L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of December, 2002, the above and foregoing document was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

TED S SORENSON
VICE PRESIDENT
RENO DITCH COMPANY
5203 SOUTH 11TH EAST
IDAHO FALLS ID 83404

HAROLD JONES
IDWR – EASTERN REGION
900 N SKYLINE DR STE A
IDAHO FALLS ID 83402-1718

KENT FOSTER
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405



Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

~~BIRCH CREEK RANCHES, L.L.C.~~

5203 SOUTH 11TH EAST
IDAHO FALLS, IDAHO 83404
208-522-8069 FAX 208-522-8223
E-mail: ted@tsorenson.net

Reno Ditch Company

MEMORANDUM

TO: Glenn Saxton P.E. DATE: 12/30/2002
IDWR
Water Allocation Bureau
fax 208-327-7866

FROM: Ted S. Sorenson, Vice President

SUBJECT:

"Notice of Proposed Default Order"
Application for transfer 5760. (new 66127)

REMARKS:

I am in receipt of the notice of
default. I did not receive
a copy of the October 24, 2002
request for additional information.
Glenn Saxton faxed me a copy
today. The letter was addressed
to Box 349, Preston, Idaho.
I did not respond because I
did not receive the October 24th
letter. I live in Idaho Falls
I spoke with Kent Foster. He does
not recall receiving the letter.
Therefore I request an
additional 30 days to respond to
the October 24th letter.

SIGNED:

cc:

Best Regards
[Signature]

Revised

APPLICATION FOR TRANSFER OF WATER RIGHT

Revised

PART 1

Name of Applicant RENO DITCH Company, Inc Phone (208) 523-0620

Post Office address c/o Holden, Kidwell, Hahn & Crapo P.O. Box 50130 ID 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 To dry up lands presently irrigated
and irrigate other lands in Basin 32 (Birch Creek drainage)

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 |
|-----------------|-----------|--------------------|---------------|---------------|
| 33-02106 | 8/07/1961 | 3.00 cfs | Irrigation | 4-15 to 10-31 |
| 33-02141 | 1/29/1949 | 3.20 cfs | " " | " to " |
| R33-11002 | 8/8/1961 | 1.80 cfs | " " | " to " |

2. Total amount of water being transferred 8.00 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SW	SW	19	10N	30E	Clark	
		SE	SE	24	10N	29E		
		SW	SW	29	10N	30E		
		NW	NW	32	10N	30E		

5. Lands irrigated or place of use:

[illegible]

Total Acres 306.8

6. General Information:

a. Description of diversion system Well or wells pump into Birch Creek then
rediverted at the hydropower channel. The water then goes thru
the power plant and Reno Ditch company puts water into their system

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or
 contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

The lands irrigated will be dried up.

d. Remarks:

If this transfer is approved then surface rights
33-00087 + 33-02034 will be relinquished

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____.

 For the Director

2002 FEB -9 PM 3:07

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

**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)

ORDER OF PARTIAL DECREE

For Water Right 33-11002

On February 13, 2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 37-11002 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED 4-9-02



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

2002 APR 09 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 33-11002

CERTIFICATE OF MAILING

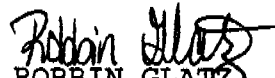
I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 33-11002 was mailed
on April 09, 2002, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

USDI BLM

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

TED S SORENSON
BIRCH CREEK RANCHES LLC
5203 S 11TH E
IDAHO FALLS, ID 83404


ROBBIN GLATZ
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
04/09/02

RECEIVED

JUL - 2 2001

Department of Water Resources

2001 JUN 29 AM 11: 56

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

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	)	Subcases: 33-00087, 33-02034, 33-02106,
	)	33-02141, and 33-11002
Case No. 39576	)	
	)	ORDER SETTING SUBCASE
	)	DEADLINES

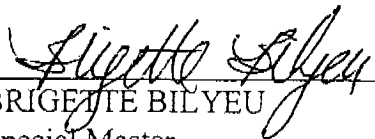
A Status Conference was held in the above subcases on June 29, 2001. At the Status Conference, the following deadlines were set:

7/25/01 5:00 pm Deadline for filing *Motions to Amend Claim* or *Motions for Late Objections*.

8/24/01 10:00 am **Telephone Hearing** on *Motions for Late Objections* or *Motions to Amend Claim*

Location: SRBA District Court
 253 Third Avenue North
 Twin Falls, ID

DATED June 29, 2001.



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

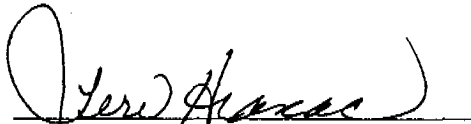
CERTIFICATE OF MAILING

I certify that a true and correct copy of ORDER SETTING SUBCASE DEADLINES was mailed on June 29, 2001, with sufficient first-class postage prepaid to the following:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

U.S. Dept. of Justice
Environment & Natural Resources Div.
550 W Fort St, MSC 033
Boise, ID 83724

Ted S Sorenson
Birch Creek Ranches LLC
5203 S 11th E
Idaho Falls, ID 83404


Deputy Clerk

Allen

RECEIVED
DEC 15 2000
Department of Water Resources
Eastern Region

RECEIVED
DEC 04 2000
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 33-11002
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Ted S. Sorenson, Birch Creek Ranches LLC

Address: 5203 South 11th East
Idaho Falls, Idaho 83404

Daytime Phone: 208-522-8069

Name & Address of Attorney, if any:

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

Name: Ted S. Sorenson, Birch Creek Ranches LLC

Address: 5203 South 11th East
Idaho Falls, Idaho 83404

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: For Rights 33-11002, 33-00087, 33-02039, 33-02141 & 33-02106
Combined Diversion Rate 8.0 CFS
Diversion Volume Combined 3120 AF

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: 307.1 acres

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): a) Field Exam of

Well 33-02141 at 3.2 CFS, Well (33-02106 & 33-11002)
equals $3.2 + 3.0 + 1.8 = 8.0$ CFS. SCS data on
file with Alan Rubeney IDWR states that 2.9 inch/acre
required for general soils. b) 307.1×3.5 acre-ft/acre
 $\times \frac{2.9 \text{ inch}}{1.0 \text{ inch}} = 3120$ acre-ft of water computed for
use on 307.1 acres total.

F.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.

County of Bonneville

Ted S. Sorenson, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

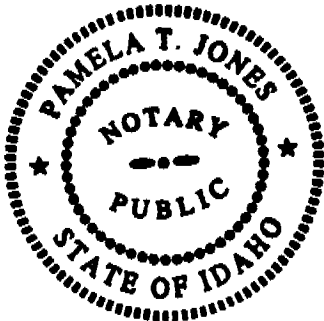
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Ted S. Sorenson
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

November 30, 2000



Pamela T. Jones
Notary Public for State of Idaho
Residing at: Lewiston, ID.
My Commission Expires: 9/2006

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 November, 199²2, 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
PO Box 2707
Twin Falls, ID 83303-2707

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

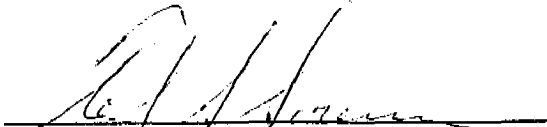
Name: N/A
Address: _____

3. Copies to:

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

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

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



Signature of Objector or attorney
mailing on Objector's behalf

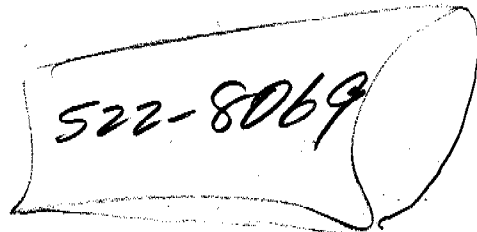
Ruberry, Allen

From: Ruberry, Allen
Sent: Tuesday, December 19, 2000 3:43 PM
To: King, Scott
Subject: TED SORENSEN ISSUE

THIS IS THE POU FOR THE HUBBLE I ASK YOU FOR. SORRY ITS LATE IN ARRIVING.
THANKS FOR THE HELP
LATER.....AL



sorensen.jpg



RECEIVED

11 2000

Water Resources
Region

RECEIVED

DEC 04 2000

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 33-11002
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Ted S. Sorenson Birch Creek Ranches LLC
Address: 5203 South 11th East
Idaho Falls, Idaho 83404
Daytime Phone: 208-522-5069

Name & Address of Attorney, if any:

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

Name: Ted S. Sorenson Birch Creek Ranches LLC
Address: 5203 South 11th East
Idaho Falls, Idaho 83404

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: _____

For Rights 33-11002, 33-00087, 33-02039, 33-02141 & 33-02106
Combined Diversion Rate S.C.CFS
Diversion Volume Combined 3120 AF

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: 307.1 acres

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): a) Field Exam of

Wells 33-02141 at 3.2 CFS, Well (33-02106 & 33-11002)
equals $3.2 + 3.0 + 1.8 = 8.0$ CFS. SCS data on
file with Alan Rubenry IDWR states that 2.9 inch/acre
required for general soils. b) 307.1×3.5 acre-ft/acre
 $\times \frac{2.9 \text{ inch}}{1.0 \text{ inch}} = 3120$ acre-ft of water completed for
use on 307.1 acres total.

F.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Bonneville)

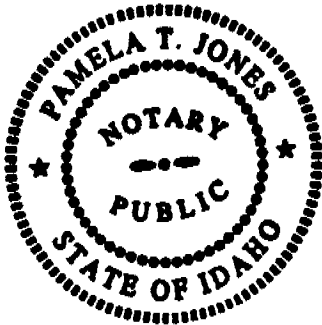
Ted S. Sorenson, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

Ted S. Sorenson
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: November 30, 2000



Pamela T. Jones
Notary Public for State of Idaho
Residing at: Lewiston, ID.
My Commission Expires: 9/2006

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 November 2000, 1992, 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
PO Box 2707
Twin Falls, ID 83303-2707

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

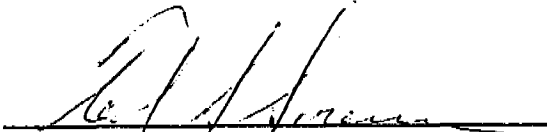
Name: N/A
Address: _____

3. Copies to:

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

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

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



Signature of Objector or attorney
mailing on Objector's behalf

RECEIVED

MAR 30 2000

Department of Water Resources

Birch Creek Ranches, L.L.C.

5203 South 11th East
Idaho Falls, Idaho 83404

Phone: (208) 522-8069
Fax: (208) 522-8223
e-mail: sorenson@ida.net

March 24, 2000

RECEIVED

APR 12 2000

Department of Water Resources
Eastern Region

Snake River Basin Adjudication
District Court
SRBA Chambers
P.O. Box 2707
Twin Falls, ID 83003-2707

Re: Objection to Water Right No. 33-02106

Dear Court:

I am the owner of Water Right 33-02106 which is listed with quantity of 3 cfs. This well has been producing 4.8 cfs since it was drilled in 1961. The additional 1.8 cfs has been acknowledged by Idaho Department of Water Resources in Water Right No. A33-11002, a copy of which is attached.

Unfortunately A33-11002 was not included in the director's report to the SRBA District Court. I request the SRBA District Court to request an amended report from IDWR on an expedited basis. In that I have plans to enter into another legal transaction on this water right I request that this be done on an expedited basis.

Very truly yours,



Ted S. Sorenson, Owner
Birch Creek Ranches, L.L.C.

TSS/red
Enclosure

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)

A: Subcase 32-02106

(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

_____)
Please fill in the following information:

B: NAME AND ADDRESS OF PERSON OBJECTING

Name: Ted S. Sorenson, Birch Creek Ranches, L.L.C.Address: 5203 South 11th EastIdaho Falls, ID 83404Daytime Phone: 208-522-8069

Name & Address of Attorney, if any:

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

Name: Ted S. Sorenson, Birch Creek Ranches, L.L.C.Address: 5203 South 11th EastIdaho Falls, ID 83404

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: 4.8 CFS, 840 AFY
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: _____

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): This well has pumped 4.8 cfs since it was drilled in 1961. IDWR has recommended the increase of 1.8 CFS over 3.0 CFS recommended in 33-2106 as Right A33-11002 . Right A33-11002 was not recommended to SRBA however. I believe this should be taken care of as soon as possible. I respectfully petition the court to ask IDWR to include A33-11002 as soon as possible. A copy of A33-11002 is attached.

F.**VERIFICATION** (Must be Completed)

State of Idaho)
)ss.

County of Bonnerille

Ted S. Sorenson, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

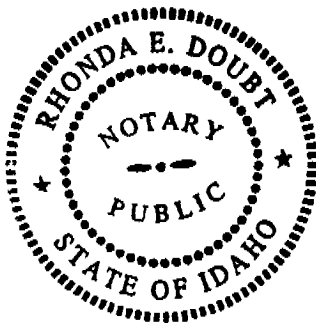
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: March 24, 2000

Rhonda E. Doubt
Notary Public for State of Idaho
Residing at: Idaho Falls, Idaho
My Commission Expires: 8/16/2005



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 March 27, ~~199~~²⁰⁰⁰, 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
PO Box 2707
Twin Falls, ID 83303-2707

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

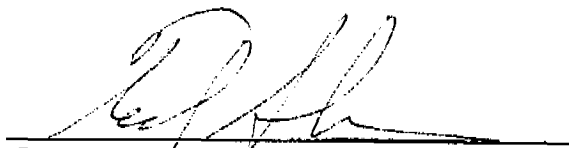
Name: N/A
Address: _____

3. Copies to:

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

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

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



Signature of Objector or attorney
mailing on Objector's behalf

Adjudication Claim A33-11002

This claim is based on historic flows from the well, in-part unlicensed and unclaimed.

Point of Diversion: T.10N., R.27E., Sec. 19 NENESW

Measurement History:

Original flow measurement, 07/22/66, 4.89 cfs

Licensed rate of flow, 03/13/67, 3.26 cfs

Adjudication Claim, 01/12/90, 3.00 cfs (unknown why the lesser amt.)

Measured output, 07/11/96, 4.80 cfs

Adjudication recommendation, January 2000, 3.00 cfs (as claimed)

Evidence of Priority Date (August 8, 1961) is based on three separate Completions of Works; Deposition of Holder, documents that clearly show first use of this well was 1961. This is one day after the Licensed Priority Date.

33-02106 was originally Licensed March 13, 1967, with a Priority Date of August 7, 1961, for 163 acres, and a Diversion Rate of 3.26 cfs.

Mr. Sorenson has provided documents from the Natural Resource Conservation Service (NRCS) which indicate the soil would require additional water to raise an economic crop and a statement from Alan J. Amy (prior owner), which states he has always used the total output of the well for irrigation of the ranch, even though the well was Licensed for 3.26 cfs. This is an open discharge well, which is conveyed to the irrigated lands by ditches for flood irrigation.

The Adjudication field exam is documented in the file of 33-02106, which shows irrigated lands, photo of the well, and flow measurement tape.

NEW CLAIM 33-11002

This claim is based on historic measurement of the well that is unlicensed; the difference between the Adjudication recommended amount (3.0 cfs) of 33-02106 and the 1996 flow measurement (4.80 cfs), which is 1.80 cfs. Place of Use is the same as that for 33-02106. The Priority Date, August 8, 1961, is one day after the Licensed priority date since there was no attempt to permit the additional amount of water measured after the original Licensing field exam.

STATE IDaho	PROJECT IRRIGATION WATER USE		
BY CM	DATE 1-25-00	CHECKED BY	JOB NO.
SUBJECT TED Sorensen			SHEET _____ OF _____

PROBLEM: TED SORENSON PURCHASED
CROPLAND PROPERTY FROM
JAKE AMY LOCATED NORTH
OF CLYDE IDAHO APPROX.
5 MI. FOR FLOOD IRRIGATION
ONE AC. IN. IS NOT ENOUGH

*FARM IRRIGATION
Rating Table

AREA IRRIGATED: 168 AC.

Crops : OATS & ALFALFA

Soils : SPARMO COMPLEX

INTAKE FAMILY: 2.0 INCHES

BORDER IRRIGATION

Total ACRE-Feet of WATER USE

Figured (F.I.R.I.) 1516.77 / AC. FT.

90 day GROWING SEASON - CLIMATIC AREA V

$$\frac{1516.77 \text{ AC. FT}}{90 \text{ Days } 168.77 \text{ AC.}} = \frac{0.0998 \text{ AC. FT}}{\text{DAY - AC}}$$

$$\frac{2.0 \text{ AC. FT}}{\text{DAY}} = 1.0 \text{ CFS}$$

$$0.0998 \times \frac{1}{2} = \frac{0.0499 \text{ CFS}}{\text{AC.}}$$

$$0.0499 \times 50 = 2.49 \text{ MINORS INCH/AC.}$$

By: Chris A. Merrill C.E.T.

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: A33-11002
Date Received: 1/28/2000
Receipt No: EQ25578
Received By: ABR

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TED S SORENSON 208-522-8069
Address: BIRCH CREEK RANCHES LLC
5203 S 11TH E
IDAHO FALLS ID 83404

2. Date of Priority: AUG 8, 1961

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10N	27E	19	NE	NE	SW		BUTTE

5. Description of diverting works:
WELL AND PUMP TO OPEN DISCHARGE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	1.800		

7. Total Quantity Appropriated is:
1.800 C.F.S. (and/or) 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
10N	27E	19	SW	NE		IRR	40.0
			NE	SE		IRR	25.5
			NW	SE		IRR	36.1
			SW	SE		IRR	7.3

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	27E	19	SE	SE		IRR	3.1
						Section Acres	112.0
		20	NW	SW		IRR	3.5
						Section Acres	3.5
		29	NW	NW		IRR	11.4
			SW	NW		IRR	8.6
						Section Acres	20.0
		30	NE	NE		IRR	13.8
			SE	NE		IRR	0.7
						Section Acres	14.5
						Total Acres	150.0

11. Place of use in counties: BUTTE

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

13. Other Water Rights Used:
33-02106

14. Remarks:

THIS IS NOT AN ENLARGEMENT CLAIM. IT IS BASED ON MEASURED FLOW ABOVE WHAT WAS ORIGINALLY LICENSED BY 33-02106. ADDITIONAL DIVERSION RATE IS BASED ON DOCUMENTATION BY NATURAL RESOURCE CONSERVATION SERVICE (NRCS) INDICATION ADDITIONAL WATER IS REQUIRED FOR ECONOMIC IRRIGATION.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am member of
Birch Creek Ranches LLC that I have signed the foregoing
Organization document in the space below as Member of
Birch Creek Ranches LLC and that the statements contained in the
Organization foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

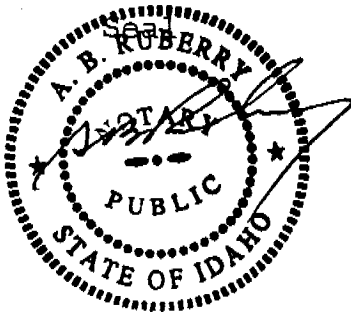
Member, Birch Creek Ranches LLC
Title and Organization

January 28, 2000
Date

State of Idaho)
County of BONNIVILLE) SS.

Subscribed and sworn (or affirmed) before me this 28th day
of January 20 00

Aaron B. Ruberry
Notary Public



Residing at Pomona Falls CO
My Commission Expires 09/23/03

10400 DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 33-02106

Name and Address: TED S SORENSON
12001 24TH AVENUE N.E.
SHAWAN, MINN 55076

5203 S 11TH E
IDAKO FALLS, ID 83404

Source: GROUNDWATER

Quantity: 3.00 CFS
525.00 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 6.14 CFS. COMBINED RIGHT NOS.:
33-00087, 33-02034, 33-02141.

Priority Date: 08-07-1961

Diversión Point: T10N R27E S19 NENESE Within Butte County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Irrigation	04-15 TO 10-31	3.00 CFS
			525.00 AFY

Place of Use:	Irrigation
110W 037E 410	

Investigation		Within Butte County
IN R27E S19	SWNE 40	NESE 25.5
	NWSE 36.1	SWSE 7.3
	SESE 3.1	
S20	NWSE 3.5	
S29	NWSE 11.4	SWNE 8.6
S30	NESE 13.8	SESE 0.7
150 Acres Total		

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 307.1 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-00987, 33-02034, AND 33-02141.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 150 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - license

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

SORENSEN ENGINEERING5203 SOUTH 11TH EAST

IDAHO FALLS, IDAHO 83404

208-522-8069 FAX 208-522-8223

E-mail: sorenson@ida.net**MEMORANDUM**

TO:

Alan RubenryLDW 12FAX 525-7177

DATE:

3/29/2000

FROM:

Ted S. Sorenson P.E.

SUBJECT:

33-02106 objection to SRBAA33-11003

REMARKS:

Here is my draft objection.Please review and comment.Regards

SIGNED:

Ted Sorenson

cc:

Birch Creek Ranches, L.L.C.

5203 South 11th East
Idaho Falls, Idaho 83404

Phone: (208) 522-8069
Fax: (208) 522-8223
e-mail: sorenson@ida.net

March 24, 2000

Snake River Basin Adjudication
District Court
SRBA Chambers
P.O. Box 2707
Twin Falls, ID 83003-2707

Re: Objection to Water Right No. 33-02106

Dear Court:

I am the owner of Water Right 33-02106 which is listed with quantity of 3 cfs. This well has been producing 4.8 cfs since it was drilled in 1961. The additional 1.8 cfs has been acknowledged by Idaho Department of Water Resources in Water Right No. A33-11002, a copy of which is attached.

Unfortunately A33-11002 was not included in the director's report to the SRBA District Court. I request the SRBA District Court to request an amended report from IDWR on an expedited basis. In that I have plans to enter into another legal transaction on this water right I request that this be done on an expedited basis.

Very truly yours,



Ted S. Sorenson, Owner
Birch Creek Ranches, L.L.C.

TSS/red
Enclosure

SORENSEN ENGINEERING

5203 SOUTH 11TH EAST
IDAHO FALLS, IDAHO 83404
208-522-8069 FAX 208-522-8223
E-mail: sorenson@ida.net

MEMORANDUM

TO: Alan Ruberry
Idaho Dept of Water Resources
Idaho Falls, Idaho
FAX 525 7177

DATE: 3/23/2000

FROM: Ted S. Sorenson P.E.

SUBJECT:

A33-11002

Water Right # A33-11002

REMARKS:

Here is the signed sheet
from the soil conservation service.

Regards

SIGNED: TSS

CC: _____

RECEIVED

MAR 27 2000

Department of Water Resources
Eastern Region

MSR
3/27/2K

STATE <u>IDAHO</u>		PROJECT <u>IRRIGATION WATER USE</u>	
BY <u>CM</u>	DATE <u>1-25-00</u>	CHECKED BY	DATE
SUBJECT <u>TED SORENSON</u>		JOB NO.	
		SHEET <u> </u> OF <u> </u>	

PROBLEM: TED SORENSON PURCHASED
CROPLAND PROPERTY FROM
JAKE AMY LOCATED NORTH
OF CLYDE IDAHO APPROX.
5 MI. FOR FLOOD IRRIGATION
ONE AC. IN. IS NOT ENOUGH.

*FARM IRR.
Rating Index

AREA IRRIGATED: 168 AC.

CROPS : OATS & ALFALFA

Soils : SPARMO COMPLEX

INTAKE FAIRLY: 2.0 INCHES

BORDER IRRIGATION

TOTAL ACRE-Feet of WATER USE

FIGURED (F.I.R.T.) 1516.77 AC.FT.

90 day GROWING SEASON - CLIMATIC AREA V

$$\frac{1516.77 \text{ AC.FT}}{90 \text{ DAYS}} \div 168.77 \text{ AC.} = \frac{0.0998 \text{ AC.-FT}}{\text{DAY-AC}}$$

$$\frac{2.0 \text{ AC.-FT}}{\text{DAY}} = 1.0 \text{ CFS}$$

$$0.0998 \times \frac{1}{2} = \frac{0.0499 \text{ CFS}}{\text{AC.}}$$

$$0.0499 \times 50 = 2.49 \text{ MINORS INCH/AC.}$$

By: Chris A. Merrill C.E.T.

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 32-02106

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Ted S. Sorenson, Birch Creek Ranches, L.L.C.Address: 5203 South 11th EastIdaho Falls, ID 83404Daytime Phone: 208-522-8069

Name & Address of Attorney, if any:

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

Name: Ted S. Sorenson, Birch Creek Ranches, L.L.C.Address: 5203 South 11th EastIdaho Falls, ID 83404

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** 4.8 CFS, 840 AFY
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: _____

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): This well has pumped 4.8 cfs since it was drilled in 1961. IDWR has recommended the increase of 1.8 CFS over 3.0 CFS recommended in 33-2106 as Right A33-11002 . Right A33-11002 was not recommended to SREA however. I believe this should be taken care of as soon as possible. I respectfully petition the court to ask IDWR to include A33-11002 as soon as possible. A copy of A33-11002 is attached.

F.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.

County of Bonnevillie

Ted S. Sorenson, 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:

Notary Public for _____
Residing at: _____
My Commission Expires: _____

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 _____, 199__, 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
PO Box 2707
Twin Falls, ID 83303-2707

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

Name: N/A
Address: _____

3. Copies to:

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

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

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

Signature of Objector or attorney
mailing on Objector's behalf

Adm. 1. 23-0200

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: A33-11002

Date Received: 1/28/2000

Receipt No: EQ25576

Received By: ABR

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TED S SORENSON
Address: BIRCH CREEK RANCHES LLC
5203 S 11TH E
IDAHO FALLS ID 83404
208-522-8069

2. Date of Priority: AUG 8, 1961

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10N	27E	19	NE	NE	SW		BUTTE

5. Description of diverting works:
WELL AND PUMP TO OPEN DISCHARGE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	1.800		

7. Total Quantity Appropriated is:
1.800 C.F.S. (and/or) 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
10N	27E	19	SW	NE		IRR	40.0
			NE	SE		IRR	25.5
			NW	SE		IRR	36.1
			SW	SE		IRR	7.3

10. Place of Use: Continued

Township 10N	Range 27E	Section 19	1/4 of SE	1/4 SE	Lot	Use IRR	Acres 3.1
						Section Acres	112.0
		20	NW	SW		IRR	3.5
						Section Acres	3.5
		29	NW	NW		IRR	11.4
			SW	NW		IRR	8.6
						Section Acres	20.0
		30	NE	NE		IRR	13.8
			SE	NE		IRR	0.7
						Section Acres	14.5
						Total Acres	150.0

11. Place of use in counties: BUTTE

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

13. Other Water Rights Used:
33-02106

14. Remarks:

THIS IS NOT AN ENLARGEMENT CLAIM. IT IS BASED ON MEASURED FLOW ABOVE WHAT WAS ORIGINALLY LICENSED BY 33-02106. ADDITIONAL DIVERSION RATE IS BASED ON DOCUMENTATION BY NATURAL RESOURCE CONSERVATION SERVICE (NRCS) INDICATION ADDITIONAL WATER IS REQUIRED FOR ECONOMIC IRRIGATION.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Member of
Birch Creek Ranches LLC that I have signed the foregoing
Organization document in the space below as Member of
Birch Creek Ranches LLC and that the statements contained in the
Organization foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

Member, Birch Creek Ranches LLC
Title and Organization

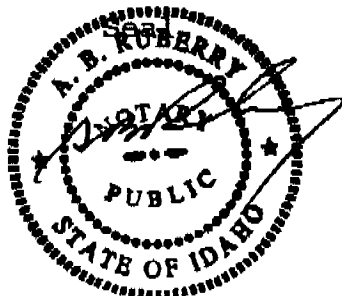
January 28, 2000
Date

State of Idaho)

County of BONNEVILLE) ss.

Subscribed and sworn (or affirmed) before me this 20th day
of January 20 00

Aaron B. Robery
Notary Public

Residing at 2000 Faus RdMy Commission Expires 09/23/03

JUN07Z

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

Right Number: 33-02106

Name and Address: TED S SORENSON
BIRCH CREEK RANCHER LLC5203 S 11TH E
IDAHO FALLS, ID 83404

Source: GROUNDWATER

Quantity: 3.00 CFS
525.00 AFTUSE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 6.16 CFS. COMBINED RIGHT NOS.:
33-00087, 33-02034, 33-02141.

Priority Date: 08-07-1961

Diversion Point: T10N R27E S19 NE/4SW Within Butte County

Purpose and
Period of Use: Purpose of Use Period of Use Quantity
Irrigation 04-15 TO 10-31 3.00 CFS
525.00 AFT

Place of Use:

Irrigation
T10N R27E S19Within Butte County
SW/4 NE/4 SE/4
SW/4 NE/4 SE/4
SW/4 NE/4 SE/4S20 SW/4 8.6
S20 NW/4 11.4
S30 SE/4 0.7
150 Acres TotalUSE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 307.1 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-00087, 33-02034, AND
33-02141.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 150 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

Adjudication Claim A33-11002

This claim is based on historic flows from the well, in-part unlicensed and unclaimed.

Point of Diversion: T.10N., R.27E., Sec. 19 NENESW

Measurement History:

Original flow measurement, 07/22/66, 4.89 cfs

Licensed rate of flow, 03/13/67, 3.26 cfs

Adjudication Claim, 01/12/90, 3.00 cfs (unknown why the lesser amt.)

Measured output, 07/11/96, 4.80 cfs

Adjudication recommendation, January 2000, 3.00 cfs (as claimed)

Evidence of Priority Date (August 8, 1961) is based on three separate Completions of Works; Deposition of Holder, documents that clearly show first use of this well was 1961. This is one day after the Licensed Priority Date.

33-02106 was originally Licensed March 13, 1967, with a Priority Date of August 7, 1961, for 163 acres, and a Diversion Rate of 3.26 cfs.

Mr. Sorenson has provided documents from the Natural Resource Conservation Service (NRCS) which indicate the soil would require additional water to raise an economic crop and a statement from Alan J. Amy (prior owner), which states he has always used the total output of the well for irrigation of the ranch, even though the well was Licensed for 3.26 cfs. This is an open discharge well, which is conveyed to the irrigated lands by ditches for flood irrigation.

The Adjudication field exam is documented in the file of 33-02106, which shows irrigated lands, photo of the well, and flow measurement tape.

NEW CLAIM 33-11002

This claim is based on historic measurement of the well that is unlicensed; the difference between the Adjudication recommended amount (3.0 cfs) of 33-02106 and the 1996 flow measurement (4.80 cfs), which is 1.80 cfs. Place of Use is the same as that for 33-02106. The Priority Date, August 8, 1961, is one day after the Licensed priority date since there was no attempt to permit the additional amount of water measured after the original Licensing field exam.

*SAME PLACE OF USE, SAME POINT OF DIVERSION AS
-33-02106. SEE CUR FOR 33-02106 FOR FIELD
EXAM DETAILS.*



Birch Creek Ranches, L.L.C.

5203 South 11th East
Idaho Falls, Idaho 83404

Phone: (208) 522-8069
Fax: (208) 522-8223
e-mail: sorenson@ida.net

RECEIVED
JAN 28 2000

Department of Water Resources
Eastern Region

January 27, 2000

Via Facsimile
525-7177

Alan Ruberry
Adjudication Officer
Idaho Department of Water Resources
900 North Skyline, Suite A
Idaho Falls, ID 83402

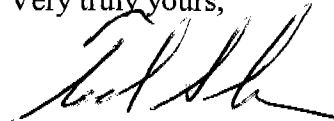
Re: Water Right No. 33-02106

Dear Mr. Ruberry:

Pursuant to our discussions, please find attached

1. An Affidavit from Jake Amy documenting that the well was pumped at 250 inches as of 1961.
2. A worksheet from the NRCS which is the Natural Resource Conservation Service documenting that the soil types for this water right require 2.49 inches to the acre for irrigation. Therefore this water right could be upwards of $168.75 \times 2.5 = 421$ inches. This would yield 8.4 cfs total. Therefore the pump yield at 5 cfs is appropriate. A cover letter from NRCS transmitting the worksheet will follow. NRCS's computer printer is not working.

Very truly yours,



Ted S. Sorenson

TSS/red
Enclosure
cc: Harold Jones (IDWR - Idaho Falls)

January 7, 2000

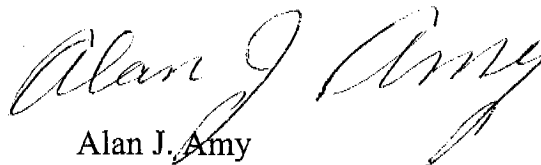
Alan Ruberry
Adjudication Officer
Idaho Department of Water Resources
900 North Skyline, Suite A
Idaho Falls, ID 83402

Re: Water Permit No. 33-02-106

Dear Mr. Ruberry:

This water right is associated with the well next to the Andreason place. This well pumps 250 inches of water and has been confirmed by a field exam conducted by your office in 1966 and also in 1996. This well was drilled in 1961. The well began to produce in 1961 at the same 250 inches that has been confirmed by the field exam.

Very truly yours,


Alan J. Amy

STATE OF IDAHO)
)ss.
County of Butte)

On the 19 day of January, 2000, before me, the undersigned, a notary public in and for said State, personally appeared ALAN JAKE AMY, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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


Notary Public for Idaho
Residing at: Now, Id
My Commission Expires: 06-14-00

(seal)

19.a
Attn: all of the water from well permit # 33-02-106 is needed to irrigate the ground that is described to water

Birch Creek Ranches, L.L.C.

5203 South 11th East
Idaho Falls, Idaho 83404

Phone: (208) 522-8069
Fax: (208) 522-8223
e-mail: sorenson@ida.net

January 27, 2000

Via Facsimile
525-7177

Alan Ruberry
Adjudication Officer
Idaho Department of Water Resources
900 North Skyline, Suite A
Idaho Falls, ID 83402

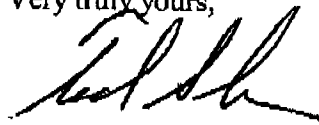
Re: Water Right No. 33-02106

Dear Mr. Ruberry:

Pursuant to our discussions, please find attached

1. An Affidavit from Jake Amy documenting that the well was pumped at 250 inches as of 1961.
2. A worksheet from the NRCS which is the Natural Resource Conservation Service documenting that the soil types for this water right require 2.49 inches to the acre for irrigation. Therefore this water right could be upwards of $168.75 \times 2.5 = 421$ inches. This would yield 8.4 cfs total. Therefore the pump yield at 5 cfs is appropriate. A cover letter from NRCS transmitting the worksheet will follow. NRCS's computer printer is not working.

Very truly yours,



Ted S. Sorenson

TSS/red

Enclosure

cc: Harold Jones (IDWR - Idaho Falls)

A33-11002

January 7, 2000

Alan Ruberry
Adjudication Officer
Idaho Department of Water Resources
900 North Skyline, Suite A
Idaho Falls, ID 83402

Re: Water Permit No. 33-02-106

Dear Mr. Ruberry:

This water right is associated with the well next to the Andreason place. This well pumps 250 inches of water and has been confirmed by a field exam conducted by your office in 1966 and also in 1996. This well was drilled in 1961. The well began to produce in 1961 at the same 250 inches that has been confirmed by the field exam.

Very truly yours,

Alan J. Amy
Alan J. Amy

STATE OF IDAHO)
)ss.
County of Butte)

On the 19 day of January, 2000, before me, the undersigned, a notary public in and for said State, personally appeared ALAN JAKE AMY, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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



Dorothy Taylor
Notary Public for Idaho
Residing at: Nowel, Id
My Commission Expires: 06-14-00

Attn: all of the water from well permit # 33-02-106
is needed to irrigate the ground that is described
to water

FACSIMILE TRANSMISSION

DATE:

1/27/2000

Check box for:

SECURE ☐FAX ☐

TRANSMISSION

SUBJECT:

TO:

Ted Sorensen		STATE
Attention		
Receiving Agency or Organization if other than PMMA:		
Facsimile Telephone Number		
FTS () Commercial () 522 - 8223		
Telephone Number of Recipient		
FTS () Commercial ()		

FROM:

Name of Sender	
Lance	
Division	
NRCS - Area EXT.	
Room Number	
Telephone Number	
FTS () Commercial () 527-8268	

COMMENTS

Authorized By: (Division Director or Branch Chief)

Transmission Completed By:

No. of Pages (incl. this sheet)

2

COMPUTATION SHEET

DCS-ENG-823 Rev. 8-89

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

STATE IOWA	PROJECT IRRIGATION WATER USE
BY C.M.	CHECKED BY
DATE 1-25-00	DATE
SUBJECT	JOB NO.
SHEET OF	

PROBLEM: TED SREENSEN PURCHASED
CRAPLAND PROPERTY FROM
JACK ARMY LOCATED NORTH
OF CLYDE IOWA APPROX.
5 MI. FOR FLOOD IRRIGATION.
ONE AK. IN. IS NOT ENOUGH

Farm For
Rating Table

AREA IRRIGATED: 168 AC.

CROPS: OATS & ALFALFA

SOILS: SPARMO COMPLEX

INTAKE FLOW: 2.0 INCHES

BORDER IRRIGATION

Total ACRE-Feet of WATER USE

Figures (F.I.R.T.) 1516.77 AC. FT.

90 Day Growing Season - CLIMATIC AREA V

$$\frac{1516.77 \text{ AC. FT.}}{90 \text{ Days } 168.71 \text{ AC.}} = \frac{0.0098 \text{ AC. FT.}}{\text{Day - AC.}}$$

$$\frac{2.0 \text{ AC. FT.}}{\text{DAY}} = 1.0 \text{ CFS}$$

$$0.0098 \times \frac{1}{2} = 0.0049 \text{ CFS}$$

$$0.0049 \times 50 = 2.49 \text{ MINUTES INCH/AC.}$$

Adjudication Claim A33-11002

This claim is based on historic flows from the well, in-part unlicensed and unclaimed.

Point of Diversion: T.10N., R.27E., Sec. 19 NENESW

Measurement History:

Original flow measurement, 07/22/66, 4.89 cfs

Licensed rate of flow, 03/13/67, 3.26 cfs

Adjudication Claim, 01/12/90, 3.00 cfs (unknown why the lesser amt.)

Measured output, 07/11/96, 4.80 cfs

Adjudication recommendation, January 2000, 3.00 cfs (as claimed)

Evidence of Priority Date (August 8, 1961) is based on three separate Completions of Works; Deposition of Holder, documents that clearly show first use of this well was 1961. This is one day after the Licensed Priority Date.

33-02106 was originally Licensed March 13, 1967, with a Priority Date of August 7, 1961, for 163 acres, and a Diversion Rate of 3.26 cfs.

Mr. Sorenson has provided documents from the Natural Resource Conservation Service (NRCS) which indicate the soil would require additional water to raise an economic crop and a statement from Alan J. Army (prior owner), which states he has always used the total output of the well for irrigation of the ranch, even though the well was Licensed for 3.26 cfs. This is an open discharge well, which is conveyed to the irrigated lands by ditches for flood irrigation.

The Adjudication field exam is documented in the file of 33-02106, which shows irrigated lands, photo of the well, and flow measurement tape.

NEW CLAIM 33-11002

This claim is based on historic measurement of the well that is unlicensed; the difference between the Adjudication recommended amount (3.0 cfs) of 33-02106 and the 1996 flow measurement (4.80 cfs), which is 1.80 cfs. Place of Use is the same as that for 33-02106. The Priority Date, August 8, 1961, is one day after the Licensed priority date since there was no attempt to permit the additional amount of water measured after the original Licensing field exam.

17A
1-65

RECEIVED
JUL 25 1965

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Department of Reclamation

Boise, Idaho

Permit No. G-20045

PROOF OF APPLICATION FOR WATER TO BENEFICIAL USE
and Completion of Works

DEFINITION OF TERMS

Deposition of two witnesses in each case, each witness to be sworn in each case.
Witness 1. State your name, age, residence, occupation and postoffice address.
Witness 2. State your name, age, residence, occupation and postoffice address.

Ques. 2. Are you acquainted with Alvin J. Smith, the holder of
Permit No. G-20045? How long have you known him and where does he reside?

A. Witness Boise, Idaho
Ques. 3. Have you read or heard said Permit No. G-20045, and are you familiar
with its provisions and conditions? Yes Yes No No.

Ques. 4. State source of water supply: irrigation well
Give location of place of diversion, showing subdivision, section, township and range
sec 19, twp 10 N R 27 ERM

Describe works for conveying water to place of use: well, pump motor, private ditch

Ques. 5. How many normal feet of water do you estimate said works will safely conduct
to place of use: 4.5 ft How much water have you seen being so
conveyed? 4 Cubic feet

Ques. 6. If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

SW1/4, NW1/4, E 33 1/2 sec 19, SW 1/4 sec 20, NW1/4 sec 29, NE1/4 sec 30
10 N R 27 ERM all irrigated

EVIDENCE OF PRIORITY

Ques. 7. If for other than irrigation purposes, show full legal description of place
of proposed state purpose for which water is used.

None

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and
give your estimate of the amount of water required for its profitable cultivation.

Ques. 9. Have you any persons, interests in, or claims, water or lands above mentioned?
If so, state who and to what extent?

Ques. 10. When did you first see this water used? 1900

Do you know you have seen such use? Yes, but I do not know where it was

(Signed):

James C. Anderson

I hereby certify that the foregoing testimony was read to the
deponent before his signing, that I believe him to be the person he represents
himself to be, and that said testimony was subscribed and sworn to before me on 19

1900, County of Blaine, State of Idaho, on
this 23rd day of July, A. D. 1900

Charles D. ...

Notary Public for the State of Idaho

Residing in Idaho

Commission expires 5-14-70

Form 16 - 21
3-55

STATE OF ILLINOIS
DEPARTMENT OF IRRIGATION
Bellevue, Idaho
Permit No. 3-100000

RECEIVED
JUL 25 1961
Department of Agriculture

CERTIFICATE OF APPLICATION OF WATER TO BENEFICIAL USE
and Conservation of Water

1. State your name, residence, and business address:

2. If listed in benefit of irrigation, state its use. Principal place of business (if listed separately), give name of municipality or statutory agency, your position with reference to said, and your interest, for application in its benefit:

3. State number, & approval date of permit, and date of priority:
5-100000, Aug 7th, 1961, Aug 7th, 1961

4. State source of water supply: irrigation well
Give location of point of diversion, showing subdivision, section, township and range:

5. Describe your works of diversion: well, ditch, water, ditch, electrical

_____ state amount of water they are capable of conveying from point of diversion to place of use: 1,200 G.P.M. Give name of canal or ditch
or other works by which water is conducted to such place of use: private ditch

6. well, or depth of well: 21 ft. depth and size of
_____ depth to water: 15 ft. if pump is used,
_____ tell how it was measured or determined
_____ If sprinkler irrigation, give number and size
of nozzles and operating pressure: 2000

7. State for what purpose water is used: irrigation only
(If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water:

_____ see 19, SW 1, see 20, NW 1, see 29, NE 1, see 30
_____ in the 10 N E 1, 10 E 1

7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

8. (If the Irrigation) state character of land used and been reclaimed, and state whether or not the water is being used for the purpose of reclamation.

(31-1)

9. I, the undersigned, being duly sworn, depose and say that the person who was read to the above was the person who was read to the above, and that I believe him to be the person he represents himself to be, and that the foregoing was subscribed and sworn to before me at _____

County of _____

State of Idaho, on _____

Notary Public for the State of Idaho

Residing _____, Idaho

Commission expires 5-14-70

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. 1-20045

RECEIVED
APR 25 1963

Department of Reclamation

**PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Cancellation of Works**

In execution of the provisions of the laws of the State of Idaho relating to the application of water to beneficial use, the holder of Permit No. 1-20045, and the holder of Permit No. 1-20046, do hereby certify that the water has been applied to beneficial use in each case.

Ques. 2. Are you acquainted with James E. Smith, the holder of Permit No. 1-20046? How long have you known him and where does he reside?

Ans. Yes, Idaho
Ques. 3. Have you read or heard said Permit No. 1-20046, and are you familiar with its provisions and conditions? Yes Yes No No

Ques. 4. State source of water supply, location, and date of place of diversion, showing subdivision, section, township and range.

Ans. Yellow River, Twp 19 N, R 27 E, S 29
Describe works for conveying water to place of diversion: all

Ques. 5. How many normal feet of water do you estimate will fairly connect to place of work: 1.0 ft How much water have you seen being so conveyed: 1.0 ft

Ques. 6. If for irrigation, show number of acres irrigated in each subdivision, giving full legal description:

SW1/4 NW1/4 SE1/4, sec 29, SW1/4 sec 29, NW1/4 sec 29, NW1/4 sec 30
Twp 19 N R 27 E all

State nature of all improvements which have been made as a direct result of said use:

All has been Road from Land

Ques. 6: If this was a ground water permit, give name and address of person that drilled the well: Bob Wells, Barker Idaho

Ques. 7: If for other than irrigation purposes, show full legal description of place of use and state purpose for which water is used:

Ques. 8: If irrigation, show number of acres irrigated at the corporation to which above mentioned permit was assigned, and show whether or not the same has been used since first use:

Ques. 9: State when and in what amount the water diverted under above mentioned permit has been first used: 1961 - has used since first use
every irrigation season since

Ques. 10: Describe all other water rights appurtenant to same place of use:

No other water rights taken out of same tract, plus another well

(Sign)

[Signature]

I hereby certify that the foregoing testimony was read to the above subscribed, before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in

Arco, County of Butte
State of Idaho, on this 22 day of July, A. D. 19 66.

commission expires: 5/11/70

[Signature]

RECEIVED

JAN 23 2001

Department of Water Resources

RECEIVED

FEB 02 2001

Department of Water Resources
Eastern Region

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 33-11002

(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) 331-5941 phone, (208) 387-0842 fax

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: Ted S. Sorenson, Birch Creek Ranches, LLC

Address: 5203 S. 11th E.; Idaho Falls, Idaho 83404

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 Right should not include 0.7 acres in SENE of S30, T10N, R27E.

11. **I object because:**

☐ This water right should not exist.

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

E. REASONS SUPPORTING OBJECTION(S):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of Federal land is unauthorized. See attached POU. Claimant's water right should not include this POU. There is an administrative transfer pending with IDWR which may eventually satisfy the concerns raised in this objection.

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:

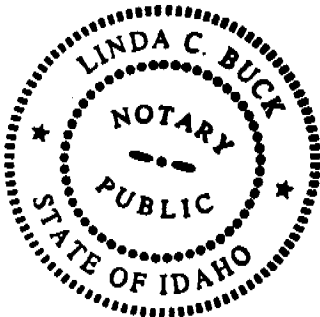
(Name of person filing objection)

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)

Lane C. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: January 22, 2001



Linda C. Buck

Notary Public for Idaho

Residing at: Boise

My Commission Expires: 12-21-2005

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 January 22, 200~~0~~¹, 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: Ted S. Sorenson, Birch Creek Ranches, LLC
Address: 5203 S. 11th E.; Idaho Falls, Idaho 83404

Name:
Address:;

Name:
Address:;

Name:
Address:;

3. Copies to:

IDWR Document Depository
P.O. 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
P.O. Box 44449
Boise, ID 83711-4449



Signature of Objector or attorney mailing on Objector's behalf

11/20/2000

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

RIGHT NUMBER: 33-11002

NAME AND ADDRESS: TED S SORENSON
BIRCH CREEK RANCHES LLC
5203 S 11TH E
IDAHO FALLS, ID 83404

SOURCE: GROUND WATER

QUANTITY: 1.8 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 6.14 CFS. COMBINED RIGHT NOS.: 33-00087, 33-
02034, 33-02141, 33-02106

USE OF THIS RIGHT WITH RIGHT NO. 33-02106 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 4.8 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 525 AF

PRIORITY DATE: 08/08/1961

POINT OF DIVERSION: T10N R27E S19 NENESW Within BUTTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4-01 10-31	1.80 CFS

PLACE OF USE:

<u>IRRIGATION Within BUTTE County</u>					
T10N R27E S19	SWNE	40	T10N R27E S19	NESE	25.5
T10N R27E S19	NWSE	36.1	T10N R27E S19	SWSE	7.3
T10N R27E S19	SESE	3.1	T10N R27E S20	NWSW	3.5
T10N R27E S29	NWNW	11.4	T10N R27E S29	SWNW	8.6
T10N R27E S30	NENE	13.8	T10N R27E S30	<u>SENE</u>	0.7

BLM

150 ACRES TOTAL

*Issue: Place of use on public land.
Farming is not authorized.*

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 307.1 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-00087, 33-02034, AND 33-02141

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 150 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT NO. 33-11002 IS ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE

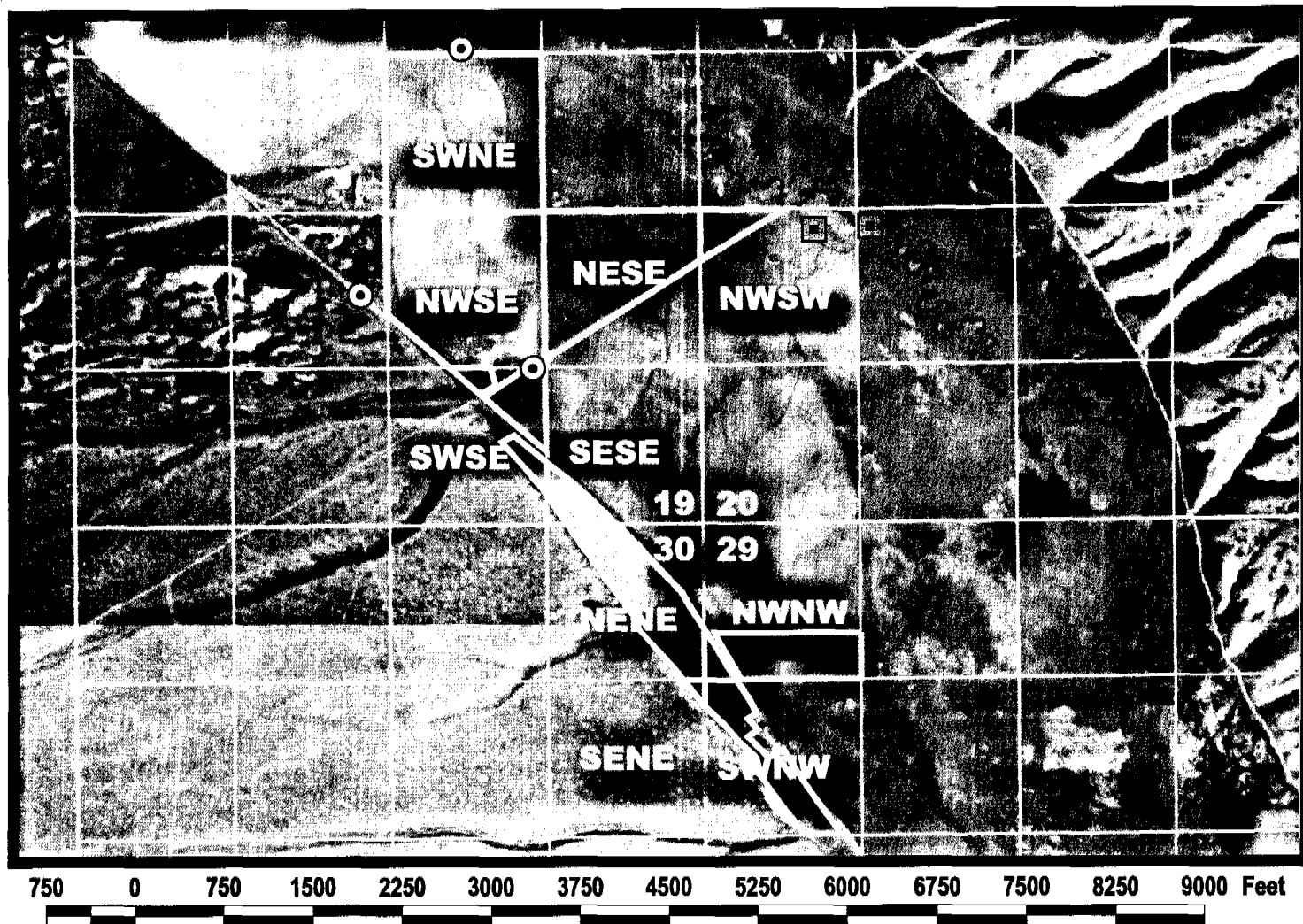


STATE OF IDAHO

Department of Water Resources

Eastern Region

Water Right(s): 33-02106, 33-11002



LEGEND



Point of Diversion- GW



Point of Diversion- SW

SESE

Place of Use



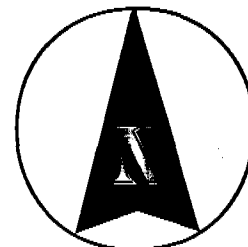
Section Line

Quarter-section line

**Place(s) of Use: T.10N., R.27E.
(Parts of) Sections 19,20,29,30**

**Point(s) of Diversion: T.10N., R.27E.
Sec. 19 SENESW**

**Note: 33-11002 is a Beneficial Use claim.
Same Point of Diversion as 33-02106.**



**GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: July 2000**

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 33-11002

2002 APR -9 PM 3:08

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME AND ADDRESS: TED S SORENSON
BIRCH CREEK RANCHES LLC
5203 S 11TH E
IDAHO FALLS, ID 83404

SOURCE: GROUND WATER

QUANTITY: 1.80 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 33-00087, 33-02034, 33-02106
AND 33-02141 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF
8.0 CFS.

USE OF THIS RIGHT WITH RIGHT NO. 33-02106 IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 723.0 AF.

PRIORITY DATE: 08/08/1961

POINT OF DIVERSION: T10N R27E S19 NENESW Within Butte County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.80 CFS

PLACE OF USE:	Irrigation	Within Butte County
	T10N R27E S19	SWNE 40.0 NESE 25.5 NWSE 36.1 SWSE 7.3 SESE 3.1 NWSW 3.5 S20 S29 S30 NWNW 11.4 NENE 14.1 150.0 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 AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

DATE: 01/31/00
PAGE: 1

Stage: BENEFICIAL USE

BUTTE County

Sub TX 5160

AJ0749NP
No. R33-11002

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

DATE: 01/31/00
PAGE: 2

Remarks: EXP RIGHT NO. 33-11002 IS ALSO DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE.

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

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

Comments: Date: 01/28/2000 User-ID: ARUBERRY Subject: COPIED FROM REMARKS
THIS IS NOT AN ENLARGEMENT CLAIM. IT IS BASED ON MEASURED FLOW
ABOVE WHAT WAS ORIGINALLY LICENSED BY 33-02106.
ADDITIONAL DIVERSION RATE IS BASED ON DOCUMENTATION BY NATURAL
RESOURCE CONSERVATION SERVICE (NRCS) INDICATING ADDITIONAL WATER
IS REQUIRED FOR ECONOMIC IRRIGATION.

Audit: 01/31/00 ARUBERRY

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: A33-11002
Date Received: 1/28/2000
Receipt No: E02557B
Received By: ABR

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TED S SORENSON 208-522-8069
Address: BIRCH CREEK RANCHES LLC
5203 S 11TH E
IDAHO FALLS ID 83404

2. Date of Priority: AUG 8, 1961

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10N	27E	19	NE	NE	SW		BUTTE

5. Description of diverting works:
WELL AND PUMP TO OPEN DISCHARGE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	1.800		

7. Total Quantity Appropriated is:
1.800 C.F.S. (and/or) 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
10N	27E	19	SW	NE		IRR	40.0
			NE	SE		IRR	25.5
			NW	SE		IRR	36.1
			SW	SE		IRR	7.3

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	27E	19	SE	SE		IRR	3.1
						Section Acres	112.0
		20	NW	SW		IRR	3.5
						Section Acres	3.5
		29	NW	NW		IRR	11.4
			SW	NW		IRR	8.6
						Section Acres	20.0
		30	NE	NE		IRR	13.8
			SE	NE		IRR	0.7
						Section Acres	14.5
						Total Acres	150.0

11. Place of use in counties: BUTTE

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

13. Other Water Rights Used:
33-02106

14. Remarks:

THIS IS NOT AN ENLARGEMENT CLAIM. IT IS BASED ON MEASURED FLOW ABOVE WHAT WAS ORIGINALLY LICENSED BY 33-02106.

ADDITIONAL DIVERSION RATE IS BASED ON DOCUMENTATION BY NATURAL RESOURCE CONSERVATION SERVICE (NRCS) ~~INDICATION-ADDITIONAL~~ WATER IS REQUIRED FOR ECONOMIC IRRIGATION. ~~INDICATING ADDITIONAL~~

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: 4

For Organizations:

I do solemnly swear or affirm that I am member of
Title
Birch Creek Ranches LLC that I have signed the foregoing
Organization
document in the space below as Member of
Title
Birch Creek Ranches LLC and that the statements contained in the
Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

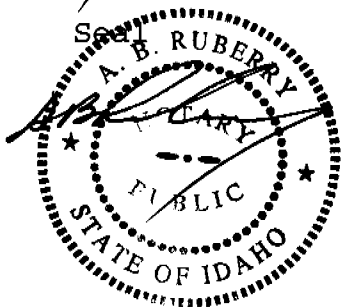
Member, Birch Creek Ranches LLC
Title and Organization

January 28, 2000
Date

State of Idaho)
County of BONNEVILLE) SS.

Subscribed and sworn (or affirmed) before me this 28th day
of January 20 00

Alex B. Rosenberg
Notary Public



Residing at Boano Falls Rd
My Commission Expires 09/23/03

Adjudication Claim A33-11002

This claim is based on historic flows from the well, in-part unlicensed and unclaimed.

Point of Diversion: T.10N., R.27E., Sec. 19 NENESW

Measurement History:

Original flow measurement, 07/22/66, 4.89 cfs

Licensed rate of flow, 03/13/67, 3.26 cfs

Adjudication Claim, 01/12/90, 3.00 cfs (unknown why the lesser amt.)

Measured output, 07/11/96, 4.80 cfs

Adjudication recommendation, January 2000, 3.00 cfs (as claimed)

Evidence of Priority Date (August 8, 1961) is based on three separate Completions of Works; Deposition of Holder, documents that clearly show first use of this well was 1961. This is one day after the Licensed Priority Date.

33-02106 was originally Licensed March 13, 1967, with a Priority Date of August 7, 1961, for 163 acres, and a Diversion Rate of 3.26 cfs.

Mr. Sorenson has provided documents from the Natural Resource Conservation Service (NRCS) which indicate the soil would require additional water to raise an economic crop and a statement from Alan J. Amy (prior owner), which states he has always used the total output of the well for irrigation of the ranch, even though the well was Licensed for 3.26 cfs. This is an open discharge well, which is conveyed to the irrigated lands by ditches for flood irrigation.

The Adjudication field exam is documented in the file of 33-02106, which shows irrigated lands, photo of the well, and flow measurement tape.

NEW CLAIM 33-11002

This claim is based on historic measurement of the well that is unlicensed; the difference between the Adjudication recommended amount (3.0 cfs) of 33-02106 and the 1996 flow measurement (4.80 cfs), which is 1.80 cfs. Place of Use is the same as that for 33-02106. The Priority Date, August 8, 1961, is one day after the Licensed priority date since there was no attempt to permit the additional amount of water measured after the original Licensing field exam.

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: A33-11002
Date Received: 1/28/2000
Receipt No: E02557B
Received By: ABR

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TED S SORENSON 208-522-8069
Address: BIRCH CREEK RANCHES LLC
5203 S 11TH E
IDAHO FALLS ID 83404

2. Date of Priority: AUG 8, 1961

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10N	27E	19	NE	NE	SW		BUTTE

5. Description of diverting works:
WELL AND PUMP TO OPEN DISCHARGE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	1.800		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

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						Section Acres	14.5
						Total Acres	150.0

11. Place of use in counties: BUTTE

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

13. Other Water Rights Used:
33-02106

14. Remarks:

THIS IS NOT AN ENLARGEMENT CLAIM. IT IS BASED ON MEASURED FLOW ABOVE WHAT WAS ORIGINALLY LICENSED BY 33-02106.

ADDITIONAL DIVERSION RATE IS BASED ON DOCUMENTATION BY NATURAL RESOURCE CONSERVATION SERVICE (NRCS) INDICATION ADDITIONAL WATER IS REQUIRED FOR ECONOMIC IRRIGATION.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

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[Signature]
Signature of Authorized Agent

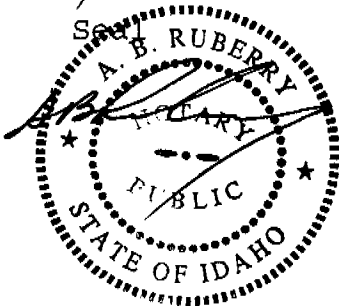
Member, Birch Creek Ranches LLC
Title and Organization

January 28, 2000
Date

State of Idaho)
County of BONNEVILLE) SS.

Subscribed and sworn (or affirmed) before me this 28th day
of January 20 00

Aron B. Ruberry
Notary Public



Residing at Boano Falls Rd

My Commission Expires 09/23/03