

appurtenant to the following described lands:

The West Half of the South-west Quarter of Section Five (5), and the West Half of the North-west Quarter of Section eight (8), Township Eight (8) North of Range Thirty-one (31) East of the Boise Meridian, in Clark County, State of Idaho, containing one hundred and sixty acres;

And it is further decreed that said defendant, John Goddard, have no decree for any saved or increased flow of the waters of said Birch Creek.

32 0081 That the defendant, Alfred L. Goddard, and his successors in interest, have, at all times, the use of seven miners' inches of the waters of Birch Creek, his right to the use of same to date from the first day of October, 1910; and that said

32 0082 defendant, Alfred L. Goddard, and his successors in interest, have, at all times, the use of an additional ten miners' inches of the waters of said Birch Creek, his right to the use of the same to date from the 15th day of May, 1911; and that

32 0083 the said defendant, Alfred L. Goddard and his successors in interest, have, at all times, the use of an additional twenty-three miners' inches of the waters of said Birch Creek, his right to the use of the same to date from the 15th day of May, 1912;

32 0084 and that the said Defendant, Alfred L. Goddard and his successors in interest, have, at all times, the use of an additional ten miners' inches of the waters of said Birch Creek, his right to the use of the same to date from the 15th day of May, 1913; all of the said waters to be used upon and become appurtenant to the following described lands;

The East Half of the South-east Quarter of Section Six (6), and the East Half of the North-east Quarter of Section Seven (7), in Township Eight (8) North of Range Thirty-one (31) East of the Boise Meridiana, in Clark County, State of Idaho, containing one hundred and sixty acres.

And it is further decreed that the said defendant, Alfred L. Goddard have no decree for any saved or increased flow of the waters of said Birch Creek.

32 0085 That the defendant, Samuel Goddard, and his successors in interest, have at all times the use of two-tenths of a cubic foot per second of time (ten miners' inches) of the waters of said Birch Creek, his right to the use of same to-date

from the 10th of May, 1910; and that the said defendant, Samuel Goddard and his successors in interest, have at all times the use of an additional two-tenths of

32 0086 a cubic foot per second of time (ten miners' inches) of the waters of said Birch Creek, his right to the use of the same to-date from the 1st day of May, 1911; and

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JUL 28 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5450

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

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

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

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

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Right No. 32-00089	:	05/10/1888	2.50 CFS	160.0	560.0 AF
Right No. 32-00090A	:	05/10/1886	0.80 CFS	80.0	280.0 AF
Right No. 32-00091	:	05/01/1901	0.50 CFS	240.0	212.2 AF
Right No. 32-00092	:	05/10/1888	2.50 CFS	240.0	840.0 AF
Right No. 32-00093	:	05/10/1886	1.60 CFS	240.0	679.2 AF
Right No. 32-00102	:	05/10/1889	4.00 CFS	120.0	420.0 AF
Right No. 32-00061D	:	05/10/1888	2.80 CFS	140.0	490.0 AF
Right No. 32-00070A	:	08/19/1886	2.40 CFS	120.0	420.0 AF
Right No. 32-02043	:	09/19/1912	6.40 CFS	320.0	1120.0 AF
Right No. 32-00062	:	04/01/1904	3.20 CFS	160.0	560.0 AF
Right No. 32-00070B	:	09/19/1886	0.80 CFS	40.0	140.0 AF
Right No. 32-02045	:	11/16/1912	6.40 CFS	320.0	1120.0 AF
Right No. 32-00063	:	04/01/1904	3.20 CFS	159.2	557.2 AF
Right No. 32-00065	:	05/10/1884	3.20 CFS	160.0	560.0 AF
Right No. 32-00064	:	04/01/1907	3.20 CFS	160.0	560.0 AF
Right No. 32-00066	:	01/05/1910	6.40 CFS	320.0	1120.0 AF
Right No. 32-00074	:	10/01/1910	0.14 CFS	160.0	59.4 AF
Right No. 32-00075	:	05/15/1911	0.26 CFS	160.0	110.4 AF
Right No. 32-00076	:	05/15/1912	0.80 CFS	160.0	339.6 AF
Right No. 32-00083	:	05/15/1912	0.46 CFS	160.0	195.3 AF
Right No. 32-00101	:	06/04/1909	2.90 CFS	160.0	560.0 AF
TOTALS:			* 77.06 CFS	* 3427.0	* 11579.2 AF

BENEFICIAL USE
IRRIGATION

PERIOD OF USE
04/01 to 11/01

SOURCE
BIRCH CREEK

TRIBUTARY OF
SINKS

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TRANSFER NO. 5450

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

PLACE OF USE: IRRIGATION

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

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

CONDITIONS OF APPROVAL

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

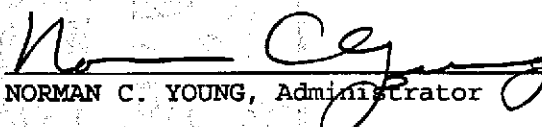
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12. Rights 32-00061C, 32-00068, 32-00069, 32-00073, 32-00077, 32-00078, 32-00079, 32-00085, 32-00086, 32-00087, 32-00089, 32-00090A, 32-00091, 32-00092, 32-00093 and 32-00102 when combined shall not exceed the total annual diversion volume of 3360.0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

Dated this 23RD day of JULY, 19 79.


NORMAN C. YOUNG, Administrator

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appurtenant to the following described lands:

The West Half of the South-west Quarter of Section Five (5), and the West Half of the North-west Quarter of Section eight (8), Township Eight (8) North of Range Thirty-one (31) East of the Boise Meridian, in Clark County, State of Idaho, containing one hundred and sixty acres;

And it is further decreed that said defendant, John Goddard, have no decree for any saved or increased flow of the waters of said Birch Creek.

32 0081

That the defendant, Alfred L. Goddard, and his successors in interest, have, at all times, the use of seven miners' inches of the waters of Birch Creek, his right to the use of same to date from the first day of October, 1910; and that said defendant, Alfred L. Goddard, and his successors in interest, have, at all times,

32 0082

the use of an additional ten miners' inches of the waters of said Birch Creek, his right to the use of the same to date from the 15th day of May, 1911; and that

32 0083

the said defendant, Alfred L. Goddard and his successors in interest, have, at all times, the use of an additional twenty-three miners' inches of the waters of said Birch Creek, his right to the use of the same to date from the 15th day of May, 1912;

32 0084

and that the said Defendant, Alfred L. Goddard and his successors in interest, have, at all times, the use of an additional ten miners' inches of the waters of said Birch Creek, his right to the use of the same to date from the 15th day of May, 1913; all of the said waters to be used upon and become appurtenant to the following described lands;

The East Half of the South-east Quarter of Section Six (6), and the East Half of the North-east Quarter of Section Seven (7), in Township Eight (8) North of Range Thirty-one (31) East of the Boise Meridian, in Clark County, State of Idaho, containing one hundred and sixty acres.

And it is further decreed that the said defendant, Alfred L. Goddard have no decree for any saved or increased flow of the waters of said Birch Creek.

32 0085

That the defendant, Samuel Goddard, and his successors in interest, have at all times the use of two-tenths of a cubic foot per second of time (ten miners' inches) of the waters of said Birch Creek, his right to the use of same to-date from the 10th of May, 1910; and that the said defendant, Samuel Goddard and his successors in interest, have at all times the use of an additional two-tenths of

32 0086

a cubic foot per second of time (ten miners' inches) of the waters of said Birch Creek, his right to the use of the same to-date from the 1st day of May, 1911; and

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32 0087 that the said defendant, Samuel Coddard and his successors in interest, have at all times the use of an additional two-tenths of a cubic foot per second of time (ten miners' inches) of the waters of said Birch Creek, his right to the use of the same to-date from the 1st day of May, 1912; all of said waters to be used upon and become appurtenant to the following described lands:

The South-east Quarter of the North-west Quarter, the North-east Quarter of the South-west Quarter, and the North-west Quarter of the South-east Quarter of Section Nine (9), Township Nine (9) North of Range Thirty (30) East of the Boise Meridian, Clark County, State of Idaho, containing one hundred and twenty acres.

And it is further decreed that said defendant, Samuel Coddard, have no decree for any saved or increased flow of the waters of said Birch Creek.

32 0088 That defendants, Frank G. Worthing and Jessie Worthing and their successors in interest, have at all times the use of one (1) cubic foot per second of time (fifty miners' inches) of the waters of Pass creek, a tributary of said Birch Creek, all of said waters to be used upon and become appurtenant to the following described lands:

The South Half of the South-east Quarter of Section Thirteen (13), and the North-east Quarter of the North-east Quarter of Section Twenty-four (24), in Township Ten (10), North of Range Twenty-nine (29), East of the Boise Meridian, and the South-east Quarter of the South-east Quarter of Section Thirteen (13), and the North-east Quarter of the South-east Quarter, and the South-east Quarter of the North-east Quarter of Section Fourteen (14), in Township Ten (10) North of Range Twenty-nine (29), East of the Boise Meridian, in Clark County, State of Idaho, containing two hundred and forty acres; provided, however, that the said amount of water to which the said Frank G. Worthing and Jessie Worthing are entitled to use from the said Pass Creek, may be emptied into the said Birch Creek at a point below the lands of said defendants last above described, and which said amount of water may be diverted by them from the said Birch Creek, in lieu of the waters of said Pass Creek so delivered into Birch Creek, at a point on Birch Creek convenient and appropriate to carry the same to said lands, and provided further that the said Frank G. Worthing and Jessie Worthing and their successors in interest, shall at no time divert from Birch Creek more of its waters than said defendants are delivering in to Birch Creek from said Pass Creek, over and above the natural flow of said Pass Creek into said Birch Creek, to-wit: one (1) cubic foot, their right

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JUN 28 1983

MEMORANDUM

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

FROM: Pam Skaggs^{OS}/State Office

SUBJECT: Transfer 5450

DATE: June 29, 1999

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

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

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

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MEMORANDUM

TO: FILE 32-00086

FROM: PAM SKAGGS

RE: TRANSFER # 5450

DATE: 5-17-99

Original Transfer Application, Form and correspondence
regarding the above referenced Transfer is located within
file # 32-00058.

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JUL 28 1999

MEMORANDUM

TO: FILE 32-00086
FROM: PAM SKAGGS CA
RE: TRANSFER # 4166
DATE: 7/16/93

Original Transfer Application, Form and correspondence
regarding the above referenced Transfer is located within
file # 32-00073.

MAILED - 11 JUL 1993

JUL 26 1993