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Documents
In File

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
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BENEFICIAL USE
IRRIGATION

PERIOD OF USE
04/01 to 11/01

SOURCE
BIRCH CREEK

TRIBUTARY OF
SINKS

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JUL 28 1999

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

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
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	SWNE 40
			SENE 40	Lot 3 (NENW)	34	Lot 4 (NWNW) 20
			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) 41	
		Lot 4 (SWSW)	42	SESW 40	NESE 40	
			NWSE 40	SWSE 40	SESE 40	338
	11		NENE 40	NWNE 40	SENE 40	
			NENW 40	NWNW 20	SWNW 40	
			SENW 40	NESW 40	NWSW 40	
			SWSW 40	SESW 40		420
	12		NWNE 40	NENW 40	NWNW 40	
			SWNW 40			160
	14		NENW 40	NWNW 40		80
	15		NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	Lot 1 (NWNW) 42	
		Lot 2 (SWNW)	42	SENW 40		324
33E	5	Lot 3 (NENW)	34	Lot 4 (NWNW)	34	SWNW 40
			SENW 40	NWSW 40	SWSW 40	
	6	Lot 1 (NENE)	34	Lot 2 (NWNE)	34	SWNE 40
			SENE 40	Lot 3 (NENW)	34	Lot 4 (NWNW) 17
		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	360
	8		NENW 40	NWNW 40	SWNW 40	
			SENW 40	NESW 40	NWSW 40	
			SWSW 40	SESW 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

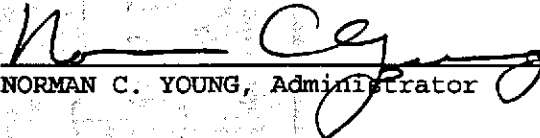
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12. Rights 32-00061C, 32-00068, 32-00069, 32-00073, 32-00077, 32-00078, 32-00079, 32-00085, 32-00086, 32-00087, 32-00089, 32-00090A, 32-00091, 32-00092, 32-00093 and 32-00102 when combined shall not exceed the total annual diversion volume of 3360.0 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, 1999.


NORMAN C. YOUNG, Administrator

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JUN 28 1999

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF
F R E E M O N T.

Agnes B. Reno, Jerome F. Reno,
Franklin A. Reno, Jennie C. Reno and
Agnes M. Reno,
 plaintiffs,

vs.

JUDGMENT.

J.R. Richards, J. Kuharski, W. A. Tyler,
Samual Goddard, W. Kaufman, W. A. Scott,
W. W. Johnson, Thomas Miller, David Miller,
Edward Kaufman, Henry Kaufman, Frank G.
Worthing, Jessie Worthing, Chester Worthing,
Thomas Weimer, Charles B. Watts, William
Goddard, Alfred L. Goddard, John Goddard,
George Stevenson, Thomas Clark, Frank
Clark, James Wells, Thomas Tayle, John
Robison, James Dyer, Frank Shafer, Francis
Waters, John B. Weimer, T. W. Thomas, H.D.
Mason, Birch Creek Irrigation Company, a
corporation, A. R. Nichols, Clara Granger,
F. F. Granger, C. B. Watts and Wood Live
Stock Company, a corporation,

Defendants.

BE IT REMEMBERED, That:

This cause came regularly on for trial before the above entitled court sitting without a jury, a jury having been expressly waived by the respective parties thereto; Messrs. Standrod & Terrell and Messrs. Soule & Soule, appeared as attorneys on behalf of the plaintiffs, and A. M. Bowen, Esq., and J. W. Porter, Esq., appeared as attorneys for the defendants, Frank G. Worthing, Jessie Worthing and James Dyer; Messrs. Millsaps & Moon, appeared as attorneys for the defendants, Wood Live Stock Company, Thomas J. Weimer, C. B. Watts and Lillian M. Watts; B. J. Briggs, Esq. and W. L. McConnell, Esq., appeared as attorneys for the defendants, Samuel Goddard, William Goddard, Alfred L. Goddard, John Goddard and George Goddard; S.E. Blaine, Esq. appeared as attorney for the defendants, Birch Creek Irrigation Company, a corporation, and T. W. Thomas, A. H. McConnell, Esq. appeared as attorney for the defendant Edward M. Kaufman; W. A. Lee, Esq., appeared as attorney for the defendant, Oliver Ransom; and Holden and Holden, appeared as attorneys for the defendants, A. R. Nichols, Emma Nichols, J. C. Roberson, mentioned in the title of this action as John Robinson, (being one and the same person) Gertrude Roberson and Charles Curtis.

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MAY 28 1996

fail to bring said lands under cultivation and make beneficial use of the waters thereon within five (5) years from the date hereof, he shall be deemed to have abandoned such part of said waters as have not been so used.

32 0073 That the said Defendant, George 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 the same to date from the 15th day of May, 1909; that said George Goddard, and his successors

32 0077 in interest, also, 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 Birch Creek, his right to the use of the same to date from the 15th day of May, 1910; and that

32 0078 the said George Goddard, 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 same to-date from the 15th day of May, 1911; and that the said George Goddard, and his

32 0079 successors in interest, have, at all times, the use of eight-tenths of a cubic foot per second of time (forty miners' inches) of the waters of said Birch Creek, his right to the use of same to-date from the 15th day of May, 1913; all of said waters to be used upon and become appurtenant to the following described lands;

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

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

32 0074 That said John Goddard, and his successors in interest, have, at all times, the use of seven miners' inches of the waters of said Birch Creek, his right to the use of the same to-date from the first day of October, 1910; and that said defendant,

32 0075 John Goddard, and his successors in interest, also, have, at all times, the use of an additional thirteen miners' inches of the waters of said Birch Creek, his right to the use of same to-date from the 15th day of May, 1911; and that the said

32 0076 defendant John Goddard, and his successors in interest, have, at all times, use of an additional eight-tenths of a cubic foot per second of time (forty miners' inches) of the waters of said Birch Creek, his right to the use of same to date from the 15th day of May 1912; all of the said waters to be used upon and become

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 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

MAY 28 1936

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JUL 28 1993

It is further ordered, adjudged and decreed, that each of the parties to this action to whom water is herein allotted, shall pay all costs incurred by him in this action, including his proportionate share of the stenographer's fees.

That execution may issue out of this Court for the enforcement of the collection thereof.

It is further ordered, adjudged and decreed that each and every of the parties hereto, their agents, servants, counselors and employees, be, and they are hereby forever and perpetually restrained and enjoined from using or interfering in any manner in the use of the waters of the said Birch Creek, and its springs and tributaries and all other springs and streams herein mentioned, except in the manner and in accordance with their rights to the use of such water as herein above set forth and as herein allotted to them respectively.

Dated this 6th day of September, 1922.

James G. Gwinn,

District Judge.

Filed for record at the request of F. L. Soule at 11:30 A.M., September 14th, 1922.

S. D. FARNSWORTH,

Recorder.

MAY 28 1936

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MAY 28 1933

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^{SS}/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.

FILED
JUN 30 1999

MEMORANDUM

TO: FILE 32-00076

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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JUN 28 1999