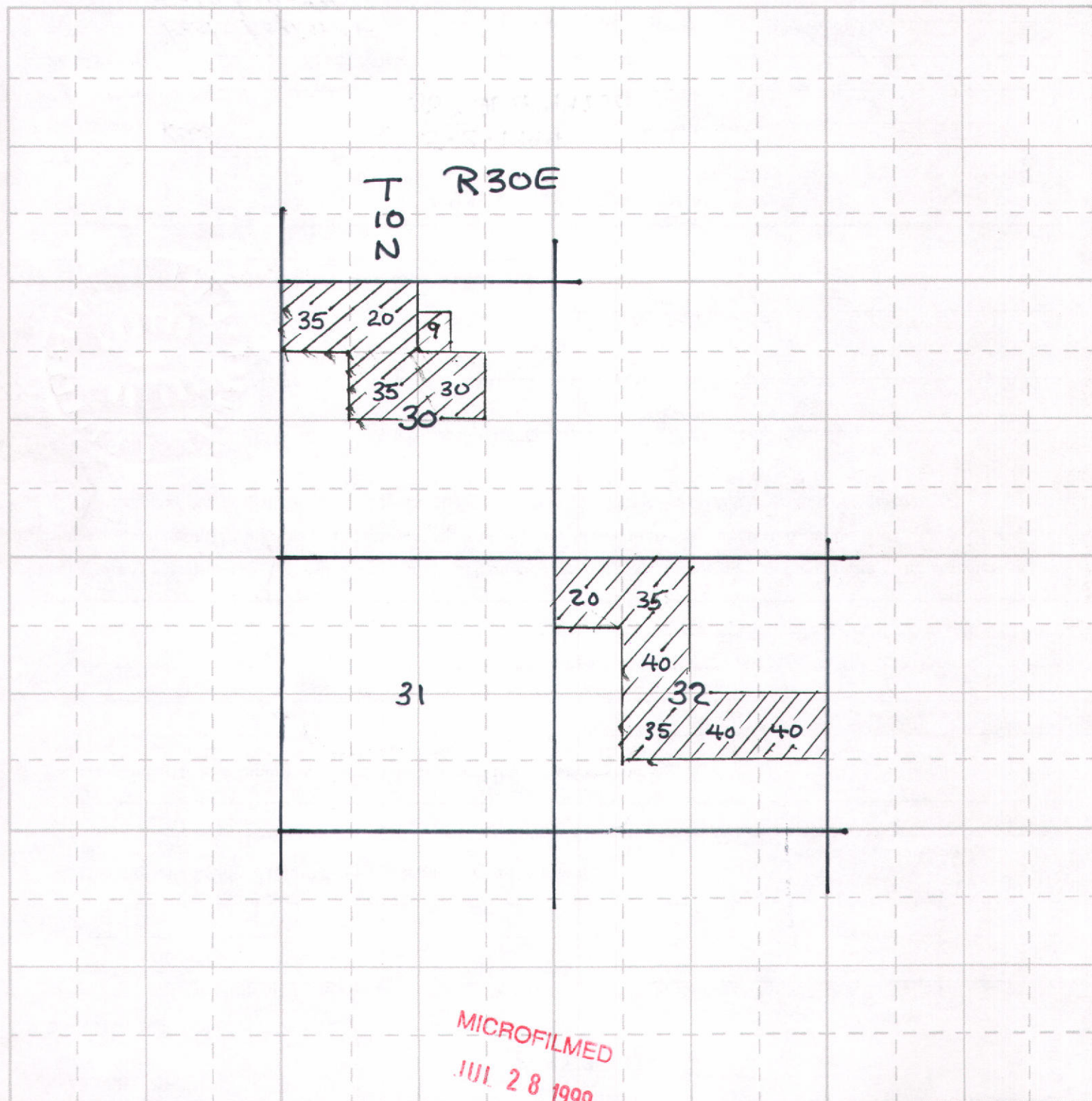
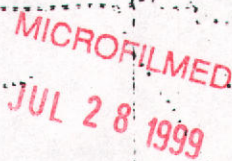


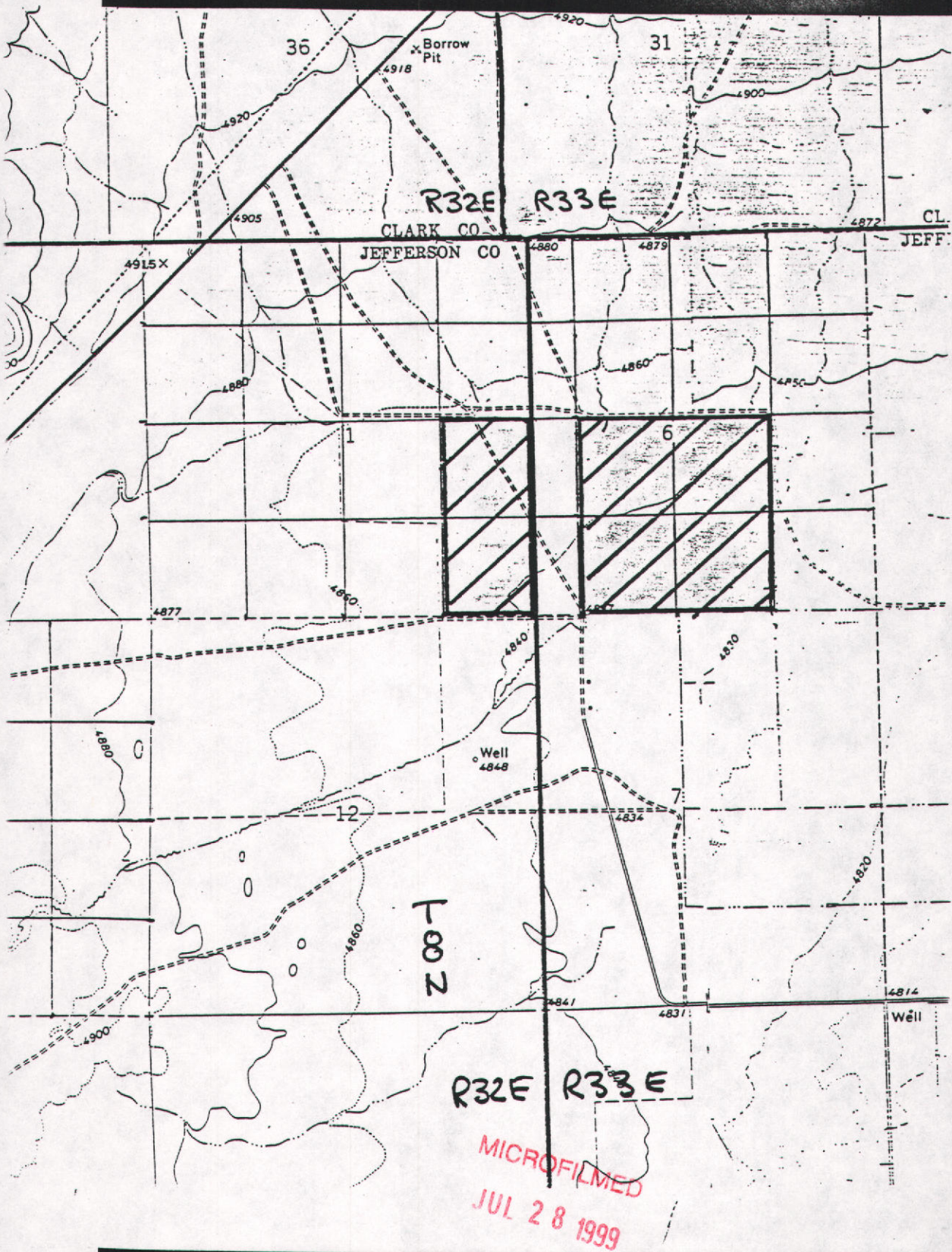
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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



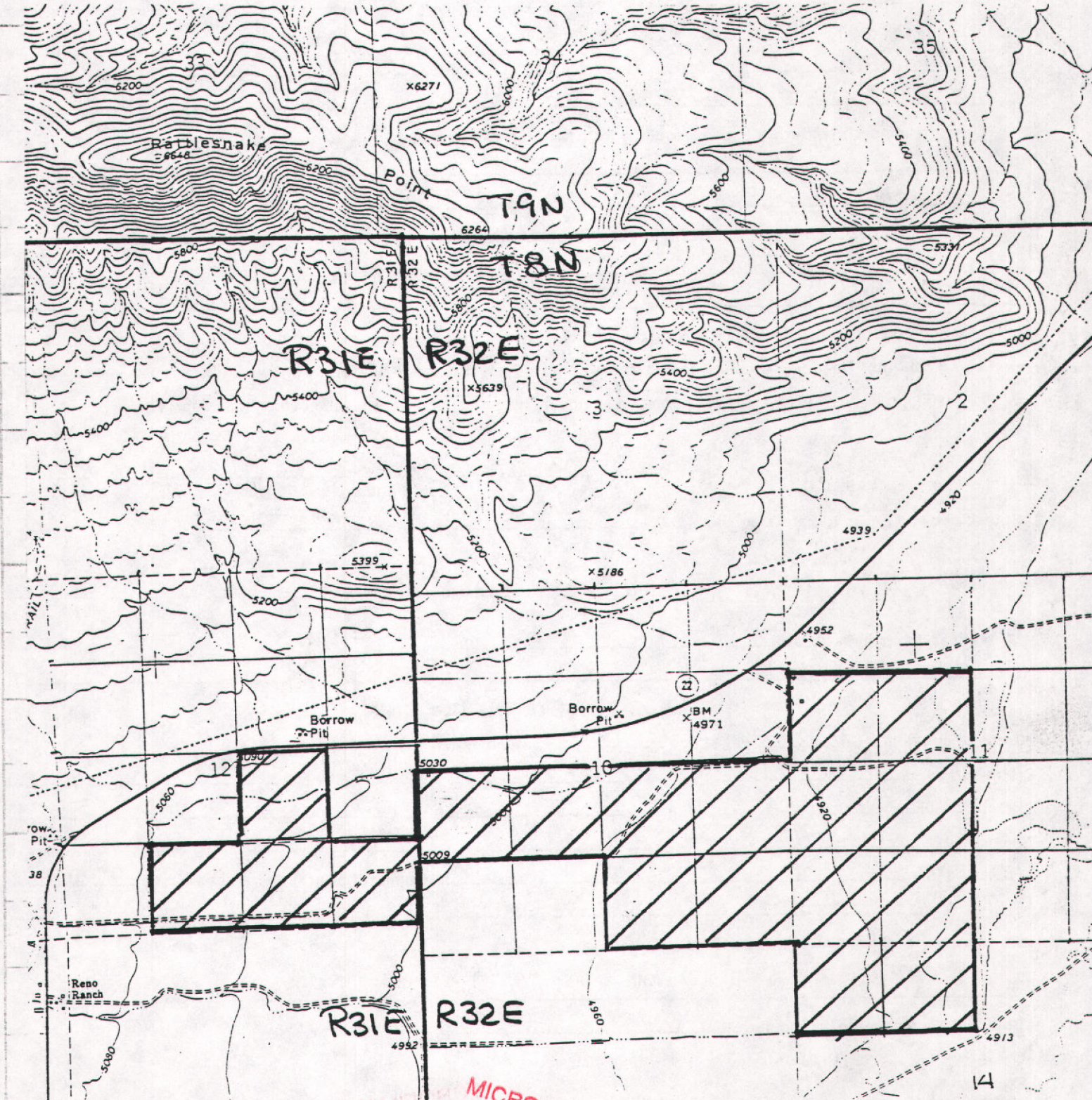


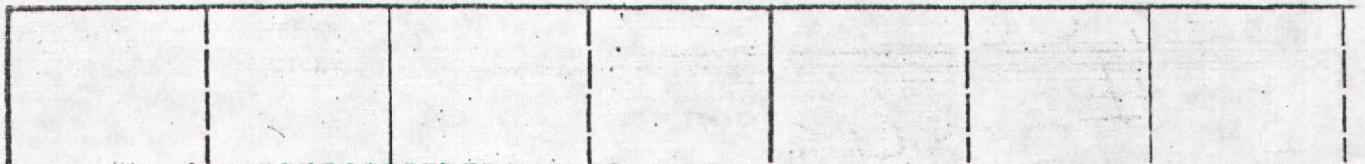
bed



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

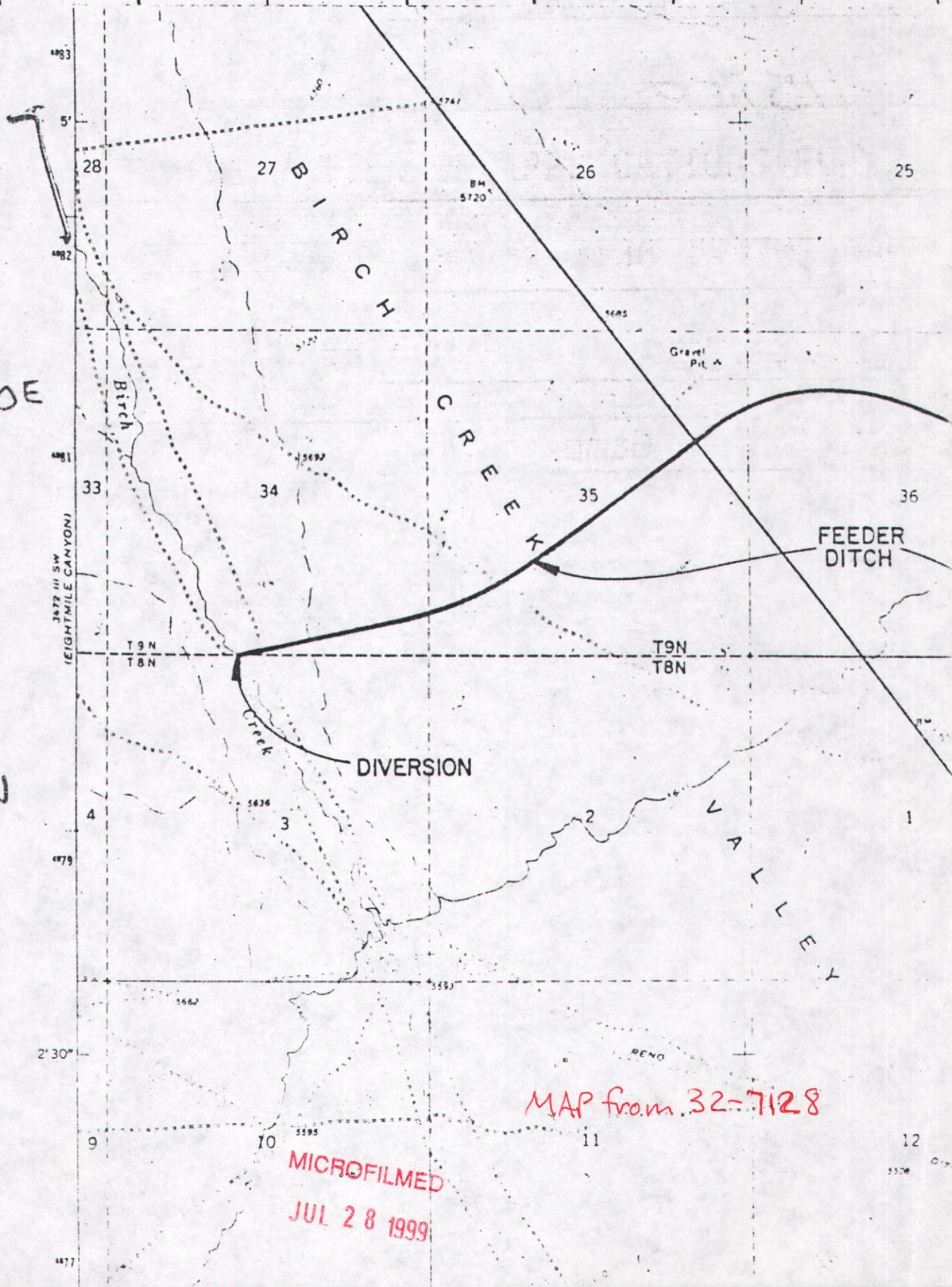
- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.





R30E

102
2002

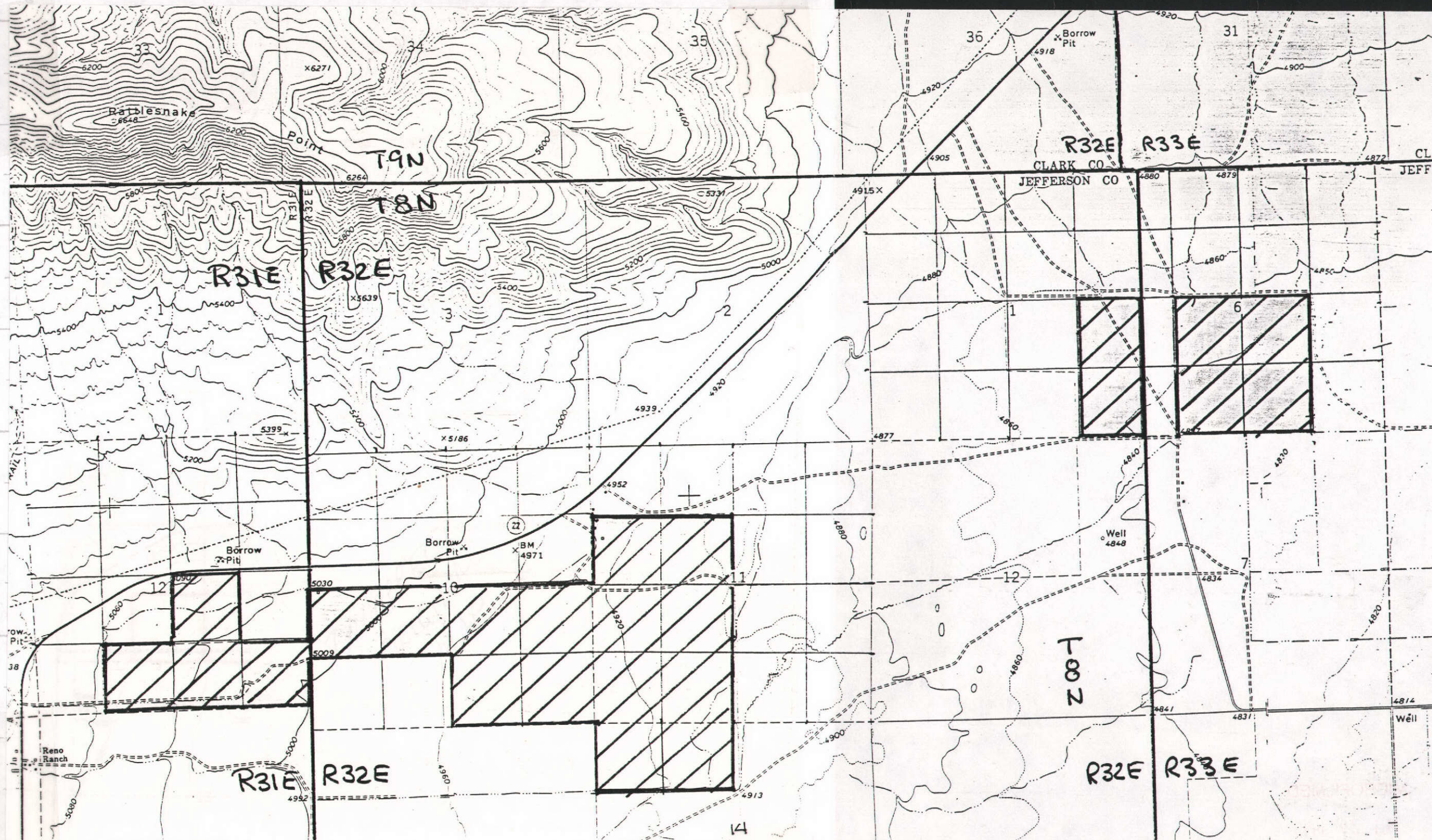


MAP from 32-7128

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

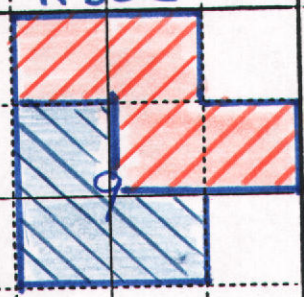
- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



NAME OF APPLICANT Mac or Hty Wagoner

PLACE OF USE

T9N
R30E



160ac

GEORGE GODDARD

- 32-0073
- 32-0079
- 32-0078
- 32-0077



120ac

SAM GODDARD

- 32-0085
- 32-0086
- 32-0087

32-0102 P/u Unknown
@ 0.02 ac/ac P/u = 200 ac

Expansion of the following Rights

160ac (32-0073/0079/0078/0077) → 960ac

120ac (32-0085/0086/0087) → 960ac

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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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TRANSFER NO. 5450

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

BENEFICIAL USE
IRRIGATION

PERIOD OF USE
04/01 to 11/01

SOURCE
BIRCH CREEK

TRIBUTARY OF
SINKS

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JUL 28 1999

TRANSFER NO. 5450

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

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08N	31E	12	SESW 40	NESE 40	NWSE 40	
			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	228
	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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TRANSFER NO. 5450

09N 31E 31	NESW 40	Lot 3 (NWSW) 40	Lot 4 (SWSW) 40	
	SESW 40	NESE 40	NWSE 40	
	SWSE 40	SESE 40		320
32	NENE 40	NWNE 40	SWNE 40	
	SENE 40	NENW 40	NWNW 40	
	SWNW 40	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

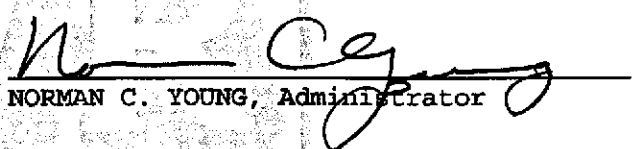
1. Use of water under this water right will be regulated by the watermaster of State Water District No. 32D.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the 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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JUL 28 1999

TRANSFER NO. 5450

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

Dated this 23RD day of July, 1999.


NORMAN C. YOUNG, Administrator

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JUL 28 1999

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 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 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 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, 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 defendant John Goddard, and his successors in interest, have, at all times, the 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

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JUL 28 1969

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 B2-00073

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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INTER-DEPARTMENT MEMO

TO: PAM SKAGGS - Boise
FROM: H.W. JONES - Eastern

SUBJECT: Transf withdraw
DATE: 4-16-96

Attached are two withdrawal of transf. One is for tr. 4166 and the other for transf. 4352. If any questions please give me a call.

RECEIVED

APR 22 1996

Department of Water Resources

- ☒ For your information
() Response required

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JUL 28 1999

H.W. Jones
signature

IN THE MATTER OF)
APPLICATION FOR TRANSFER)
NUMBER 4352)
IN THE NAME OF _____)
MAC or Betty)
Wagoner)

WITHDRAWAL

I hereby withdraw Application for Transfer number 4352
and ask that it be voided from the Idaho Department of Water
Resources records.

Signed this 12 day of April 1996

Signature: Mae Wagoner

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JUL 28 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4352

AMENDED **APPLICATION FOR TRANSFER OF WATER RIGHT** AMENDED
PART 1

Name of applicant MAC OR BETTY WAGONER Phone (208) 374-5415
Post Office address P.O. BOX 296, DUBOIS, ID 83423

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 TED SORENSON & MAC WAGONER HAVE ENTERED INTO
AN AGREEMENT TO SETTLE THEIR WATER USE DISPUTES. THIS AMENDED TRANSFER IS
FILED TO FACILITATE APPROVAL BY IDWR PER STIPULATIONS FILED IN BIRCH CREEK
HEARINGS FOR EXCHANGE OF WATER BETWEEN WAGONER & BIRCH CREEK RANCHES.

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
32-00102	05/10/1889	4.00 cfs	Irrigation	04/01 to 11/01 10/31
32-00073	05/15/1909	0.20 cfs	"	" "
32-00077	05/15/1910	0.20 cfs	"	" "
32-00078	05/15/1911	0.20 cfs	"	" "
32-00079	05/15/1913	0.80 cfs	"	" "
32-00085	05/10/1910	0.20 cfs	"	" "
32-00086	05/01/1911	0.20 cfs	"	" "
32-00087	05/01/1912	0.20 cfs	"	" "

2. Total amount of water being transferred 6.00 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water BIRCH CREEK tributary to SINKS
4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

[illegible]

Total acres 339

JUL 28 1999
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19

day of

Witness my hand this

And said application is hereby

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

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

d. Remarks:

c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:
THIS IS A TRADE OR WATER BETWEEN WAGONER & BIRCH CREEK RANCHES, INC.

trust, mortgage or contract agreeing to the proposed changes.

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

FLOOD IRRIGATION

6. General Information:
a. Description of diversion system
DIVERSION DAM INSTREAM, HEADGATE TO DITCHES FOR

PART 1

Transfer No. 4352

Page 2 of 2

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4352

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 32-00102 Decreed to Samuel Goddard
in case of J.R. Richards vs. Frank Reno et.al
dated October 12, 1894 in county of
- b. License No. issued by the Idaho Department of Water Resources.
- c. Claim No. on file with the Idaho Department of Water Resources.
- d. Transfer No. which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other 3. Source of water Birch Creek tributary to sinks4. Date or priority 5-10-1889

5. Water is used for the following purpose:

amount 4.00 for irrigation purposes from to
(cfs/ac-ft)
amount for purposes from to
(cfs/ac-ft)
amount for purposes from to
(cfs/ac-ft)

6. Total amount of water under right 4.00 cubic feet per second and/or acre-feet per annum.7. Point(s) of Diversion: Not listed in decree

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands Irrigated or place of use: Not listed in decree

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres 9. Describe any other water rights used for the same purpose as described above 32-00073, -00086, -00077, -00085, -00078, -00087, & -00079

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

- | | | | | | |
|----|-------------|-----|---------------|----|--|
| 1. | amount | for | purposes from | to | |
| | (cfs/ac-ft) | | | | |
| | amount | for | purposes from | to | |
| | (cfs/ac-ft) | | | | |
| | amount | for | purposes from | to | |
| | (cfs/ac-ft) | | | | |

[illegible]

3. Lands irrigated or place of use:

[illegible]**Total acres**

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

- | | | | | | |
|----|-------------|-----|---------------|----|--|
| 1. | amount | for | purposes from | to | |
| | (cts/ac-ft) | | | | |
| | amount | for | purposes from | to | |
| | (cts/ac-ft) | | | | |
| | amount | for | purposes from | to | |
| | (cts/ac-ft) | | | | |

[illegible]

3. Lands irrigated or place of use:

[illegible]

8 1993
MICROFILMED

Water Right Number -	32-00102	Prefix Translation:	WATER RIGHT	Old (D) Number -
+ + + + +	Last Name - + + + +	+ + First Name - +	+ + + + +	Address - + + + +

*** C - CURRENT OWNER ***
GODDARD

SAMUEL

11

2

• **MI**

City- Phone -

+ - - Priority Date	- - +	+ - - Region	- - - +	+ - - Stage	- - +	+ - - Status
05/10/1889		15 EASTERN		D - DECREE		

+ - - - - Source - - - - +
BIRCH CREEK

+ - - - - Tributary - - - - +
SINKS

[illegible]

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

01 - IRRIGATION

+ - Total Div. Rate - + - Total Div. Volume - + - Total Div. Capacity - +
4,000

[illegible]

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

[illegible]

ADDITIONAL RIGHTS ON CREEK LISTED IN LATER DECREE.

+-----+
 - Old Water Right Numbers
 No Old Water Right Numbers found.

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

+ - - -	- Decree Plaintiff	- - +
J. R. RICHARDS		
+ - - -	- Decree Defendant	- - +
FRANK RENO ET. AL.		
		+ - Decree Date - + 10/12/1894

MICROFILMED
JUL 28 1999

Water right number - 32-00102

Prefix Translation:

+ - - Audit Fields - 02/22/88 05/22/88 CONVERT

Proof Due Date	Field Exam Made	Field Exam Fee
Approved/Denied	00/00/0000	Suan Falls
Proof Made Date	00/00/0000	Temporary Right
Exam to S.O. Date	00/00/0000	DLE/Carey Act
Order Show Cause	00/00/0000	Water District
Licensed Date	00/00/0000	Transfer/Amended
Decree Date	10/12/1894	

101 2 8 1999
MICROFILMED

Twp	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
09N	30E	4	NE SW		1.0		01 IRRIGATION	(33) CLARK
09N	30E	4	NW SW	6	29.0		01 IRRIGATION	(33) CLARK
09N	30E	4	SW SW		36.0		01 IRRIGATION	(33) CLARK
09N	30E	4	SE SW	7	29.0		01 IRRIGATION	(33) CLARK
09N	30E	4	SW SE		2.0		01 IRRIGATION	(33) CLARK
09N	30E	5	SE NE		5.0		01 IRRIGATION	(33) CLARK
09N	30E	5	NE SE		20.0		01 IRRIGATION	(33) CLARK
09N	30E	5	SE SE		2.0		01 IRRIGATION	(33) CLARK
09N	30E	9	NW NE		20.0		01 IRRIGATION	(33) CLARK
09N	30E	9	SW NE		31.0		01 IRRIGATION	(33) CLARK
09N	30E	9	NE NW		40.0		01 IRRIGATION	(33) CLARK
09N	30E	9	NW NW		20.0		01 IRRIGATION	(33) CLARK
09N	30E	9	SW NW		4.0		01 IRRIGATION	(33) CLARK
09N	30E	9	SE NW		38.0		01 IRRIGATION	(33) CLARK
09N	30E	9	NE SW		24.0		01 IRRIGATION	(33) CLARK
09N	30E	9	SE SW		2.0		01 IRRIGATION	(33) CLARK
09N	30E	9	NW SE		32.0		01 IRRIGATION	(33) CLARK

MICROFILMED
1991 2 8 1993

Water right number - A32-00102 Prefix Translation: ADJUDICATION CLAIM

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County																																																
09N	30E	9	SW SE	4.0	01	IRRIGATION	(33) CLARK																																																	
					Total Acres:	339.0																																																		
Diversion Means - DIVERSION DAM, HEADGATE TO DITCHES FOR FLOOD IRRIGATION Non-Irrigation Use - STOCK WATER DIRECTLY FROM DITCHES Other Rights for Same Use - 32-0073/0077/0078/0085/0086/0087																																																								
PERIOD OF USE JUSTIFICATION: 1. ACTUAL PERIOD MAY ONLY BE 2/15 TO 11/20 DUE TO ICEING 2. SOIL TYPE(GRAVELY) REQUIRES EXCESS WATER EARLY AND LATE TO BRING SUBWATER UP. 3. HISTORICALLY PERIOD HAS BEEN LONGER THAN 4/1 TO 11/1 4. DECREE PERIOD OF USE STATED AS: ".....do have at all time....."																																																								
Old Water Right Numbers No Old Water Right Numbers found.																																																								
Conditions of Approval No Conditions of Approval found.																																																								
Decree Plaintiff - J. R. RICHARDS Decree Defendant - FRANK RENO ET. AL. Decree Date - 00/00/0000																																																								
Audit Fields - 04/22/88 WILSON 05/19/88 NOYES 12/13/88 WILSON																																																								
Comments - No Comments Found																																																								
Adjudication Rights Dates and Flags Area																																																								
<table border="0"> <tr> <td>Court Report Filing</td> <td>- 00/00/0000</td> <td>Field Inspection Made</td> <td>- 00/00/0000</td> <td>Civil Case Number</td> <td>- 39576</td> </tr> <tr> <td>Objection Filed Date</td> <td>- 00/00/0000</td> <td>Field Inspection Flag</td> <td>-</td> <td>Old Case Number</td> <td>-</td> </tr> <tr> <td>Response Filed Date</td> <td>- 00/00/0000</td> <td>Verified Date</td> <td>- 00/00/0000</td> <td>Old Judicial District</td> <td>-</td> </tr> <tr> <td>Claim Received Date</td> <td>- 04/22/1988</td> <td>Last Amended Date</td> <td>- 12/13/1988</td> <td>Temporary Right</td> <td>- P</td> </tr> <tr> <td>Proof Due Date</td> <td>- 00/00/0000</td> <td>Proof Made Date</td> <td>- 00/00/0000</td> <td>Water District</td> <td>-</td> </tr> <tr> <td>Licensed Date</td> <td>- 00/00/0000</td> <td>Receipt Number</td> <td>- E000140</td> <td>Federal/State Indicator</td> <td>- S</td> </tr> <tr> <td>Claims Tape Error Flag</td> <td>-</td> <td>POU Ownership Flag</td> <td>- Y</td> <td>Presumption Flag</td> <td>-</td> </tr> <tr> <td>Fee Exempt Flag</td> <td>-</td> <td>Name Connector</td> <td>- OR</td> <td>Notice of Error Flag</td> <td>-</td> </tr> </table>									Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576	Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-	Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-	Claim Received Date	- 04/22/1988	Last Amended Date	- 12/13/1988	Temporary Right	- P	Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-	Licensed Date	- 00/00/0000	Receipt Number	- E000140	Federal/State Indicator	- S	Claims Tape Error Flag	-	POU Ownership Flag	- Y	Presumption Flag	-	Fee Exempt Flag	-	Name Connector	- OR	Notice of Error Flag	-
Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576																																																			
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Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-																																																			
Licensed Date	- 00/00/0000	Receipt Number	- E000140	Federal/State Indicator	- S																																																			
Claims Tape Error Flag	-	POU Ownership Flag	- Y	Presumption Flag	-																																																			
Fee Exempt Flag	-	Name Connector	- OR	Notice of Error Flag	-																																																			

MICROFILMED
1991 28 1000

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. 32-00073 Decreed to George Goddard
in case of Agnus Reno vs. J.R. Richards et.al.
dated September 6, in 1922 county of

b. License No. issued by the Idaho Department of Water Resources.

c. Claim No. on file with the Idaho Department of Water Resources.

d. Transfer No. which produced this right.

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

☐ Tax Notice Birch Creek ☐ Warranty Deed ☐ Other Sinks

3. Source of water May 15, 1909 tributary to

4. Date or priority

5. Water is used for the following purpose:

.2cfs irrigation
amount for purposes from to
(cfs/ac-ft)
amount for purposes from to
(cfs/ac-ft)
amount for purposes from to
(cfs/ac-ft)

6. Total amount of water under right .2 cubic feet per second and/or acre-feet per annum.

7. Point(s) of Diversion: Not listed in decree

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

8. Lands irrigated or place of use: Not listed in decree

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
9N	30E	9		A	A	A	A												

Total acres 160

9. Describe any other water rights used for the same purpose as described above 32-0077 -0078 -0079

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

_____ NO _____ If yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

- | | | | | |
|----|-------------|-----|---------------|----|
| 1. | amount | for | purposes from | to |
| | (cts/ac-ft) | | | |
| | amount | for | purposes from | to |
| | (cts/ac-ft) | | | |
| | amount | for | purposes from | to |
| | (cts/ac-ft) | | | |

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]**Total acres**

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

- | | | | |
|-------------|-----|---------------|----|
| 1. amount | for | purposes from | to |
| (cfs/ac-ft) | | | |
| amount | for | purposes from | to |
| (cfs/ac-ft) | | | |
| amount | for | purposes from | to |
| (cfs/ac-ft) | | | |

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

Water Right Number - 32-00073 Prefix Translation: WATER RIGHT Old (D) Number -
+ - - - - Last Name - - - - + + - - - - First Name - - - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
GOODARD

GEORGE

1 -
2 -
3 -

State- Zip-

City-
Phone -

+ - - Priority Date - - + + - - - - Region - - - - + + - - - - Stage - - - - + + - - - - Status - - - - +
05/15/1909 15 EASTERN D - DECREED

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

+ - - - - Point of Diversion - - - - - + + - - - - Diversion Name - - - - - + + - - - - Diversion Rate - - - - - + + - - - - Diversion No. - - - - - +

TwN Rng Sec Tract Lot Rflg County Diversion Name Diversion Rate Diversion No.

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

01 - IRRIGATION

0.200

+ - - Total Div. Rate - - + + - - Total Div. Volume - - + + - - Total Div. Capacity - - +
0.200

TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09N	30E	9	NW NE		01	IRRIGATION	33	CLARK
09N	30E	9	SW NE		01	IRRIGATION	33	CLARK
09N	30E	9	SE NE		01	IRRIGATION	33	CLARK
09N	30E	9	NE NW		01	IRRIGATION	33	CLARK

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 32-0077, 0078, & 0079.

+ - - P/D INCOMPLETE - ACRES LISTED 160. Remarks - - - - -

+ - - No Old Water Right Numbers found. Old Water Right Numbers - - - - -

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

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

MICROFILMED
JUL 28 1993

Water right number - 32-00073

Prefix Translation: WATER RIGHT

 -Comments-
 No Comments Found

+ - - Audit Fields - 06/24/85 05/22/88 CONVERT

+ - - - - - Water Rights Dates and Flags Area

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 06/24/1985	DLE/Carrey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 320
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 09/06/1922	Presumption Flag	-		

JUL 28 1993
MICROFILMED

Water Right Number - A32-00073 Prefix Translation: ADJUDICATION CLAIM Old (D) Number -
+ - - - - Last Name - - - - + + - - First Name - - - - + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
WAGONER

MAC

1 - P.O. BOX 296
2 -
3 -

City- DUBOIS State- ID Zip- 83423
Phone - 208-374-5415
1 - P.O. BOX 296
2 -
3 -

BETTY

City- DUBOIS State- ID Zip- 83423
Phone - 208-374-5415

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
05/15/1909 ERROR IN REGION D - DECREED

+ - - Source - - - - - + + - - Tributary - - - - - +
BIRCH CREEK SINKS

+ - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County Diversion Name

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

+ - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 01/01 12/31 0.200

+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Div. Capacity - + + - - Total Consumptive Use - + + - - KW Usage - +
0.200 847.5

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
09N	30E	4	NE SW	6	1.0	01	IRRIGATION	(33) CLARK	
09N	30E	4	NW SW	6	29.0	01	IRRIGATION	(33) CLARK	
09N	30E	4	SW SW	7	36.0	01	IRRIGATION	(33) CLARK	
09N	30E	4	SE SW	29.0	29.0	01	IRRIGATION	(33) CLARK	
09N	30E	4	SW SE	2.0	2.0	01	IRRIGATION	(33) CLARK	
09N	30E	5	SE NE	5.0	5.0	01	IRRIGATION	(33) CLARK	
09N	30E	5	NE SE	20.0	20.0	01	IRRIGATION	(33) CLARK	
09N	30E	5	SE SE	2.0	2.0	01	IRRIGATION	(33) CLARK	
09N	30E	9	NW NE	20.0	20.0	01	IRRIGATION	(33) CLARK	
09N	30E	9	SW NE	31.0	40.0	01	IRRIGATION	(33) CLARK	
09N	30E	9	NE NW	20.0	20.0	01	IRRIGATION	(33) CLARK	
09N	30E	9	SW NW	4.0	4.0	01	IRRIGATION	(33) CLARK	
09N	30E	9	SE NW	38.0	38.0	01	IRRIGATION	(33) CLARK	
09N	30E	9	NE SW	24.0	24.0	01	IRRIGATION	(33) CLARK	
09N	30E	9	SE SW	2.0	2.0	01	IRRIGATION	(33) CLARK	
09N	30E	9	NW SE	32.0	32.0	01	IRRIGATION	(33) CLARK	

MICROFILMED
JUL 28 1999

Water right number - A32-00073

Prefix Translation: ADJUDICATION CLAIM

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09N	30E	9	SW SE	4.0	01	IRRIGATION		(33) CLARK
Total Acres:							339.0	

+ - - - Diversion Means - DIVERSION DAM, HEADGATE TO DITCHES FOR FLOOD IRRIGATION

+ - - - Non-Irrigation Use - STOCK WATER DIRECTLY FROM DITCHES

+ - - - Other Rights for Same Use - 32-0077/0078/0085/0086/0087/0102

RIGHT USED OVER ENTIRE PLACE OF USE AS CROP DEMANDS DURING THE
IRRIGATION SEASON
PERIOD OF USE JUSTIFICATION:

1. ACTUAL PERIOD MAY BE ONLY 2/15 TO 11/20 DUE TO ICEING
2. SOIL TYPE (GRAVELY) REQUIRES EXCESS WATER EARLY AND LATE IN THE YEAR TO BRING THE SUBWATER UP.
3. HISTORICALLY PERIOD HAS BEEN LONGER THAN 4/1 TO 11/1
4. DECREE PERIOD OF USE STATED AS: "...have, at all times,..."

+ - - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers found.

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

+ - - - - Decree Plaintiff - - - - -
AGNES B. RENO, ET. AL.
+ - - - - Decree Defendant - - - - -
J. R. RICHARDS, ET. AL.
+ - - - - Decree Date - - - - -
00/00/0000

+ - - - Audit Fields - 04/22/88 WILSON 05/19/88 NOYES 12/13/88 WILSON

+ - - - - - Comments - - - - -
No Comments Found

+ - - - - - Adjudication Rights Dates and Flags Area - - - - -

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 04/22/1988	Last Amended Date	- 12/13/1988	Temporary Right	- p
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- E000140	Federal/State Indicator	- S
Claims Tape Error Flag	-	POU Ownership Flag	- Y	Presumption Flag	-
Fee Exempt Flag	-	Name Connector	- OR	Notice of Error Flag	-

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 32-0077 Decreed to George Goddard
in case of Agnus Reno vs. J.R. Richards
dated September 6, in 1922 county of
- b. License No. issued by the Idaho Department of Water Resources.
- c. Claim No. on file with the Idaho Department of Water Resources.
- d. Transfer No. which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other

3. Source of water Birch Creek tributary to Sinks

4. Date or priority May 15, 1910

5. Water is used for the following purpose:

amount .2cfs for purposes from to
(cfs/ac-ft)
amount for purposes from to
(cfs/ac-ft)
amount for purposes from to
(cfs/ac-ft)

6. Total amount of water under right .2 cubic feet per second and/or acre-feet per annum.

7. Point(s) of Diversion: Not listed in decree

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

8. Lands irrigated or place of use: Not listed in decree

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
9N	30E	9		A	A	A	A												

Total acres 160

9. Describe any other water rights used for the same purpose as described above 32-0073 -0078 -0079

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO _____ if yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

- | | | | | | | | | | |
|----|-------------|-----|---------------|----|--|--|--|--|--|
| 1. | amount | for | purposes from | to | | | | | |
| | (cfs/ac-ft) | | | | | | | | |
| | amount | for | purposes from | to | | | | | |
| | (cfs/ac-ft) | | | | | | | | |
| | amount | for | purposes from | to | | | | | |
| | (cfs/ac-ft) | | | | | | | | |

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]**Total Acres**

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

- | | | | |
|--------------------|-----|---------------|----|
| 1. amount | for | purposes from | to |
| amount (c/s/ac-ft) | for | purposes from | to |
| amount (c/s/ac-ft) | for | purposes from | to |
| amount (c/s/ac-ft) | for | purposes from | to |

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

State-
zip-

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

MICROFILMED
JUL 28 1999

WATER RIGHT

No Comments Found

+ - - Audit Fields - 06/24/85 05/22/88 CONVERT

Water Rights Dates and Flags Area

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Suan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- p
Exam to S.O. Date	- 00/00/0000	Verified Date	- 06/24/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 320
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 09/06/1922	Presumption Flag	-		

MICROFILMED

1964 8 2 111

Water Right Number - A32-00077 Prefix Translation: ADJUDICATION CLAIM Old (D) Number -
+ - - - - Last Name - - - - + - - First Name - - - - + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
WAGONER

MAC

1 - P.O. BOX 296
2 -
3 -

State- ID Zip- 83423

City- DUBOIS
Phone - 208-374-5415
1 - P.O. BOX 296
2 -
3 -

BETTY

State- ID Zip- 83423

City- DUBOIS
Phone - 208-374-5415

+ - - Priority Date - - + + - - Region - - - - + + - - Stage - - - - + + - - Status - - - - +
05/15/1910 ERROR IN REGION D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
BIRCH CREEK SINKS

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name

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

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

01 - IRRIGATION

01/01 12/31 0.200

Total Div. Rate - - + + - - Total Div. Volume - - + + - - Total Div. Capacity - - + + - - Total Consumptive Use - - + + - - KW Usage - - +
0.200 0.0

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
09N	30E	4	NE SW	1.0	01	IRRIGATION	(33)	CLARK	(33)
09N	30E	4	NW SW	29.0	01	IRRIGATION	(33)	CLARK	(33)
09N	30E	4	SW SW	36.0	01	IRRIGATION	(33)	CLARK	(33)
09N	30E	4	SE SW	29.0	01	IRRIGATION	(33)	CLARK	(33)
09N	30E	4	SW SE	2.0	01	IRRIGATION	(33)	CLARK	(33)
09N	30E	5	SE NE	5.0	01	IRRIGATION	(33)	CLARK	(33)
09N	30E	5	NE SE	20.0	01	IRRIGATION	(33)	CLARK	(33)
09N	30E	5	SE SE	2.0	01	IRRIGATION	(33)	CLARK	(33)
09N	30E	9	NW NE	20.0	01	IRRIGATION	(33)	CLARK	(33)
09N	30E	9	SW NE	31.0	01	IRRIGATION	(33)	CLARK	(33)
09N	30E	9	NE NW	40.0	01	IRRIGATION	(33)	CLARK	(33)
09N	30E	9	NW NW	20.0	01	IRRIGATION	(33)	CLARK	(33)
09N	30E	9	SW NW	4.0	01	IRRIGATION	(33)	CLARK	(33)
09N	30E	9	SE NW	38.0	01	IRRIGATION	(33)	CLARK	(33)
09N	30E	9	NE NW	24.0	01	IRRIGATION	(33)	CLARK	(33)
09N	30E	9	SE SW	2.0	01	IRRIGATION	(33)	CLARK	(33)
09N	30E	9	NW SE	32.0	01	IRRIGATION	(33)	CLARK	(33)

MICROFILMED
JUL 28 1999

Water right number - A32-00077 Prefix Translation: ADJUDICATION CLAIM

Tw n Rng Sec Tract Lot Acres Code Description County
09N 30E 9 SW SE 4.0 01 IRRIGATION (33) CLARK
Total Acres: 339.0

- - - Diversion Means - DIVERSION DAM, HEADGATE TO DITCHES FOR FLOOD IRRIGATION

- - - Non-Irrigation Use - STOCK WATER DIRECTLY FROM DITCHES

- - - Other Rights for Same Use - 32-0073/0078/0085/0086/0087/0102

RIGHT USED OVER ENTIRE PLACE OF USE AS CROP DEMANDS DURING THE IRRIGATION SEASON
PERIOD OF USE JUSTIFICATION:
1. ACTUAL PERIOD MAY BE ONLY 2/15 TO 11/20 DUE TO ICEING
2. SOIL TYPE(GRAVELY) REQUIRES EXCESS WATER EARLY AND LATE IN THE YEAR TO BRING SUBWATER UP.
3. HISTORICALLY PERIOD HAS BEEN LONGER THAN 4/1 TO 11/1
4. DECREE PERIOD OF USE STATED AS:".....have, at all times,...."

- - - Old Water Right Numbers -
No Old Water Right Numbers found.

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

- - - Decree Plaintiff - - - +
AGNES B. RENO, ET. AL. + - - - Decree Defendant - - - +
J. R. RICHARDS, ET. AL. + - - Decree Date - - +
00/00/0000

- - - Audit Fields - 04/22/88 WILSON 12/13/88 WILSON

- - - Comments -
No Comments Found

- - - Adjudication Rights Dates and Flags Area - - - - -

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 04/22/1988	Last Amended Date	- 12/13/1988	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- E000140	Federal/State Indicator	- S
Claims Tape Error Flag	-	PDU Ownership Flag	- Y	Presumption Flag	-
Fee Exempt Flag	-	Name Connector	- OR	Notice of Error Flag	-

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 32-0078 Decreed to George Goddard
in case of Agnus Reno vs. J.R. Richards
dated September 6, 1922 in county of
- b. License No. issued by the Idaho Department of Water Resources.
- c. Claim No. on file with the Idaho Department of Water Resources.
- d. Transfer No. which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other

3. Source of water Birch Creek tributary to sinks
May 15, 1911
4. Date or priority

5. Water is used for the following purpose:

amount .2cfs for irrigation purposes from to
(cfs/ac-ft)
amount for purposes from to
(cfs/ac-ft)
amount for purposes from to
(cfs/ac-ft)

6. Total amount of water under right .2 cubic feet per second and/or acre-feet per annum.

7. Point(s) of Diversion: Not listed in decree

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

8. Lands irrigated or place of use: Not listed in decree

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
9N	30E	9		A	A	A	A												

Total acres 160

9. Describe any other water rights used for the same purpose as described above 32-0073 - 0077 - 0079

NON _____ If yes, describe

It yes, describe

(If the entire right is to be changed by the applicant, omit part B and C.)

01.

01.

01.

[illegible][illegible]

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

- 01

10

- 03

[illegible][illegible]

Water Right Number - 32-00078 Prefix Translation: WATER RIGHT Old (D) Number -
+ - - - - Last Name - - - - + - - - - First Name - - - - + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
GODDARD
1 -
2 -
3 -
City- State- Zip-
Phone -

+ - - Priority Date - - + - - - - Region - - - + - - - Stage - - - + - - - Status - - - +
05/15/1911 15 EASTERN D - DECREED
+ - - Source - - - - + - - - - Tributary - - - - - +
BIRCH CREEK SINKS

+ - - - - Point of Diversion - - - - -
Twn Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.

+ - - - - Water Use - - - - -
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 0.200

+ - - Total Div. Rate - + - - Total Div. Volume - + - - Total Div. Capacity - +
0.200

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09N	30E	9	NW NE			01	IRRIGATION	33 CLARK
09N	30E	9	SW NE			01	IRRIGATION	33 CLARK
09N	30E	9	SE NE			01	IRRIGATION	33 CLARK
09N	30E	9	NE NW			01	IRRIGATION	33 CLARK

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 32-0073, 0077, & 0079.

+ - - P/D INCOMPLETE - ACRES LISTED 160. Remarks - - - - - +

+ - - No Old Water Right Numbers found. No Old Water Right Numbers found. - - - - - +

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

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

MICROFILMED
JUL 28 1999

WATER RIGHT

No Comments Found

06/24/85 05/22/88 CONVERT

Water Rights Dates and Flags Area

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- p
Exam to S.O. Date	- 00/00/0000	Verified Date	- 06/24/1985	BLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 320
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 09/06/1922	Presumption Flag	-		

101 2 8 1999
MICROFILMED

Twp	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
09N	30E	4	NE SW		1.0		01	IRRIGATION	(33) CLARK
09N	30E	4	NW SW	6	29.0		01	IRRIGATION	(33) CLARK
09N	30E	4	SW SW	7	36.0		01	IRRIGATION	(33) CLARK
09N	30E	4	SE SW		29.0		01	IRRIGATION	(33) CLARK
09N	30E	4	SW SE		2.0		01	IRRIGATION	(33) CLARK
09N	30E	5	SE NE		5.0		01	IRRIGATION	(33) CLARK
09N	30E	5	SE SE		20.0		01	IRRIGATION	(33) CLARK
09N	30E	5	NE SE		2.0		01	IRRIGATION	(33) CLARK
09N	30E	9	NW NE		20.0		01	IRRIGATION	(33) CLARK
09N	30E	9	SW NE		31.0		01	IRRIGATION	(33) CLARK
09N	30E	9	NE NW		40.0		01	IRRIGATION	(33) CLARK
09N	30E	9	NW NW		20.0		01	IRRIGATION	(33) CLARK
09N	30E	9	SW NW		4.0		01	IRRIGATION	(33) CLARK
09N	30E	9	SE NW		38.0		01	IRRIGATION	(33) CLARK
09N	30E	9	NE SW		24.0		01	IRRIGATION	(33) CLARK
09N	30E	9	SE SW		2.0		01	IRRIGATION	(33) CLARK
09N	30E	9	NW SE		32.0		01	IRRIGATION	(33) CLARK

MICROFILMED
JUL 28 1999

Water right number - A32-00078

Prefix Translation: ADJUDICATION CLAIM

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

+ - - Diversion Means - DIVERSION DAM, HEADGATE TO DITCHES FOR FLOOD IRRIGATION

+ - - Non-Irrigation Use - STOCK WATER DIRECTLY FROM DITCHES

+ - - Other Rights for Same Use - 32-0073/0077/0079/0085/0086/0087/0102

-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+
Remarks
RIGHT USED OVER ENTIRE PLACE OF USE AS CROPS DEMANDS DURING THE
IRRIGATION SEASON
PERIOD OF USE JUSTIFICATION:

1. ACTUAL PERIOD MAY BE ONLY 2/15 TO 11/20 DUE TO ICEING
2. SOIL TYPE(GRAVELY) REQUIRES EXCESS WATER EARLY AND LATE IN THE YEAR TO BRING SUBWATER UP.
3. HISTORICALLY PERIOD HAS BEEN LONGER THAN 4/1 TO 11/1
4. DECREE PERIOD OF USE STATED AS: "...have, at all times,..."

-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+
No Old Water Right Numbers found.

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

-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+
Decree Plaintiff - - - + J. R. RICHARDS, ET. AL. + - Decree Date - +
AGNES B. RENO, ET. AL. 00/00/0000

+ - - Audit Fields - 04/22/88 WILSON 05/19/88 NOYES 12/13/88 WILSON

-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+
No Comments Found

-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+
Adjudication Rights Dates and Flags Area - - - - -

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 04/22/1988	Last Amended Date	- 12/13/1988	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- E000140	Federal/State Indicator	- S
Claims Tape Error Flag	-	POU Ownership Flag	- Y	Presumption Flag	-
Fee Exempt Flag	-	Name Connector	- OR	Notice of Error Flag	-

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED**1. Right evidenced by:**

- a. Decree No. 32- 0079 Decreed to George Goddard
in case of Agnus Reno vs. J. R. Richards
dated September 6 in 1922 county of
- b. License No. issued by the Idaho Department of Water Resources.
- c. Claim No. on file with the Idaho Department of Water Resources.
- d. Transfer No. which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other Sinks

3. Source of water Birch Creek tributary to

4. Date or priority May 15, 1913

5. Water is used for the following purpose:

amount .8cfs for irrigation purposes from to
(cfs/ac-ft)
amount for purposes from to
(cfs/ac-ft)
amount for purposes from to
(cfs/ac-ft)

6. Total amount of water under right .8 cubic feet per second and/or acre-feet per annum.

7. Point(s) of Diversion: Not listed in decree

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use: Not listed in decree

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9N	30E	9		A	A	A	A												

MICROFILMED

JUN 28 1979

Total acres 160

9. Describe any other water rights used for the same purpose as described above 32- 0073 - 0077 - 0078

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

_____ **ON** _____ **If yes, describe**

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount		2. Point(s) of Diversion:	
amount	for	amount	for
(cfs/ac-ft)		(cfs/ac-ft)	
purposes from	to	purposes from	to
amount	for	amount	for
(cfs/ac-ft)		(cfs/ac-ft)	
purposes from	to	purposes from	to
amount	for	amount	for
(cfs/ac-ft)		(cfs/ac-ft)	
purposes from	to	purposes from	to

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount		2. Point(s) of Diversion:	
for	amount (cfs/ac-ft)	for	amount (cfs/ac-ft)
purposes from	to	purposes from	to
for	amount (cfs/ac-ft)	for	amount (cfs/ac-ft)
purposes from	to	purposes from	to
for	amount (cfs/ac-ft)	for	amount (cfs/ac-ft)
purposes from	to	purposes from	to

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

Water Right Number - 32-00079 Prefix Translation: WATER RIGHT Old (D) Number -
+ - - - - Last Name - - - - + - - First Name - - - - + - - - - Address - - - - -

*** C - CURRENT OWNER ***
GODDARD
1 -
2 -
3 -
City- State- Zip-
Phone -

+ - - Priority Date - - + - - - - Region - - - + - - - Stage - - - + - - - Status - - - +
05/15/1913 15 EASTERN 0 - DECREED
+ - - - - Source - - - - - + - - - - Tributary - - - - -
BIRCH CREEK SINKS

+ - - - - Point of Diversion - - - - -
Twn Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.

+ - - - - Water Use - - - - -
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 0.800

+ - - Total Div. Rate - + - - Total Div. Volume - + - - Total Div. Capacity - +
0.800

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09N	30E	9	NW NE			01	IRRIGATION	33 CLARK
09N	30E	9	SW NE			01	IRRIGATION	33 CLARK
09N	30E	9	SE NE			01	IRRIGATION	33 CLARK
09N	30E	9	NE NW			01	IRRIGATION	33 CLARK

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 32_0073, 0077, & 0078.

+ - - - - Remarks - - - - -
P/D INCOMPLETE - ACRES LISTED 160.

+ - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers found.

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

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

MICROFILMED
JUL 28 1999

WATER RIGHT

- - - Comments - - -

Water Rights Dates and Flags Area

Proof Due Date	- 09/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Suan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 06/24/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 320
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 09/06/1922	Presumption Flag	-		

Water Right Number - A32-00079 Prefix Translation: ADJUDICATION CLAIM Old (D) Number -

*** C - CURRENT OWNER *** + - - - - Last Name - - - - + + - - - - First Name - - - + + - - - - Address - - - - - +

WAGONER MAC 1 - P.O. BOX 296 State- ID Zip- 83423

2 - City- DUBOIS Phone - 208-374-5415

3 - 1 - P.O. BOX 296 2 - 3 - State- ID Zip- 83423

WAGONER BETTY City- DUBOIS Phone - 208-374-5415

2 - 3 - State- ID Zip- 83423

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

05/15/1913 ERROR IN REGION D - DECREED

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

BIRCH CREEK SINKS

Point of Diversion - - - - -

Twn	Rng	Sec	Tract	Lot	Rflg	County	Diversion Name
09N	30E	5	SE NE NW	3	(33)	CLARK	

Code Description Period From Period To Water Use Diversion Rate Diversion Volume

01 - IRRIGATION 01/01 12/31 0.800

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

0.800

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09N	30E	4	NE SW	1.0	01	IRRIGATION	(33) CLARK	
09N	30E	4	NW SW	29.0	01	IRRIGATION	(33) CLARK	
09N	30E	4	SW SW	36.0	01	IRRIGATION	(33) CLARK	
09N	30E	4	SW SE	2.0	01	IRRIGATION	(33) CLARK	
09N	30E	4	SE SE	29.0	01	IRRIGATION	(33) CLARK	
09N	30E	5	SE NE	5.0	01	IRRIGATION	(33) CLARK	
09N	30E	5	NE SE	20.0	01	IRRIGATION	(33) CLARK	
09N	30E	5	SE SE	2.0	01	IRRIGATION	(33) CLARK	
09N	30E	9	NW NE	20.0	01	IRRIGATION	(33) CLARK	
09N	30E	9	SW NE	31.0	01	IRRIGATION	(33) CLARK	
09N	30E	9	NE NW	40.0	01	IRRIGATION	(33) CLARK	
09N	30E	9	NW NW	20.0	01	IRRIGATION	(33) CLARK	
09N	30E	9	SW NW	4.0	01	IRRIGATION	(33) CLARK	
09N	30E	9	SE NW	38.0	01	IRRIGATION	(33) CLARK	
09N	30E	9	NE SW	24.0	01	IRRIGATION	(33) CLARK	
09N	30E	9	SE SW	2.0	01	IRRIGATION	(33) CLARK	
09N	30E	9	NW SE	32.0	01	IRRIGATION	(33) CLARK	

MICROFILMED
JUL 28 1993

101 28 1999
MICROFILMED

Water right number - A32-00079

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
09N	30E	9	SW SE	4.0	01	IRRIGATION		(33) CLARK
					Total Acres:	339.0		
- - - Diversion Means - DIVERSION DAM, HEADGATE TO DITCHES FOR FLOOD IRRIGATION - - - Non-Irrigation Use - STOCK WATER DIRECTLY FROM DITCHES - - - Other Rights for Same Use - 32-0073/0077/0078/0085/0086/0087/0102								
RIGHT USED OVER ENTIRE PLACE OF USE AS CROPS DEMANDS DURING THE IRRIGATION SEASON PERIOD OF USE JUSTIFICATION: 1. ACTUAL PERIOD MAY BE ONLY 2/15 TO 11/20 DUE TO ICEING 2. SOIL TYPE(GRAVELY) REQUIRES EXCESS WATER EARLY AND LATE IN THE YEAR TO BRING THE SUBWATER UP. 3. HISTORICALLY PERIOD HAS BEEN LONGER THAN 4/1 TO 11/1 4. DECREE PERIOD OF USE STATED AS:"...have, at all times,..."								
- - - Old Water Right Numbers - - - No Old Water Right Numbers found.								
- - - Conditions of Approval - - - No Conditions of Approval found.								
- - - Decree Plaintiff - - - + AGNES B. RENO, ET. AL. J. R. RICHARDS, ET. AL. - - - Decree Defendant - - - + - - - Decree Date - - - + 00/00/0000								
- - - Audit Fields - 04/22/88 WILSON 05/19/88 NOYES 12/13/88 WILSON								
- - - Comments - - - - No Comments Found								
- - - Adjudication Rights Dates and Flags Area								
Court Report Filing - 00/00/0000 Field Inspection Made - 00/00/0000 Civil Case Number - 39576 Objection Filed Date - 00/00/0000 Field Inspection Flag - Old Case Number - Response Filed Date - 00/00/0000 Verified Date - 00/00/0000 Old Judicial District - Claim Received Date - 04/22/1988 Last Amended Date - 12/13/1988 Temporary Right - P Proof Due Date - 00/00/0000 Proof Made Date - 00/00/0000 Water District - Licensed Date - 00/00/0000 Receipt Number - E000140 Federal/State Indicator - S Claims Tape Error Flag - POU Ownership Flag - Y Presumption Flag - Fee Exempt Flag - Name Connector - OR Notice of Error Flag -								

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree No. 32-0085 Decreed to Samuel Goddard
in case of Agnes Reno vs. J.R. Richards
dated September 6, in 1922 county of
- b. License No. issued by the Idaho Department of Water Resources.
- c. Claim No. on file with the Idaho Department of Water Resources.
- d. Transfer No. which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
- ☐ Tax Notice ☐ Warranty Deed ☐ Other
3. Source of water Birch Creek tributary to sinks
4. Date or priority May 10, 1910
5. Water is used for the following purpose:
- amount .2cfs for irrigation purposes from to
(cfs/ac-ft)
amount for purposes from to
(cfs/ac-ft)
amount for purposes from to
(cfs/ac-ft)
6. Total amount of water under right .2 cubic feet per second and/or acre-feet per annum.
7. Point(s) of Diversion: Not listed in decree

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

8. Lands Irrigated or place of use: Not listed in decree

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
9N	30E	9								A	A					A			

MICROFILMED
JUL 28 1999

Total acres 120

9. Describe any other water rights used for the same purpose as described above 32-0086 -0087

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO _____ If yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount		for		purposes from		to	
(cfs/ac-ft)							
amount		for		purposes from		to	
(cfs/ac-ft)							
amount		for		purposes from		to	
(cfs/ac-ft)							
amount		for		purposes from		to	
(cfs/ac-ft)							

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount	for	purposes from	to
amount (cts/ac-ft)	for	purposes from	to
amount (cts/ac-ft)	for	purposes from	to
amount (cts/ac-ft)	for	purposes from	to

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

101 28 1999
MICROFILMED

[illegible]

*** C - CURRENT OWNER ***
GODDARD

SAMUEL

123456789

State-
zip-

+ - - Priority Date	- - +	+ - - Region	- - +	+ - - Stage	- - +	+ - - Status
05/10/1910		15 EASTERN		D - DECREE		

Source	Tributary
BIRCH CREEK	SINKS

[illegible]

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

0-200

+	-	Total Div. Rate	-	+	-	Total Div. Volume	-	+	-	Total Div. Capacity	-	+
						0.200						

Twp	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
09N	30E	9	SE NW			01	IRRIGATION	33 CLARK
09N	30E	9	NE SW			01	IRRIGATION	33 CLARK
09N	30E		NW SE			01	IRRIGATION	33 CLARK

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 32-0086 & 0087.

	+-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+	
	P/D INCOMPLETE - ACRES LISTED 120.	- Remarks

+ - - - - - Old Water Right Numbers
+ - - - - - No Old Water Right Numbers found.

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

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

MICROFILMED
JUL 28 1993

**IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT**

HR5808NP
(00-26)

Water right number - 32-00085
Prefix Translation: WATER RIGHT

-----+
 -Comments-
 No Comments Found

+ - - Audit Fields - 06/24/85 05/22/88 CONVERT

| Proof Due Date | 00/00/0000 | Field Exam Made | 00/00/0000 | Field Exam Fee | - |
|-------------------|--------------|------------------|--------------|------------------|-------|
| Approved/Denied | - 00/00/0000 | Protected Date | - 00/00/0000 | Swan Falls | - |
| Proof Made Date | - 00/00/0000 | Hearing Date | - 00/00/0000 | Temporary Right | - P |
| Exam to S.O. Date | - 00/00/0000 | Verified Date | - 06/24/1985 | DLE/Carey Act | - |
| Order Show Cause | - 00/00/0000 | Receipt Number | - | Water District | - 32B |
| Licensed Date | - 00/00/0000 | Appl Received | - 00/00/0000 | Transfer/Amended | - |
| Decree Date | - 09/06/1922 | Presumption Flag | - | | |

Water Right Number - A32-00085 Prefix Translation: ADJUDICATION CLAIM Old (D) Number -
+ - - - - Last Name - - - - + + - First Name - - - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
WAGONER BETTY

1 - P.O. BOX 296
2 -
3 - State- ID Zip- 83423

City- DUBOIS
Phone - 208-374-5415
1 - P.O. BOX 296
2 -
3 - State- ID Zip- 83423

City- DUBOIS
Phone - 208-374-5415

+ - - Priority Date - - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
05/10/1910 ERROR IN REGION D - DECREED

+ - - Source - - - - - + + - - Tributary - - - - - +
BIRCH CREEK SINKS

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFLg County Diversion Name

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

+ - - - - Description Period from Water Use Diversion Rate Diversion Volume
Code 01 - IRRIGATION 01/01 12/31 0.200

+ - Total Div. Rate - - - + + - Total Div. Volume - - - + + - Total Div. Capacity - - - + + - Total Consumptive Use - - - + + - KW Usage - - - +
0.200 0.200 0.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

| | | | | | | | | |
|-----|-----|---|-------|------|----|------------|------|-------|
| 09N | 30E | 4 | NE SW | 1.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 4 | NW SW | 29.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 4 | SW SW | 36.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 4 | SE SW | 29.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 4 | SW SE | 2.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 5 | SE NE | 5.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 5 | NE SE | 20.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 5 | SE SE | 2.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 9 | NW NE | 20.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 9 | SW NE | 31.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 9 | NE NW | 40.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 9 | NW NW | 20.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 9 | SE NW | 4.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 9 | NE SW | 38.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 9 | SE SW | 24.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 9 | SE SW | 2.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 9 | NW SE | 32.0 | 01 | IRRIGATION | (33) | CLARK |

MICROFILMED
JUL 28 1999

Prefix Translation: ADJUDICATION CLAIM

Twn Rng Sec Tract Lot Acres Code Description County
09N 30E 9 01 IRRIGATION (33) CLARK

Total Acres: 339.0

- - - Diversion Means - DIVERSION DAM, HEADGATE TO DITCHES FOR FLOOD IRRIGATION
- - - Non-Irrigation Use - STOCK WATER DIRECTLY FROM DITCHES
- - - Other Rights for Same Use - 32-0073/0077/0078/0079/0086/0087/0102

RIGHT USED ON ENTIRE PLACE OF USE AS CROPS DEMAND DURING THE IRRIGATION SEASON
PERIOD OF USE JUSTIFICATION:
1. ACTUAL PERIOD MAY BE ONLY 2/15 TO 11/20 DUE TO ICEING
2. SOIL TYPE(GRAVELY) REQUIRES EXCESS WATER EARLY AND LATE IN THE YEAR TO BRING THE SUBWATER UP.
3. HISTORICALLY PERIOD HAS BEEN LONGER THAT 4/1 TO 11/1
4. DECREE PERIOD OF USE STATED AS:"...have, at all times,...."

No Old Water Right Numbers found.

Conditions of Approval - No Conditions of Approval found.

Decree Plaintiff - AGNES B. RENO, ET. AL.
Decree Defendant - J. R. RICHARDS, ET. AL.
Decree Date - 00/00/0000

Audit Fields - 04/22/88 WILSON 12/13/88 WILSON

Comments - No Comments Found

Adjudication Rights Dates and Flags Area
Court Report Filing - 00/00/0000
Objection Filed Date - 00/00/0000
Response Filed Date - 00/00/0000
Claim Received Date - 04/22/1988
Proof Due Date - 00/00/0000
Licensed Date - 00/00/0000
Claims Tape Error Flag -
Fee Exempt Flag -
Field Inspection Made - 00/00/0000
Field Inspection Flag -
Verified Date - 00/00/0000
Last Amended Date - 12/13/1988
Proof Made Date - 00/00/0000
Receipt Number - E000140
POU Ownership Flag - Y
Name Connector - OR
Civil Case Number - 39576
Old Case Number -
Old Judicial District -
Temporary Right - P
Water District -
Federal/State Indicator - S
Presumption Flag -
Notice of Error Flag -

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 32-0086 Decreed to Smauel Goddard
in case of Agnus Reno vs. J.R. Richards
dated September 6, in 1922 county of
- b. License No. issued by the Idaho Department of Water Resources.
- c. Claim No. on file with the Idaho Department of Water Resources.
- d. Transfer No. which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other

3. Source of water Birch Creek tributary to sinks

4. Date or priority May 1, 1911

5. Water is used for the following purpose:

amount .2cfs for purposes from to
(cfs/ac-ft)
amount for purposes from to
(cfs/ac-ft)
amount for purposes from to
(cfs/ac-ft)

6. Total amount of water under right .2 cubic feet per second and/or acre-feet per annum.

7. Point(s) of Diversion: Not listed in decree

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

8. Lands irrigated or place of use: Not listed in decree

| Twp. | Rge. | Sec. | NE ¼ | | | | NW ¼ | | | | SW ¼ | | | | SE ¼ | | | | Totals |
|--------|
| | | | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | |
| 9N | 30E | 9 | | | | | | | | A | A | | | | | A | | | |
| |
| |
| |
| |
| |

MICROFILMED
JUL 28 1993

Total acres 120

9. Describe any other water rights used for the same purpose as described above 0085 - 0087

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO _____ If yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

- | 1. amount | | amount | | amount | | 2. Point(s) of Diversion: | |
|-------------|---------------|-------------|---------------|-------------|---------------|---------------------------|--|
| for | purposes from | for | purposes from | for | purposes from | | |
| (c/s/ac-ft) | to | (c/s/ac-ft) | to | (c/s/ac-ft) | to | (c/s/ac-ft) | |
| amount | | amount | | amount | | amount | |

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]**Total acres**

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

- | | | | | |
|----|-------------|-----|---------------|----|
| 1. | amount | for | purposes from | to |
| | (cfs/ac-ft) | | | |
| | amount | for | purposes from | to |
| | (cfs/ac-ft) | | | |
| | amount | for | purposes from | to |
| | (cfs/ac-ft) | | | |

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

Water Right Number - 32-00086 Prefix Translation: WATER RIGHT Old (D) Number -
+ - - - - Last Name - - - - + + - First Name - - - - + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
GOODARD

SAMUEL

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
05/01/1911 15 EASTERN D - DECREED

+ - - Source - - - - - + + - - Tributary - - - - - +
BIRCH CREEK SINKS

+ - - - - - - - - - - - Point of Diversion - - - - - +
Tw Rng Sec Tract Lot Rflg County Diversion Name Diversion Rate Diversion No.

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

01 - IRRIGATION 04/01 11/01 0.200

+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Div. Capacity - +
0.200

| Tw | Rng | Sec | Tract | Lot | Acres | Code | Description | County |
|-----|-----|-----|-------|-----|-------|------|-------------|----------|
| 09N | 30E | 9 | SE NW | | | 01 | IRRIGATION | 33 CLARK |
| 09N | 30E | 9 | NE SW | | | 01 | IRRIGATION | 33 CLARK |
| 09N | 30E | 9 | NW SE | | | 01 | IRRIGATION | 33 CLARK |

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 32-0085 & 0087.

+ - - - - - - - - - - - Remarks - - - - - +
P/D INCOMPLETE - ACRES LISTED 120.

+ - - - - - - - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

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

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

MICROFILMED
JUL 28 1993

101 2 8 1999
MICROFILMED

Water right number - 32-00086 Prefix Translation: WATER RIGHT

-----+
-Comments-
No Comments Found

+ - - Audit Fields - 06/24/85 05/22/88 CONVERT

[illegible]

Water Right Number - A32-00086 Prefix Translation: ADJUDICATION CLAIM Old (D) Number -
+ - - - - Last Name - - - - + - - - - First Name - - - - + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
WAGONER

MAC
1 - P.O. BOX 296
2 -
3 -
City- DUBOIS
Phone - 208-374-5415
State- ID Zip- 83423
1 - P.O. BOX 296
2 -
3 -
City- DUBOIS
Phone - 208-374-5415
State- ID Zip- 83423

WAGONER

BETTY

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
05/01/1911 ERROR IN REGION D - DECREED
+ - - - - Source - - - - + + - - - - Tributary - - - - - +
BIRCH CREEK SINKS

+ - - - - Point of Diversion - - - - -
TwN Rng Sec Tract Lot Rflg County Diversion Name

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

+ - - - - Water Use - - - - -
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 01/01 12/31 0.200

+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Div. Capacity - + + - - Total Consumptive Use - + + - - KW Usage - +
0.200 0.200 0.0

+ - - - - Place of Use - - - - -
TwN Rng Sec Tract Lot Acres Code Description County
09N 30E 4 NE SW 1.0 01 IRRIGATION (33) CLARK
09N 30E 4 NW SW 29.0 01 IRRIGATION (33) CLARK
09N 30E 4 SW SW 36.0 01 IRRIGATION (33) CLARK
09N 30E 4 SE SW 29.0 01 IRRIGATION (33) CLARK
09N 30E 4 SW SE 2.0 01 IRRIGATION (33) CLARK
09N 30E 5 SE NE 5.0 01 IRRIGATION (33) CLARK
09N 30E 5 NE SE 20.0 01 IRRIGATION (33) CLARK
09N 30E 5 SE SE 2.0 01 IRRIGATION (33) CLARK
09N 30E 9 NW NE 20.0 01 IRRIGATION (33) CLARK
09N 30E 9 SW NE 31.0 01 IRRIGATION (33) CLARK
09N 30E 9 NW NW 40.0 01 IRRIGATION (33) CLARK
09N 30E 9 NW NW 20.0 01 IRRIGATION (33) CLARK
09N 30E 9 SW NW 4.0 01 IRRIGATION (33) CLARK
09N 30E 9 SE NW 38.0 01 IRRIGATION (33) CLARK
09N 30E 9 SE SW 24.0 01 IRRIGATION (33) CLARK
09N 30E 9 SE SW 2.0 01 IRRIGATION (33) CLARK
09N 30E 9 NW SE 32.0 01 IRRIGATION (33) CLARK

MICROFILMED
JUL 28 1999

Water right number - A32-00086

Prefix Translation: ADJUDICATION CLAIM

| Trn | Rng | Sec | Tract | Lot | Acres | Code | Description | County |
|-----|-----|-----|-------|-----|-------|------------|-------------|--------|
| 09N | 30E | 9 | SW SE | 4.0 | 01 | IRRIGATION | (33) CLARK | |

Total Acres: 339.0

+ - - Diversion Means - DIVERSION DAM, HEADGATE TO DITCHES FOR FLOOD IRRIGATION

+ - - Non-Irrigation Use - STCOK WATER DIRECTLY FROM DITCHES

+ - - Other Rights for Same Use - 32-0073/0077/0078/0079/0085/0087/0102

| Remarks |
|--|
| RIGHT USED OVER ENTIRE PLACE OF USE AS CROPS DEMAND DURING THE IRRIGATION SEASON |

PERIOD OF USE JUSTIFICATION:

1. ACTUAL PERIOD MAY BE ONLY 2/15 TO 11/20 DUE TO ICEING
2. SOIL TYPE(GRAVELY) REQUIRES EXCESS WATER EARLY AND LATE IN THE YEAR TO BEING THE SUBWATER UP.
3. HISTORICALLY PERIOD HAS BEEN LONGER THAN 4/1 TO 11/1
4. DECREE PERIOD OF USE STATED AS: "....have, at all times,...."

| Remarks |
|----------------------------|
| No Old Water Right Numbers |

No Old Water Right Numbers found.

| Conditions of Approval |
|----------------------------------|
| No Conditions of Approval found. |

| Decree Plaintiff | Decree Defendant | Decree Date |
|------------------------|-------------------------|-------------|
| AGNES B. RENO, ET. AL. | J. R. RICHARDS, ET. AL. | 00/00/0000 |

+ - - Audit Fields - 04/22/88 WILSON 12/13/88 WILSON

| Comments |
|-------------------|
| No Comments Found |

| Adjudication Rights Dates and Flags Area | | |
|--|------------------------------------|-----------------------------|
| Count Report Filing - 00/00/0000 | Field Inspection Made - 00/00/0000 | Civil Case Number - 39576 |
| Objection Filed Date - 00/00/0000 | Field Inspection Flag - | Old Case Number - |
| Response Filed Date - 00/00/0000 | Verified Date - 00/00/0000 | Old Judicial District - |
| Claim Received Date - 04/22/1988 | Last Amended Date - 12/13/1988 | Temporary Right - P |
| Proof Due Date - 00/00/0000 | Proof Made Date - 00/00/0000 | Water District - |
| Licensed Date - 00/00/0000 | Receipt Number - E000140 | Federal/State Indicator - S |
| Claims Tape Error Flag - | POU Ownership Flag - Y | Presumption Flag - |
| Fee Exempt Flag - | Name Connector - OR | Notice of Error Flag - |

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 32-0087 Decreed to Samuel Goddard
in case of Agnus Reno vs. J. R. Richards
dated September 6 in 1922 county of
- b. License No. issued by the Idaho Department of Water Resources.
- c. Claim No. on file with the Idaho Department of Water Resources.
- d. Transfer No. which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other

3. Source of water Birch Creek tributary to Sinks

4. Date or priority May 1, 1912

5. Water is used for the following purpose:

amount .2cfs for irrigation purposes from to
(cfs/ac-ft) for purposes from to
(cfs/ac-ft) for purposes from to
(cfs/ac-ft) for purposes from to

6. Total amount of water under right .2 cubic feet per second and/or acre-feet per annum.

7. Point(s) of Diversion: Not listed in decree

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

8. Lands irrigated or place of use: Not listed in decree

| Twp. | Rge. | Sec. | NE ¼ | | | | NW ¼ | | | | SW ¼ | | | | SE ¼ | | | | Totals |
|--------|
| | | | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | |
| 9N | 30E | 9 | | | | | | | | A | A | | | | | A | | | |
| |
| |
| |
| |
| |

MICROFILMED
JUL 28 1993

Total acres 120

9. Describe any other water rights used for the same purpose as described above 32-0085 -0086

ON

If yes, describe

(If the entire right is to be changed by the applicant, omit part B and C.)

- 2. Point(s) of Diversion:**

3. Lands irrigated or place of use:

Total acres

| | | | |
|-------------|-----|---------------|----|
| 1. amount | for | purposes from | to |
| (cfs/ac-ft) | | | |
| amount | for | purposes from | to |
| (cfs/ac-ft) | | | |
| amount | for | purposes from | to |
| (cfs/ac-ft) | | | |

- ## 2. Point(s) of Diversion:

3. Lands irrigated or place of use:

[illegible]

Water Right Number - 32-00087 Prefix Translation: WATER RIGHT Old (D) Number -
+ - - - - Last Name - - - - + - - First Name - - - - + - - - - Address - - - - +

*** C - CURRENT OWNER ***
GODDARD

SAMUEL

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - + - - - - Region - - - + - - - Stage - - - + - - - Status - - - +
05/01/1912 15 EASTERN D - DECREED

+ - - - - Source - - - - + - - - - Tributary - - - - +
BIRCH CREEK SINKS

+ - - - - Point of Diversion - - - - - Diversion Name - - - - - Diversion Rate - - - - - Diversion No.
Twn Rng Sec Tract Lot Rflg County

+ - - - - Description - - - - - Water Use - - - - - Diversion Rate - - - - - Diversion Volume
Code 01 - IRRIGATION

0.200

+ - - Total Div. Rate - - + - - Total Div. Volume - - + - - Total Div. Capacity - - +
0.200

+ - - - - Place of Use - - - - - Description - - - - - County - - - - -
Twn Rng Sec Tract Lot Acres Code

| | | | | | | | | |
|-----|-----|---|-------|--|----|------------|----|-------|
| 05N | 30E | 9 | SE NW | | 01 | IRRIGATION | 33 | CLARK |
| 05N | 30E | 9 | NE SW | | 01 | IRRIGATION | 33 | CLARK |
| 05N | 30E | 9 | NW SE | | 01 | IRRIGATION | 33 | CLARK |

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 32-0085, & 0086.

+ - - - - Remarks - - - - -
P/D INCOMPLETE - ACRES LISTED 120.

+ - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers found.

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

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

MICROFILMED
JUL 28 1999

Prefix Translation: WATER RIGHT

+ - - Audit Fields - 06/24/85 05/22/88 CONVERT

| Proof Due Date | Field Exam Made | Field Exam Fee |
|-------------------|-----------------|------------------|
| Approved/Denied | 00/00/0000 | Swan Falls |
| Proof Made Date | 00/00/0000 | Temporary Right |
| Exam to S.O. Date | 00/00/0000 | DLE/Carey Act |
| Order Show Cause | 00/00/0000 | Water District |
| Licensed Date | 00/00/0000 | Transfer/Amended |
| Decree Date | 09/06/1922 | |

MICROFILMED
JUL 28 1999

| | |
|------------------|-------|
| Field Exam Fee | - |
| Swan Falls | - |
| Temporary Right | - P |
| DLE/Carey Act | - |
| Water District | - 320 |
| Transfer/Amended | - |

Water Right Number - A32-00087

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

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

*** C - CURRENT OWNER ***
WAGONER

MAC

1 - P.O.BOX 296
2 -
3 -

State- ID Zip- 83423

City- DUBOIS
Phone - 208-374-5415
1 - P.O.BOX 296
2 -
3 -

BETTY

WAGONER

State- ID Zip- 83423

City- DUBOIS
Phone - 208-374-5415

----- Priority Date ----- + ----- Region ----- + ----- Stage ----- + ----- Status ----- +
05/01/1912 ERROR IN REGION D - DECREED

----- Source ----- + ----- Tributary ----- +
BIRCH CREEK SINKS

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

----- Diversion Name ----- +
----- Diversion Rate ----- +
----- Diversion Volume ----- +

----- Water Use ----- +
----- Period From ----- +
----- Period To ----- +
01 - IRRIGATION 01/01 12/31 0.200

----- Total Div. Rate ----- + ----- Total Div. Volume ----- + ----- Total Div. Capacity ----- + ----- Total Consumptive Use ----- +
0.200 847.5

----- Place of Use ----- +
----- Acres ----- +
----- Code ----- +
----- Description ----- +
----- County ----- +

| Twn | Rng | Sec | Tract | Lot | Acres | Code | Description | County |
|-----|-----|-----|-------|------|-------|------|-------------|------------|
| 09N | 30E | 4 | NE SW | 1.0 | 01 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 4 | NW SW | 29.0 | 01 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 4 | SW SW | 36.0 | 01 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 4 | SE SW | 29.0 | 01 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 4 | SW SE | 2.0 | 01 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 5 | SE SE | 5.0 | 01 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 5 | NE SE | 20.0 | 01 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 5 | SE SE | 2.0 | 01 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | NW NE | 20.0 | 01 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | SW NE | 31.0 | 01 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | NE NW | 40.0 | 01 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | NW NW | 20.0 | 01 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | SW NW | 4.0 | 01 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | SE NW | 38.0 | 01 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | NE SW | 24.0 | 01 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | SE SW | 2.0 | 01 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | NW SE | 32.0 | 01 | 01 | IRRIGATION | (33) CLARK |

MICROFILMED
JUL 28 1999

Water right number - A32-00087

Prefix Translation: ADJUDICATION CLAIM

-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+
Twn Rng Sec Tract Lot Acres Code Description County
05N 30E 9 SW SE 4.0 01 IRRIGATION (33) CLARK
Total Acres: 339.0

-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+
+ - - - - Diversion Means - DIVERSION DAM, HEADGATE TO DITCHES FOR FLOOD IRRIGATION
+ - - - - Non-Irrigation Use - STOCK WATER DIRECTLY FROM DITCHES
+ - - - - Other Rights for Same Use - 32-0073/0077/0078/0079/0085/0086/0102
+ - - - -

-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+
+ - - - - RIGHT USED OVER ENTIRE PLACE OF USE AS CROPS DEMAND DURING THE
IRRIGATION SEASON
PERIOD OF USE JUSTIFICATION:
1. ACTUAL PERIOD MAY BE ONLY 2/15 TO 11/20 DUE TO ICEING
2. SOIL TYPE(GRAVELY) REQUIRES EXCESS WATER EARLY AND LATE IN
THE YEAR TO BRING THE SUBWATER UP.
3. HISTORICALLY PERIOD HAS BEEN LONGER THAT 4/1 TO 11/1
4. DECREE PERIOD OF USE STATED AS: "...have, at all times,..."
+ - - - -

-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+
+ - - - - Old Water Right Numbers
No Old Water Right Numbers found.
+ - - - -

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

-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+
+ - - - - Decree Plaintiff - - - + - - - - Decree Defendant - - - +
AGNES B. RENO, ET. AL. J. R. RICHARDS, ET. AL.
+ - - - -

-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+
+ - - - - Audit Fields - 04/22/88 WILSON 05/19/88 NOYES 12/13/88 WILSON
+ - - - -

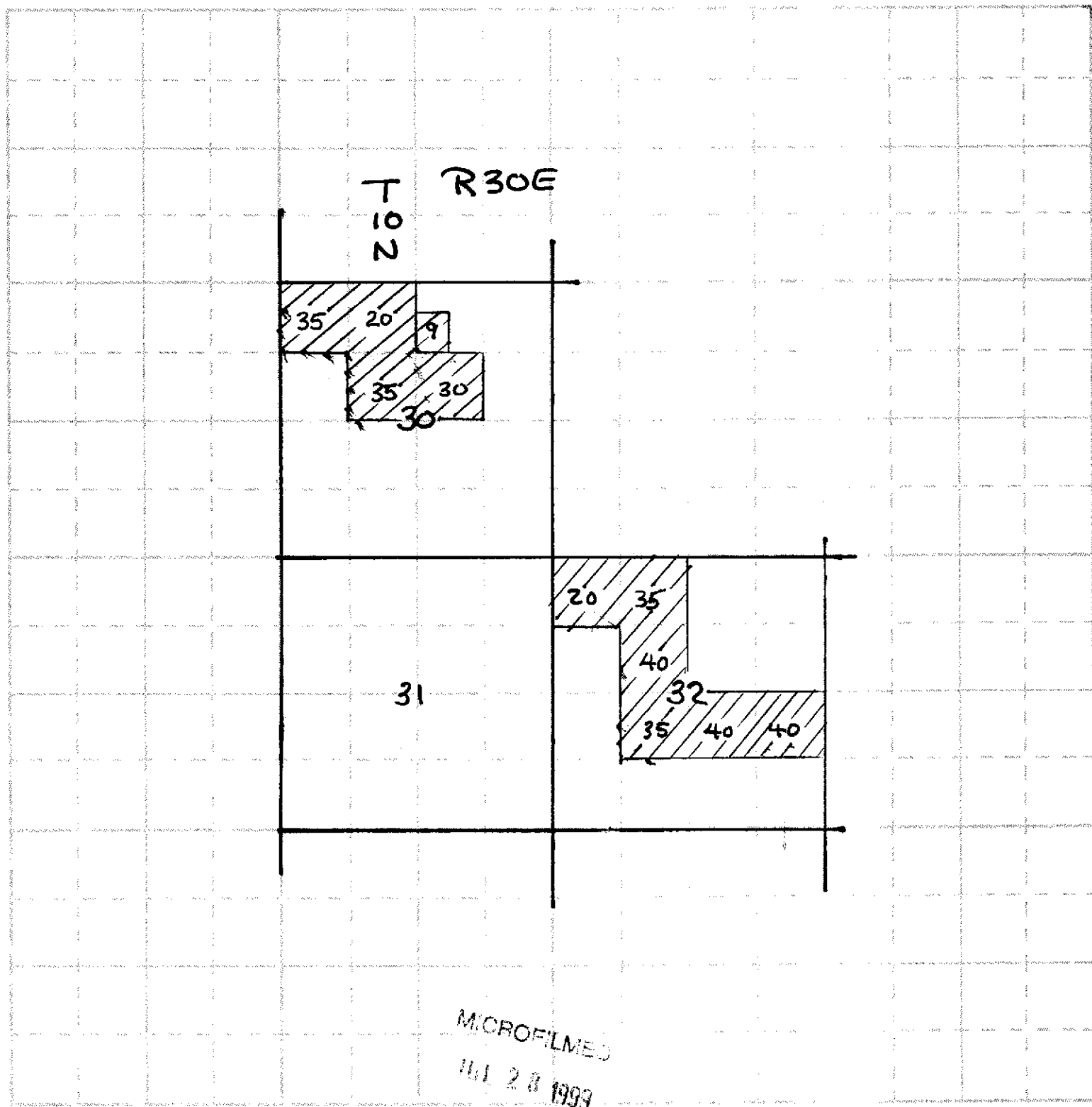
-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+
+ - - - - -Comments- - - - -
No Comments Found
+ - - - -

-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+
+ - - - - Adjudication Rights Dates and Flags Area
+ - - - -

| | | | | | |
|------------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 00/00/0000 | Old Judicial District | - |
| Claim Received Date | - 04/22/1988 | Last Amended Date | - 12/13/1988 | Temporary Right | - P |
| Proof Due Date | - 00/00/0000 | Proof Made Date | - 00/00/0000 | Water District | - |
| Licensed Date | - 00/00/0000 | Receipt Number | - E000140 | Federal/State Indicator | - S |
| Claims Tape Error Flag | - | POU Ownership Flag | - Y | Presumption Flag | - |
| Fee Exempt Flag | - | Name Connector | - OR | Notice of Error Flag | - |

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

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



SCALE: 2 inches equal 1 mile. Draw plan in ink.

PART 3

B. CHANGES IN NATURE OF USE

| 1 | New Nature of Use | Amount (cfs/ac-ft) | Hours/days/year | Period of Use |
|---|-------------------|--------------------|-----------------|---------------|
|---|-------------------|--------------------|-----------------|---------------|

| | | | | |
|--|--|--|--|--|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 3rd day of May, 1994.

My commission expires 5-27-98

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by Kew Date 5-2-1994

Prelim. check by _____ Fee 50⁰⁰ # E019760

Received by _____ Date _____

Published in Post-Register Pub. dates 5-12-19-94

Watermaster recommendation requested on 5-10-94

Recommended for ☐ approval ☐ denial

by _____

Copy of transfer sent to lien holder _____

MICROFILMED
MAY 28 1999

IN THE MATTER OF)
APPLICATION FOR TRANSFER)
NUMBER 4166)
IN THE NAME OF)
Mac & Betty Wagoner)
_____)

WITHDRAWAL

I hereby withdraw Application for Transfer number 4166
and ask that it be voided from the Idaho Department of Water
Resources records.

Signed this 12 day of April 1996

Signature: Mac Wagoner

MICROFILMED

JUL 28 1999

COPY

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4166

AMENDED

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1VOID
ROW

Name of applicant Mac or Betty Wagoner Phone (208) 374-5415
 Post Office address P.O. Box 296, Dubois, ID 83423

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 Ted Sorenson and Mac Wagoner have entered into an agreement to settle their water use disputes. This amended transfer is filed to facilitate approval by Department per stipulations filed in Birch Creek hearings for exchange of water between Wagoner and Birch Creek Ranches.

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
32-00102 5/10/1889 4.0 cfs Irrigation 4/1 to 11/1
 _____ to _____
 _____ to _____
2. Total amount of water being transferred 6.00 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Birch Creek tributary to sinks
4. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
| | | NW | NW | 32 | 10N | 30E | Clark | |
| | | SW | SW | 29 | 10N | 30 | Clark | |

WITHDRAWN
04-12-96

5. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| | | | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | |
| 10N | 30E | 32 | | 5 | 15 | | 35 | 20 | | 40 | 35 | | | | 40 | 40 | | | 230 |
| 10N | 30E | 30 | 10 | 20 | 30 | 20 | 20 | 35 | | 35 | | | | | | | | | 170 |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
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MICROFILMED

JUL 28 1999

Total acres 400

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

Transfer No. 4166

APPLICATION FOR TRANSFER OF WATER RIGHT PART I

Eastern District Office

COPY

Name of applicant Mac or Betty WagonerPost Office address P.O. Box 296, Dubois, ID 83423Phone 374-5415

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 Ted Sorensen and Mac Wagoner have entered into an agreement to settle their water use disputes. This transfer is filed as part of that agreement; copy of which is attached.

WITHDRAWN
04-12-94

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

1. Right Number 32-00102 Priority 5-10-1889 Amount (cfs/ac-ft) 4.00 cfs Nature of Use irrigation Period of Use 4-1 to 11-1
See attached
Exhibit A
2. Total amount of water being transferred 6.00 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Birch Creek tributary to sinks
4. Point(s) of Diversion: _____

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
| | | SE | SW | 34 | 9N | 30E | Clark | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

5. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| | | | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | |
| 8N | 31E | 12 | | | | | | | | | | | | | | | | | |
| | 32E | 10 | | | | | | | | | | | | 40 | | 40 | 40 | 40 | 160 |
| | | 11 | | | | | | | | | 40 | 40 | | | 40 | 40 | 40 | 40 | 240 |
| | | 14 | | | | | | | 40 | 40 | 40 | 40 | 40 | | | | | | 240 |
| | | 1 | | | | | 40 | 40 | | | | | | | | | | | 80 |
| 8N | 33E | 6 | | | | | | | | | | | | | 40 | | | 40 | 80 |
| | | | | | | | | | | | | | | 40 | | 40 | 40 | | 160 |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

MICROFILMED

JUL 28 1999

Total acres 960

PART 1**6. General Information:**

- a. Description of diversion system An earthen dam with a buried PNC liner has been placed in Birch Creek at the point of diversion to divert water through the new lined power channel to the power plant and thence into the lower portion of the old Reno Ditch.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? X Yes _____ 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:
See attached agreement between owner and Ted Sorenson.
- _____
- _____
- _____

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 19 _____.

MICROFILMED

JUL 28 1999

EXHIBIT A

| <u>Right #</u> | <u>Priority</u> | <u>Amount</u> | <u>Nature of Use</u> | <u>Period of Use</u> |
|----------------|-----------------|---------------|----------------------|----------------------|
| 32-0073- | 5/15/1909 | .2cfs | Irrigation | 4/1 to 11/1 |
| 32-0085 | 5/10/1910 | .2cfs | Irrigation | 4/1 to 11/1 |
| 32-0077- | 5/15/1910 | .2cfs | Irrigation | 4/1 to 11/1 |
| 32-0086 | 5/1/1911 | .2cfs | Irrigation | 4/1 to 11/1 |
| 32-0078- | 5/15/1911 | .2cfs | Irrigation | 4/1 to 11/1 |
| 32-0087 | 5/1/1912 | .2cfs | Irrigation | 4/1 to 11/1 |
| 32-0079- | 5/15/1913 | .8cfs | Irrigation | 4/1 to 11/1 |

RECEIVED
FEB 08 1991

Department of Water Resources
Eastern District Office

MICROFILMED

JUL 28 1999

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 32-00102 Decreed to Samuel Goddard
in case of Frank Reno et al vs. J. R. Richards
dated October/28, 1894 in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Birch Creek tributary to sinks

4. Date or priority 5-10-1889

5. Water is used for the following purpose:

amount 4.00 for irrigation purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 4.00 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: Not listed in decree

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

8. Lands irrigated or place of use: Not listed in decree

| Twp. | Rge. | Sec. | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| | | | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

MICROFILMED

JUL 28 1999

Total acres _____

9. Describe any other water rights used for the same purpose as described above 32-00073, -00086, -00077, -00085, -00078, -00087, & -00079

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO _____ if yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

- | | | | | |
|----|-------------|-----|---------------|----|
| 1. | amount | for | purposes from | to |
| | (cfs/ac-ft) | | | |
| | amount | for | purposes from | to |
| | (cfs/ac-ft) | | | |
| | amount | for | purposes from | to |
| | (cfs/ac-ft) | | | |

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

- | | | | | |
|----|-------------|-----|---------------|----|
| 1. | amount | for | purposes from | to |
| | (cfs/ac-ft) | | | |
| | amount | for | purposes from | to |
| | (cfs/ac-ft) | | | |
| | amount | for | purposes from | to |
| | (cfs/ac-ft) | | | |

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

28 JUN 1999

Total acres

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 0085 Decreed to Samuel Goddard
in case of Agnus Reno vs. J.R. Richards
dated September 6, in 1922 county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Birch Creek tributary to sinks

4. Date or priority May 10, 1910

5. Water is used for the following purpose:

amount .2cfs for irrigation purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right .2 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: Not listed in decree

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

8. Lands irrigated or place of use: Not listed in decree

| Twp. | Rge. | Sec. | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| | | | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | |
| 9N | 30E | 9 | | | | | | | | A | A | | | | | A | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Total acres 120

9. Describe any other water rights used for the same purpose as described above 0086 0087

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

• If yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

- | 1. amount | | for | | purposes from | | to | |
|-------------|--|-----|--|---------------|--|----|--|
| (cts/ac-ft) | | | | | | | |
| amount | | for | | purposes from | | to | |
| (cts/ac-ft) | | | | | | | |
| amount | | for | | purposes from | | to | |
| (cts/ac-ft) | | | | | | | |
| amount | | for | | purposes from | | to | |
| (cts/ac-ft) | | | | | | | |

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

- | 1. | amount | for | purposes from | to |
|----|-------------|--------|---------------|----|
| | (cts/ac-ft) | amount | for | to |
| | (cts/ac-ft) | amount | for | to |
| | (cts/ac-ft) | amount | for | to |

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

JUL 28 1999
MICROFILMED

Total acres

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 0086 Decreed to Smauel Goddard
 in case of Agnus Reno vs. J.R. Richards
 dated September 6, in 1922 county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Birch Creek tributary to sinks

4. Date or priority May 1, 1911

5. Water is used for the following purpose:

amount .2cfs for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right .2 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: Not listed in decree

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

8. Lands irrigated or place of use: Not listed in decree

| Twp. | Rge. | Sec. | NE ¼ | | | | NW ¼ | | | | SW ¼ | | | | SE ¼ | | | | Totals |
|--------|
| | | | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | |
| 9N | 30E | 9 | | | | | | | | A | A | | | | | A | | | |
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MICROFILMED
JUL 28 1999

Total acres 120

9. Describe any other water rights used for the same purpose as described above 0085 0087

It yes, describe

(If the entire right is to be changed by the applicant, omit part B and C.)

2. Point(s) of Diversion:

3. Lands irrigated or place of use:

Total acres

2. Point(s) of Diversion:

3. Lands irrigated or place of use:

Total acres

RECEIVED
JUL 28 1966
MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 0087 Decreed to Samuel Goddard
in case of Agnus Reno vs. J. R. Richards
dated September 6 in 1922 county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Birch Creek tributary to Sinks

4. Date or priority May 1, 1912

5. Water is used for the following purpose:

amount .2cfs for irrigation purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right .2 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: Not listed in decree

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

8. Lands irrigated or place of use: Not listed in decree

| Twp. | Rge. | Sec. | NE ¼ | | | | NW ¼ | | | | SW ¼ | | | | SE ¼ | | | | Totals |
|--------|
| | | | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | |
| 9N | 30E | 9 | | | | | | | | A | A | | | | | A | | | |
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MICROFILMED
JUL 28 1999

Total acres 120

9. Describe any other water rights used for the same purpose as described above 0085 0086

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

It yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

- | 1. amount | | for | | purposes from | | to | |
|-------------|--|-----|--|---------------|--|----|--|
| (cfs/ac-ft) | | | | | | | |
| amount | | for | | purposes from | | to | |
| (cfs/ac-ft) | | | | | | | |
| amount | | for | | purposes from | | to | |
| (cfs/ac-ft) | | | | | | | |
| amount | | for | | purposes from | | to | |
| (cfs/ac-ft) | | | | | | | |

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

- | 1. amount | | for | | purposes from | | to | |
|-------------|--|-----|--|---------------|--|----|--|
| (cfs/ac-ft) | | | | | | | |
| amount | | for | | purposes from | | to | |
| (cfs/ac-ft) | | | | | | | |
| amount | | for | | purposes from | | to | |
| (cfs/ac-ft) | | | | | | | |
| amount | | for | | purposes from | | to | |
| (cfs/ac-ft) | | | | | | | |

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 0073 Decreed to George Goddard
in case of Agnus Reno vs. J.R. Richards et.al.
dated September 6, in 1922 county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice Birch Creek ☐ Warranty Deed ☐ Other Sinks

3. Source of water May 15, 1909 tributary to _____

4. Date or priority _____

5. Water is used for the following purpose:

.2cfs for irrigation purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right .2 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: Not listed in decree

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

8. Lands irrigated or place of use: Not listed in decree

| Twp. | Rge. | Sec. | NE ¼ | | | | NW ¼ | | | | SW ¼ | | | | SE ¼ | | | | Totals |
|--------|
| | | | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | |
| 9N | 30E | 9 | | A | A | A | A | | | | | | | | | | | | |
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MICROFILMED
JUL 28 1995

Total acres 160

9. Describe any other water rights used for the same purpose as described above 0077 0078 0079

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

It yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

- | 1. | | 2. Point(s) of Diversion: | |
|---------------|-----|---------------------------|-----|
| amount | for | amount | for |
| (cfs/ac-ft) | | (cfs/ac-ft) | |
| purposes from | to | purposes from | to |
| | | | |
| amount | for | amount | for |
| (cfs/ac-ft) | | (cfs/ac-ft) | |
| purposes from | to | purposes from | to |
| | | | |

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]**Total acres**

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

- | | | | | | | | | | |
|----|-------------|-----|---------------|----|--|--|--|--|--|
| 1. | amount | for | purposes from | to | | | | | |
| | (cfs/ac-ft) | | | | | | | | |
| | amount | for | purposes from | to | | | | | |
| | (cfs/ac-ft) | | | | | | | | |
| | amount | for | purposes from | to | | | | | |
| | (cfs/ac-ft) | | | | | | | | |

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

6667 8 7 101
MICROFILMED

Total acres

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 0077 Decreed to George Goddard
in case of Agnus Reno vs. J.R. Richards
dated September 6, in 1922 county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Birch Creek tributary to Sinks

4. Date or priority May 15, 1910

5. Water is used for the following purpose:

amount .2cfs for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right .2 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: Not listed in decree

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

8. Lands irrigated or place of use: Not listed in decree

| Twp. | Rge. | Sec. | NE ¼ | | | | NW ¼ | | | | SW ¼ | | | | SE ¼ | | | | Totals |
|--------|
| | | | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | |
| 9N | 30E | 9 | | A | A | A | A | | | | | | | | | | | | |
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MICROFILMED
JUL 28 1999

Total acres 160

9. Describe any other water rights used for the same purpose as described above 0073 0078 0079

if yes, describe

(If the entire right is to be changed by the applicant, omit part B and C.)

- 2. Point(s) of Diversion:**

3. Lands irrigated or place of use:

Total acres

| | | | | |
|----|-------------|-----|---------------|----|
| 1. | amount | for | purposes from | to |
| | (cfs/ac-ft) | | | |
| | amount | for | purposes from | to |
| | (cfs/ac-ft) | | | |
| | amount | for | purposes from | to |
| | (cfs/ac-ft) | | | |

- ### 3. Lands irrigated or place of use:

APR 28 1994
MICROFILMED

Total acres

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 0078 Decreed to George Goddard
in case of Agnus Reno vs. J.R. Richards
dated September 6, 1922 in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Birch Creek tributary to sinks
May 15, 1911
4. Date or priority _____

5. Water is used for the following purpose:

amount .2crs for irrigation purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right .2 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: Not listed in decree

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

8. Lands irrigated or place of use: Not listed in decree

| Twp. | Rge. | Sec. | NE ¼ | | | | NW ¼ | | | | SW ¼ | | | | SE ¼ | | | | Totals |
|--------|
| | | | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | |
| 9N | 30E | 9 | | A | A | A | A | | | | | | | | | | | | |
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MICROFILMED
111 28 1999

Total acres 160

9. Describe any other water rights used for the same purpose as described above 0073 0077 0079

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

If yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

- | 1. amount | | for | | purposes from | | to | |
|-------------|--|-----|--|---------------|--|----|--|
| (cfs/ac-ft) | | | | | | | |
| amount | | for | | purposes from | | to | |
| (cfs/ac-ft) | | | | | | | |
| amount | | for | | purposes from | | to | |
| (cfs/ac-ft) | | | | | | | |
| amount | | for | | purposes from | | to | |
| (cfs/ac-ft) | | | | | | | |

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]**Total acres**

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

- | | | | | |
|----|-------------|-----|---------------|----|
| 1. | amount | for | purposes from | to |
| | (cfs/ac-ft) | | | |
| | amount | for | purposes from | to |
| | (cfs/ac-ft) | | | |
| | amount | for | purposes from | to |
| | (cfs/ac-ft) | | | |

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 0079 Decreed to George Goddard
in case of Agnus Reno vs. J. R. Richards
dated September 6 in 1922 county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Birch Creek tributary to Sinks

4. Date or priority May 15, 1913

5. Water is used for the following purpose:

amount .8cfs for irrigation purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right .8 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: Not listed in decree

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

8. Lands irrigated or place of use: Not listed in decree

| Twp. | Rge. | Sec. | NE ¼ | | | | NW ¼ | | | | SW ¼ | | | | SE ¼ | | | | Totals |
|--------|
| | | | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | |
| 9N | 30E | 9 | | A | A | A | A | | | | | | | | | | | | |
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MICROFILMED
JUL 28 1993

Total acres 160

9. Describe any other water rights used for the same purpose as described above 0073 0077 0078

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

• If yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

- | 1. amount | | 2. Point(s) of Diversion: | |
|--------------------|---------------------|---------------------------|---------------------|
| _____ | for _____ | _____ | for _____ |
| amount (cfs/ac-ft) | | amount (cfs/ac-ft) | |
| _____ | purposes from _____ | _____ | purposes from _____ |
| to _____ | | to _____ | |
| _____ | for _____ | _____ | for _____ |
| amount (cfs/ac-ft) | | amount (cfs/ac-ft) | |
| _____ | purposes from _____ | _____ | purposes from _____ |
| to _____ | | to _____ | |

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

- | | | | | |
|----|--------------------|-----|---------------|----|
| 1. | amount (cfs/ac-ft) | for | purposes from | to |
| | amount (cfs/ac-ft) | for | purposes from | to |
| | amount (cfs/ac-ft) | for | purposes from | to |

2. Point(s) of Diversion:

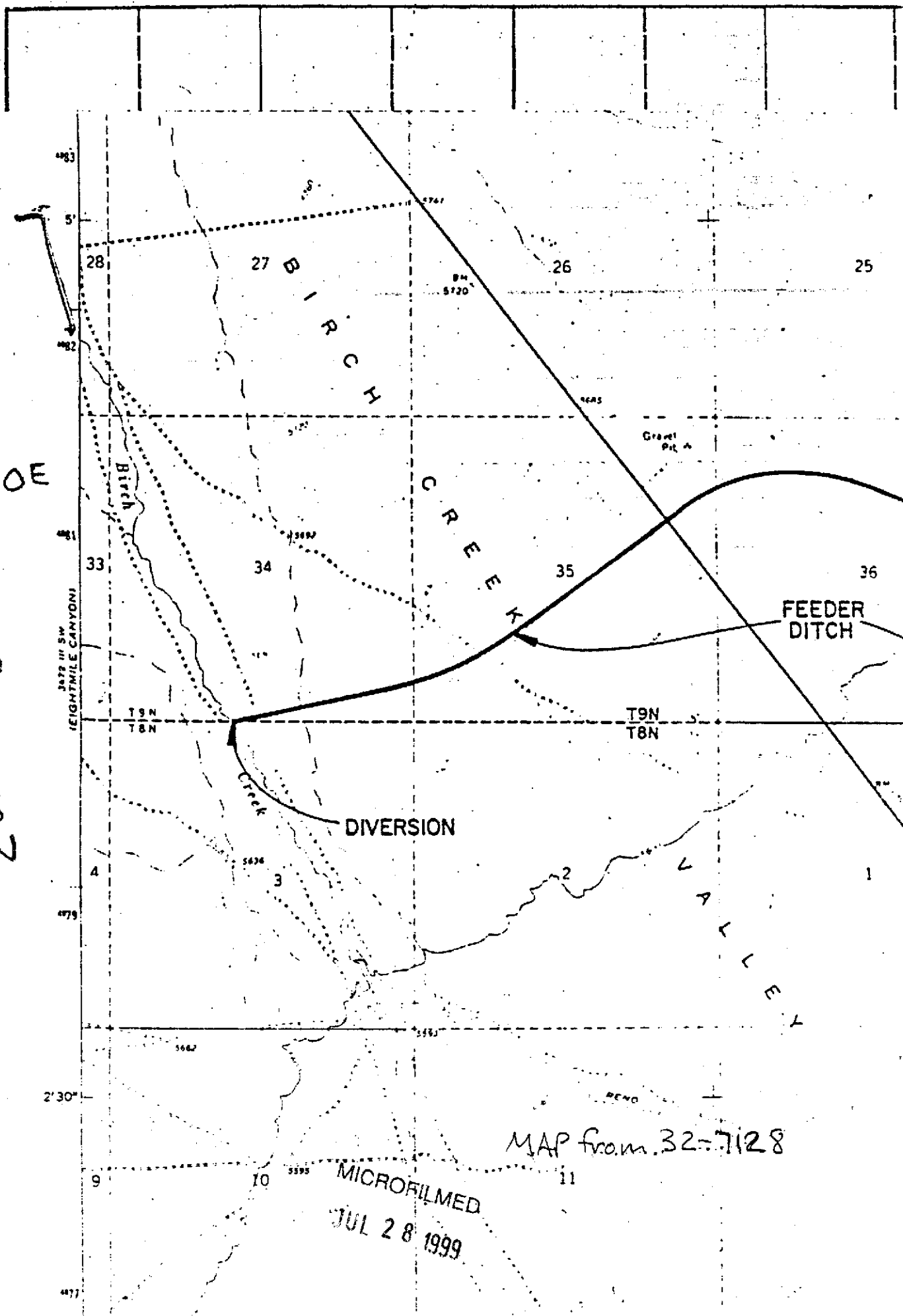
[illegible]

3. Lands irrigated or place of use:

[illegible]

1999 JUL 28 MICROFILMED

Total acres



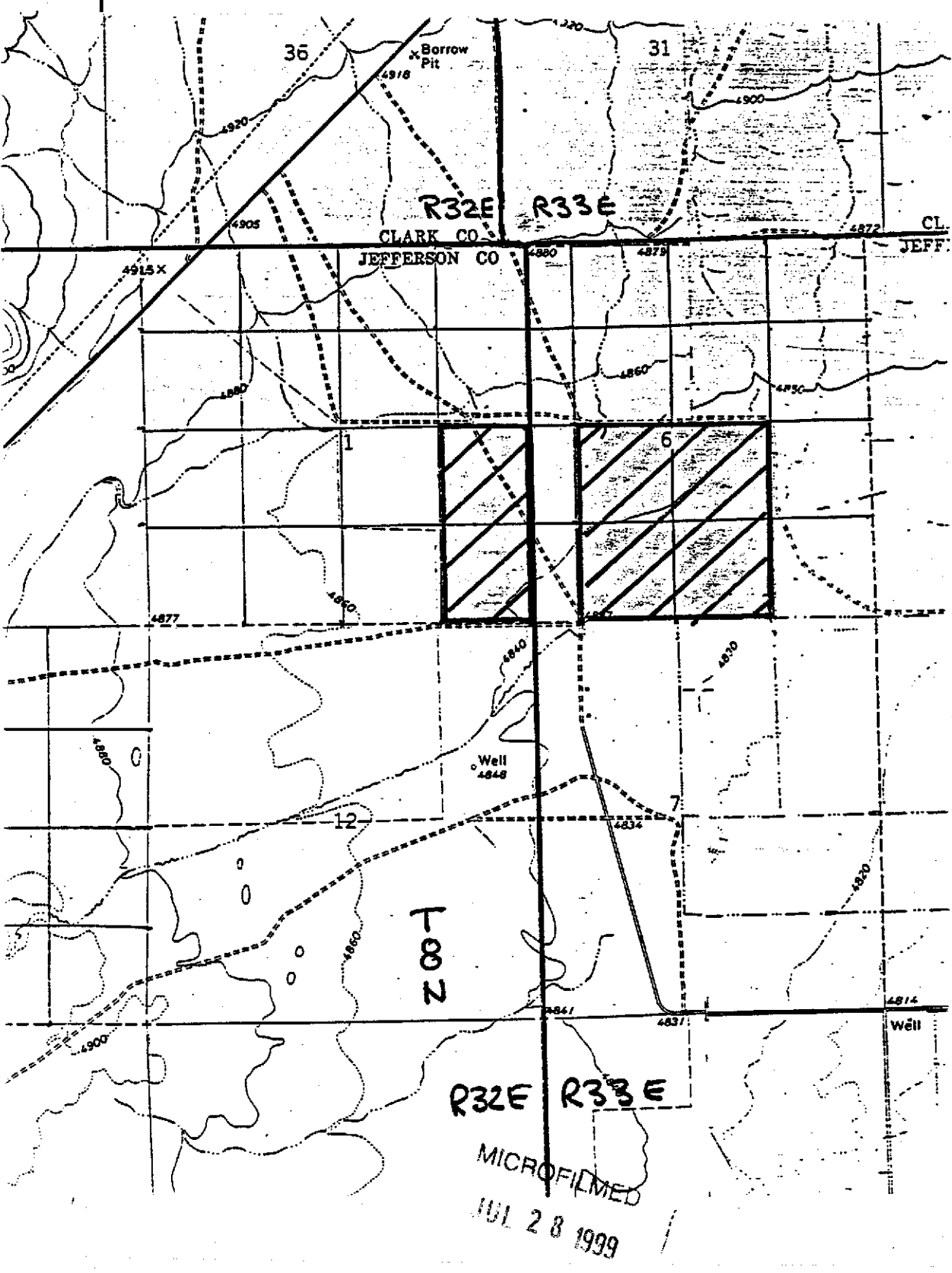
R30E

100-200

MAP from 32-7128

MICROFILMED
JUL 28 1999

bed



PART 3**B. CHANGES IN NATURE OF USE**

| 1 | New Nature of Use | Amount
(cfs/ac-ft) | Hours/days/year | Period of Use |
|---|-------------------|-----------------------|-----------------|----------------|
| | | | | _____ to _____ |
| | | | | _____ to _____ |

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 28 day of Jan, 19 91.

(Signature of Applicant)

(Notary Public)

My commission expires _____

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by Jo Date 2-6-91

Protest filed by _____

Prelim. check by KCW Fee \$50.00Receipted by HWS *EOIS664 Date 2-7-91Published in Statewide

Copies of protest forwarded by _____

Pub. dates 4-18-25-91

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

_____ rec'd. _____

by _____

Copy of transfer sent to lien holder _____

MICROFILMED

JUL 28 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 8, 1994

Dick Telford
P.O. Box 51020
Idaho Falls, Id 83405-1020

RE: Demand letter for payment of transcript of hearing: Birch
Creek Ranches, Inc.

Dear Mr. Telford:

You sent a bill to Julie L. Yarbrough of the Department of Water Resources on September 1, 1994, for \$661.00, which is 1/5 the cost for preparation of a transcript for a hearing regarding protests against an application for transfer filed by Birch Creek Ranches, Inc. In your cover letter, you stated the Department's "then attorney, Gary Spackman, had agreed to pay," on behalf of the Department of Water Resources, the \$661.00.

I was assigned as a hearing officer for a period of time during which the parties were debating whether the record for the prior hearing could be used in a subsequent hearing. The parties finally determined that the record of the prior hearing could be used if a transcript was prepared. I recall one of the attorneys suggesting that the department share in the cost of the transcript preparation. I recall stating that the Department was not obligated to pay for the cost of any part of the transcript, and it would be unusual for the Department to pay for the transcript preparation. I did not commit to pay a prorated share of the cost of the transcript.

MICROFILMED

JUL 28 1999

The Department of Water Resources will not pay \$661.00 of the transcript preparation cost. You will need to seek payment from the parties who requested the transcript.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gary Spackman".

Gary Spackman

cc: Kent Foster
Blair Grover
George Peterson
Breck Barton
Larry Echohawk, Attorney General

MICROFILMED

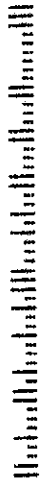
JUL 28 1999

DICK TELFORD REPORTING SERVICE

Certified Shorthand Reporters
P.O. Box 51020
Idaho Falls, Idaho 83405-1020

Julie L. Yarbrough
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000

MICROFILMED
JUL 28 1999



DICK TELFORD
CERTIFIED SHORTHAND REPORTER
P.O. BOX 51020
IDAHO FALLS, IDAHO 83405-1020

RECEIVED
SEP 6 1994
Department of Water Resources

September 1, 1994

Julie L. Yarbrough
Senior Secretary
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho, 83720-9000

Re: Transcript of hearing, Birch Creek Ranches, Inc.

DEMAND LETTER

Dear Ms. Yarbrough:

I again enclose my billing for the 1/5 share of the cost of the preparation of the transcript of \$ 661.00 that your then attorney, Gary Spackman, had agreed to pay that the Department of Water Resources would be obligated for.

I am this day delivering the original transcript that was submitted to the Department of Water Resources on May 3, 1994, that you returned to me on June 22, 1994, to Kent Foster so that it will be readily available for use by the Department.

Sincerely,

Dick Telford
Dick Telford
Court Reporter

cc - Larry Echohawk, Attorney General

MICROFILMED
JUL 28 1999



Jul 1, 1994
2nd Billing

Dick Telford Reporting Service

Certified Shorthand Reporting

P.O. Box 51020

Idaho Falls, Idaho 83405-1020

(208) 529-5491

THE RECORD NEVER FORGETS

TO:

Idaho Department of Water Resources
ATTN: GARY SPACKMAN
1301 North Orchard
State House Mail
Boise, Idaho 83720-9000

Date:

Re:

4/17-18/90
rm

Department of Water Resources, Idaho
In the Matter of Water Rights
BIRCH CREEK RANCHES, INC.

Your 1/5 share of the original
and one copy of the Transcript
of Hearing

\$ 655.34

Postage and handling

6.00

Total:

\$ 661.34

Return copy of statement with payment to insure proper credit
1.5% per month charged on accounts not paid within 45 days

MICROFILMED

904 28 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 22, 1994

Dick Telford Reporting Service
P.O. Box 51020
Idaho Falls, ID 83405-1020

RE: Transcript of Hearing for Birch Creek Ranches, Inc.

Dear Mr. Telford:

This letter is to advise you that the Idaho Department of Water Resources is not one of the parties obligated to pay the \$661.00 for the transcript of the above referenced hearing. The cost should be apportioned among the other parties in the matter.

I am returning the original transcript that was sent to us on May 3, 1994.

If you have any questions, please do not hesitate to contact me at (208)327-7953

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

cc: Kent Foster
Breck Barton
George C. Peterson

MICROFILMED

JUL 28 1994

RECEIVED

JUN 09 1999

Department of Water Resources

02-Jun-1994

MAC OR BETTY WAGONER
PO BOX 296
DUBOIS ID 83423

RE: Application for Transfer No.: 4352 (amended)

Dear Applicant:

Enclosed please find copies of protests filed against the above referenced application for transfer. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

- 1) Are other water rights injured by the transfer?
- 2) Does the change constitute enlargement in the use of the original water right?
- 3) Is the change consistent with the conservation of water resources within the state of Idaho?
- 4) Does the change conflict with the local public interest?

The applicant must be prepared to present evidence and/or testimony addressing each of the four items should an additional hearing be necessary. You will be notified at a later date as to the time and place set for conference and/or hearing.

If we may be of further assistance, please contact us.

Respectfully submitted,


HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

enclosures
cc: IDWR - State Office-212

MICROFILMED

JUL 28 1999

02-Jun-1994

GEORGE C PETERSEN JR ESQ
PETERSEN MOSS OLSEN
CARR ESKELSON & HALL
485 E STREET
IDAHO FALLS ID 83402

RE: Application for Transfer No. 4352 (amended)
Mac or Betty Wagoner

Dear Mr. Petersen:

This letter acknowledges receipt of the protest filed by you on behalf of your clients D&D Enterprises, Inc. against the above referenced amended application for transfer. The following are the principle items considered by the Department at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute enlargement in the use of the original right?
3. Is the change consistent with the conservation of water resources within the state of Idaho?
4. Does the change conflict with the local public interest?

The protestant must be prepared to present proof of the allegations involving one or more of the items. You will be notified at a later date as to the time and place set for conference and/or hearing.

In addition, Rule 302 of the Department's Rules of Procedure requires a protestant to send a copy of the protest to the applicant in question. The address is as follows:

MAC OR BETTY WAGONER
PO BOX 296
DUBOIS ID 83423

If we may be of further assistance, please contact us.

Respectfully submitted,

Harold W. Jones
HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

MICROFILMED

JUL 28 1999

02-Jun-1994

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

RE: Application for Transfer No. 4352 (amended)
Mac or Betty Wagoner

Dear Mr. Foster:

This letter acknowledges receipt of the protest filed by you on behalf of your clients Birch Creek Ranches against the above referenced amended application for transfer. The following are the principle items considered by the Department at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute enlargement in the use of the original right?
3. Is the change consistent with the conservation of water resources within the state of Idaho?
4. Does the change conflict with the local public interest?

The protestant must be prepared to present proof of the allegations involving one or more of the items. You will be notified at a later date as to the time and place set for conference and/or hearing.

In addition, Rule 302 of the Department's Rules of Procedure requires a protestant to send a copy of the protest to the applicant in question. The address is as follows:

MAC OR BETTY WAGONER
PO BOX 296
DUBOIS ID 83423

If we may be of further assistance, please contact us.

Respectfully submitted,

Harold W. Jones
HAROLD W. JONES *rh*
Water Rights Supervisor

HWJ/rb

MICROFILMED

JUL 28 1999

02-Jun-1994

BLAIR GROVER
PO BOX 36
RIGBY ID 83442

RE: Application for Transfer No. 4352 (amended)
Mac or Betty Wagoner

Dear Mr. Grover:

This letter acknowledges receipt of the protest filed by you on behalf of your clients LaVar & Louise J. Newman against the above referenced amended application for transfer. The following are the principle items considered by the Department at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute enlargement in the use of the original right?
3. Is the change consistent with the conservation of water resources within the state of Idaho?
4. Does the change conflict with the local public interest?

The protestant must be prepared to present proof of the allegations involving one or more of the items. You will be notified at a later date as to the time and place set for conference and/or hearing.

In addition, Rule 302 of the Department's Rules of Procedure requires a protestant to send a copy of the protest to the applicant in question. The address is as follows:

MAC OR BETTY WAGONER
PO BOX 296
DUBOIS ID 83423

If we may be of further assistance, please contact us.

Respectfully submitted,


HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

cc: IDWR - State Office

MICROFILMED

JUL 28 1999

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO

IDAHO FALLS OFFICE

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
GAYLE A. SORENSON, P.A.
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
JOHN G. SIMMONS, P.A.
ROBERT M. FOLLETT
JAMES K. SLAVENS

WEST ONE BANK
P.O. BOX 50130
330 SHOUP AVENUE
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
TELEFAX (208) 523-9518

KEY FINANCIAL CENTER
702 W. IDAHO SUITE 810
BOISE, IDAHO 83702

TELEPHONE (208) 343-0820
TELEFAX (208) 343-8078

BOISE OFFICE

TODD J. WILCOX
FREDERICK J. HAHN III
RONALD D. CHRISTIAN

ARTHUR W. HOLDEN
(1877-1967)
ROBERT B. HOLDEN
(1911-1971)
TERRY L. CRAPO
(1939-1982)
WILLIAM S. HOLDEN
(1907-1988)

May 26, 1994

RECEIVED
MAY 26 1994

Idaho Department of Water Resources
900 North Skyline Drive
Idaho Falls, Idaho 83402

Department of Water Resources
Eastern District Office

RE: Amended Application For Transfer Of Water Rights In The Name Of Mac or Betty Wagoner, Transfer No. 4352, Water Right Nos. 32-00102, et al

Gentlemen:

We are writing this letter on behalf of Birch Creek Ranches to address the Amended Application for Transfer recently filed by Mac and Betty Wagoner. The Amendment is to an Application previously filed by Wagoners pursuant to a contractual arrangement between Wagoners and Birch Creek Ranches. Also, pursuant to that very same contractual arrangement, Birch Creek Ranches filed an Application for Transfer. Birch Creek Ranches' Amended Application could be viewed as containing two parts: first, a proposed transfer of 4.0 cfs to Wagoner Lands, and second, a proposed transfer of 17.5cfs to D&D lands. Wagoners' original Transfer Application proposed the transfer of 6.0 cfs to D&D lands.

Now, Wagoners have filed an Amended Transfer which proposes to transfer 4.0 cfs of Wagoner rights upstream to Birch Creek Ranches lands, and 4.0 cfs of birch Creek Ranches' rights to Wagoners' lands. Do Wagoners have the legal authority to amend the contractual arrangement unilaterally? And, does the Amended Application not require the signature or consent of Birch Creek Ranches? We know of no arrangement whereby Birch Creek Ranches has ever agreed to seek the transfer of Wagoner water rights upstream to Birch Creek Ranches lands.

Protests have now been filed by D&D and Newmans to Wagoners' Amended Application, raising, *inter alia*, issues of forfeiture and injury to other water rights. It seems

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JUL 28 1994

to us that Birch Creek Ranches is potentially impacted by such issues and perhaps other issues as well.

We are procedurally confused. Is Birch Creek Ranches a party to this Wagoner Amended Transfer proceeding because of its contractual arrangement with Wagoners, or because of its intimate involvement in the original transfer proceedings out of which this Amendment has arisen and/or the other closely related proceedings? Or, in order to participate in this Wagoner Amended Transfer proceeding, must Birch Creek Ranches first be formally granted intervenor status, or must Birch Creek Ranches file a formal protest?

We leave that procedural decision to the Director of the Department of Water Resources, but request that this letter be alternately considered as a formal motion for leave to intervene, or as a formal protest based upon all applicable statutory grounds, if it is determined that either or both is necessary in order for Birch Creek Ranches to participate fully in all proceedings relating to the Wagoner Amended Application for Transfer described above.

Thank you for your kind attention to this matter.

Yours very truly,



Kent W. Foster

pc: Breck Barton
George Peterson
Blair Grover

RECEIVED

JUN 09 1999

Department of Water Resources
STATE OF IDAHO

RECEIVED

MAY 25 1994

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

RE: AMENDED APPLICATION FOR TRANSFER OF WATER RIGHTS Eastern District Office

APPLICATION OF MAC OR BETTY WAGONER

TRANSFER NO. 4352, Water Right Nos. 32-00102, et al

COMES NOW LAVAR NEWMAN and LOUISE J. NEWMAN, hereinafter referred to as PROTESTANTS, and protest the Amended Application for Transfer of Water Rights submitted by MAC or BETTY WAGONER. This protest is for, among others, the following reasons:

1. The proposed application will injure the water rights of PROTESTANTS:

(a) Rather than disputing with BIRCH CREEK RANCHES, INC., over 4 cfs, the dispute will involve 6 cfs.

(b) The 6 cfs have a later priority and in most seasons should be shut off before reaching the new proposed point of diversion.

(c) In order to sort out the priorities on the 6 cfs, date(s) they are shut off and what if any portion reaches the new point of diversion, will likely require additional more precise measuring devices and/or additional time and effort by the water master, all of which will result in additional time and expense to PROTESTANTS.

2. There is evidence, all or some part of the 6 cfs has been lost through forfeiture and/or abandonment from non-use through the years.

3. The proposed application does not take into consideration transmission losses from the existing point of diversion to the new point of diversion. Until such transmission losses are taken into consideration, the transfer could reduce the quantity of water

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JUL 28 1999

under PROTESTANTS' existing water rights.

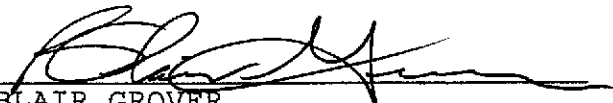
4. The proposed application does not adequately take into consideration priority rights already existing on Birch Creek.

5. The amended application is confusing because it suggests the 6 cfs have been used on 339 acres. In the initial application, applicants represented the 6 cfs had been used on 960 acres.

6. The proposed transfer conflicts with the local public interest in that it complicates delivery of an already complicated and difficult delivery system.

7. Said amended application is contrary to conservation of water resources within the State of Idaho because it places 2 more cfs into Birch Creek where significant portions of said 2 cfs will be lost and unavailable for beneficial use through transmission losses.

DATED: May 25, 1994

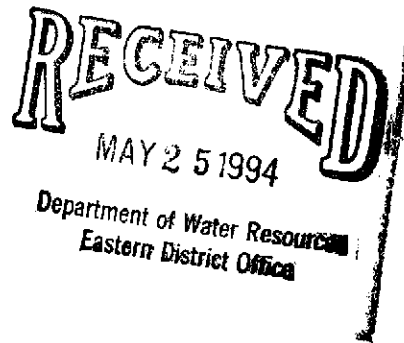

BLAIR GROVER
Attorney for LaVar and Louise
Newman

MICROFILMED

JUL 28 1999

George C. Petersen, Jr., Esq.
PETERSEN, MOSS, OLSEN,
CARR, ESKELSON & HALL
485 "E" Street
Idaho Falls, Idaho 83402
(208) 523-4650

Attorneys for D&D Enterprises, Inc.



BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF THE AMENDED)
APPLICATION OF MAC AND BETTY)
WAGONER TO EXCHANGE WATER)
RIGHTS, AND/OR SELL WATER RIGHTS)
AND FURTHER CHANGE THE POINT OF)
DIVERSION AND PLACE OF USE OF)
WATERS OF BIRCH CREEK, THE SUBJECT)
OF TRANSFER NO. 4352, WATER RIGHT)
NO'S. 32-00102, ET AL.)

**PROTEST OF D&D
ENTERPRISES, INC.**

D&D ENTERPRISES, INC., an Idaho corporation ("D&D"), protestant, individually and through its counsel of record, George C. Petersen, Jr., of the firm of PETERSEN, MOSS, OLSEN, CARR, ESKELSON & HALL, in care of George C. Petersen, Jr., of PETERSEN, MOSS, OLSEN, CARR, ESKELSON & HALL, 485 "E" Street, Idaho Falls, Idaho 83402, hereby enters its protest against approval of the amended application of Mac and Betty Wagoner ("Wagoner"), to transfer, and/or sell, and/or change point of diversion and place of use of waters of Birch Creek, the subject of transfer no. 4352, water right no's. 32-00102, et al., on the following grounds:

1. D&D Enterprises, Inc., is a substantial user of the water rights of Birch Creek, said use thereof and the properties of D&D Enterprises, Inc., being situated downstream from the site of the proposed transfer and/or exchange of water rights as between Wagoners and Birch Creek Ranches. From a preliminary review of the Wagoner's amended application, it appears

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MAY 28 1999

that the proposed exchange of water rights would be detrimental to, and is not in the best interests of, this protestant and other water users of Birch Creek.

2. The best information available to D&D is that the water right that the Wagoners propose to obtain has not been applied to beneficial use on the property for which it was originally dedicated for an excess of five (5) years and thus, said water right proposed to be transferred has been abandoned by Birch Creek Ranches, former owner of said water right, and is not legally subject to transfer by Birch Creek Ranches ("Ranches").

3. According to information and belief of this protestant, it appears that part of the 6 cfs proposed to be transferred by Wagoner is not a current and legitimate water right and/or water rights entitling original transferor or his transferee to claim and/or expect delivery of water resulting from said proposed transfer of part and/or all of said 6 cfs.

4. The transfer of water rights proposed by Wagoner with Ranches complicates an already existing delivery system and very likely could result in very substantial costs requiring installation of new measuring devices, labor for reading said devices, and in fact makes it extremely costly and burdensome to administer and deliver or not deliver future water rights from the waters of Birch Creek, in that the delivery of the waters of Birch Creek currently make for an almost impossible formula for delivery of said Birch Creek waters by its water master.

5. That currently the water right proposed to be transferred to Wagoner is being delivered at the power plant and/or splitter gate of D&D and is the best water right on the ditch. In the event the proposed transfer is approved to Wagoner, then the water rights exchanged by Wagoner would not be subject to delivery at the power plant and/or splitter gate of D&D in that there would not be sufficient water flow in Birch Creek to fill said transferred water right; further, the water proposed to be transferred by Birch Creek Ranches is currently bearing its fair share of the transmission loss and if so transferred, there would not be real water in the ditch to contribute to said transmission loss.

6. The applicant's failed to take into consideration the priority rights of the water users of Birch Creek.

7. There appears to be a real conflict between the original application of Wagoner and the amended application, in that in the first application, it is claimed that the water was used on 960 acres and now in the amended application, said amended application makes reference to waters being applied on 339 acres.

8. In the event the application, heretofore addressed, is approved, said application would substantially effect the water rights of this applicant and in effect, applicant would be injured by the transfer, all in violation of the rights intended to be protected under Idaho Code § 42-222.

9. Approval of the application of applicant as proposed, would constitute an enlargement of the use of the water rights of applicant, that is, would increase applicant's water rights all of which would result in a substantial loss to be suffered by this protestant and other water users situated downstream.

10. D&D Enterprises, Inc., hereby respectfully requests the right to amend this protest following receipt of reports and recommendations from its water engineer or following the receipt of additional information from other water users on Birch Creek.

DATED this 25 day of May, 1994.

D&D Enterprises, Inc.

By: 
Jim DeMordaunt
President

PETERSEN, MOSS, OLSEN, CARR,
ESKELSON & HALL

By: 
George C. Petersen, Jr.
Attorneys for D&D Enterprises, Inc.

D&D\Protest

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JUL 28 1999

**NOTICE OF
PROPOSED CHANGE OF
A WATER RIGHT
TRANSFER NO. 4352**

Notice is hereby given that Mac or Betty Wagoner, Dubois, ID, has applied to the Department of Water Resources to change point of diversion and place of use of the waters of Birch Creek. The rights sought to be changed are evidenced by decrees and recorded as follows:

Decree No. 32-00102 Decreed to Samuel Goddard in case of J. R. Richards vs. Frank Reno et al dated 10/12/1894.

AMOUNT: 4.00 CFS

PRIORITY: 5/10/1889

POINT(S) OF DIVERSION: Not listed in the decree

LANDS IRRIGATED OR PLACE OF USE: Not listed in the decree

Decree No. 32-00073 Decreed to George Goddard in case of Agnus Reno vs. J. R. Richards et al dated 9/6/1922.

AMOUNT: 2 CFS

PRIORITY: 5/15/1909

POINT(S) OF DIVERSION: Not listed in Decree

The water is used to irrigate 160 acres within the W1/2NE SENE NENW SEC 9 T9N R30E, B.M.

Decree No. 32-00077 Decreed to George Goddard in case of Agnus Reno vs. J. R. Richards dated 9/6/1922.

AMOUNT: 2 CFS

PRIORITY: 5/15/1910

POINT(S) OF DIVERSION: Not listed in Decree

The water is used to irrigate 160 acres within the W1/2NE SENE NENW SEC 9 T9N R30E, B.M.

Decree No. 32-00078 Decreed to George Goddard in case of Agnus Reno vs. J. R. Richards dated 9/6/1922.

AMOUNT: 2 CFS

PRIORITY: 5/15/1911

POINT(S) OF DIVERSION: Not listed in Decree

The water is used to irrigate 160 acres within the W1/2NE SENE NENW SEC 9 T9N R30E, B.M.

Decree No. 32-00079 Decreed to George Goddard in case of Agnus Reno vs. J. R. Richards dated 9/6/1922.

AMOUNT: 8 CFS

PRIORITY: 5/15/1913

POINT(S) OF DIVERSION: Not listed in Decree

The water is used to irrigate 160 acres within the W1/2NE SENE NENW SEC 9 T9N R30E, B.M.

Decree No. 32-00085 Decreed to Samuel Goddard in case of Agnus Reno vs. J. R. Richards dated 9/6/1922.

AMOUNT: 2 CFS

PRIORITY: 5/10/1910

POINT(S) OF DIVERSION: Not listed in decree

The water is used to irrigate 120 acres within the SENW NESW NWSE SEC 9 T9N R30E, B.M.

Decree No. 32-00086 Decreed to Samuel Goddard in case of Agnus Reno vs. J. R. Richards dated 9/6/1922.

AMOUNT: 2 CFS

PRIORITY: 5/1/1911

POINT(S) OF DIVERSION: Not listed in Decree

The water is used from to irrigate 120 acres within the SENW NESW NWSE SEC 9 T9N R30E, B.M.

Decree No. 32-00087 Decreed to Samuel Goddard in case of Agnus Reno vs. J. R. Richards dated 9/6/1922.

AMOUNT: 2 CFS

PRIORITY: 5/1/1912

POINT(S) OF DIVERSION: Not listed in decree

The water is used to irrigate 120 acres within the SENW NESW NWSE SEC 9 T9N R30E, B.M.

TO BE CHANGED

AS FOLLOWS:

The water will be diverted from the SWSW SEC 29 NWNW SEC 32 T10N R30E, Clark County and used to irrigate 339 acres within the W1/2NE N1/2NW SENW SEC 30 N1/2NW SENW NESW W1/2SE SEC 32 T10N R30E, B.M.

Any protests against the proposed change must be filed with the applicant and with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID, 83402, on or before May 30, 1994.

R. Keith Higginson
Director

Published: May 12, 19, 1994

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JUL 28 1994

Proof of Publication

The Post-Register

State of Idaho, }
County of Bonneville } ss

I, S. BOB BRIGHT or TED DELEZENE, first being duly sworn, depose and say: That I am the Production Supervisor or Asst. Prod. Supervisor . . of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for Two consecutive weeks, first publication having been made on the 12th day of May, 19. 94., last publication having been made on the 19th day of May, 19. 94., and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this . . . 25th . . . day of . . . May . . ., 19. 94.

Susan Magnum
Notary Public

My commission expires . . . July 1 . . ., 19. 97.

B10

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JUL 28 1999

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
TRANSFER NO. 4352

Notice is hereby given that Mac or Betty Wagoner, Dubois, ID, has applied to the Department of Water Resources to change point of diversion and place of use of the waters of Birch Creek. The rights sought to be changed are evidenced by decrees and recorded as follows:

Decree No. 32-00102 Decreed to Samuel Goddard in case of J. R. Richards vs. Frank Reno et al dated 10/12/1894.

AMOUNT: 4.00 CFS PRIORITY: 5/10/1889

POINT(S) OF DIVERSION: Not listed in the decree

LANDS IRRIGATED OR PLACE OF USE: Not listed in the decree

Decree No. 32-00073 Decreed to George Goddard in case of Agnus Reno vs. J. R. Richards et al dated 9/6/1922.

AMOUNT: .2 CFS PRIORITY: 5/15/1909

POINT(S) OF DIVERSION: Not listed in Decree

The water is used to irrigate 160 acres within the W1/2NE SENE NENW SEC 9 T9N R30E, B.M.

Decree No. 32-00077 Decreed to George Goddard in case of Agnus Reno vs. J. R. Richards dated 9/6/1922.

AMOUNT: .2 CFS PRIORITY: 5/15/1910

POINT(S) OF DIVERSION: Not listed in Decree

The water is used to irrigate 160 acres within the W1/2NE SENE NENW SEC 9 T9N R30E, B.M.

Decree No. 32-00078 Decreed to George Goddard in case of Agnus Reno vs. J. R. Richards dated 9/6/1922.

AMOUNT: .2 CFS PRIORITY: 5/15/1911

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JUL 28 1999

POINT(S) OF DIVERSION: Not listed in Decree

The water is used to irrigate 160 acres within the W1/2NE
SENE NENW SEC 9 T9N R30E, B.M.

Decree No. 32-00079 Decreed to George Goddard in case of Agnus
Reno vs. J. R. Richards dated 9/6/1922.

AMOUNT: .8 CFS PRIORITY: 5/15/1913

POINT(S) OF DIVERSION: Not listed in Decree

The water is used to irrigate 160 acres within the W1/2NE
SENE NENW SEC 9 T9N R30E, B.M.

Decree No. 32-00085 Decreed to Samuel Goddard in case of Agnus
Reno vs. J. R. Richards dated 9/6/1922.

AMOUNT: .2 CFS PRIORITY: 5/10/1910

POINT(S) OF DIVERSION: Not listed in decree

The water is used to irrigate 120 acres within the SENW
NESW NWSE SEC 9 T9N R30E, B.M.

Decree No. 32-00086 Decreed to Samuel Goddard in case of Agnus
Reno vs. J. R. Richards dated 9/6/1922.

AMOUNT: .2 CFS PRIORITY: 5/1/1911

POINT(S) OF DIVERSION: Not listed in Decree

The water is used from to irrigate 120 acres within the
SENE NESW NWSE SEC 9 T9N R30E, B.M.

Decree No. 32-00087 Decreed to Samuel Goddard in case of Agnus
Reno vs. J. R. Richards dated 9/6/1922. MICROFILMED

JUL 28 1999

AMOUNT: .2 CFS PRIORITY: 5/1/1912

POINT(S) OF DIVERSION: Not listed in decree

The water is used to irrigate 120 acres within the SENW
NESW NWSE SEC 9 T9N R30E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted from the SWSW SEC 29 NWNW SEC 32 T10N
R30E, Clark County and used to irrigate 339 acres within the
W1/2NE N1/2NW SENW SEC 30 N1/2NW SENW NESW W1/2SE SEC 32 T10N
R30E, B.M.

Any protests against the proposed change must be filed with
the applicant and with the Idaho Department of Water Resources,
900 N. Skyline Dr., Idaho Falls, ID, 83402, on or before May 30,
1994.

R. Keith Higginson
Director

Published in the Post Register on May 12 & 19, 1994.

MICROFILMED

JUL 28 1993

FROM: KEITH C. WILSON - EASTERN REGION

03 MAY 1994

TO: AMENDED TRANSFER FILE: 32-00102/00073/00077/00078/00079
32-00085/00086/00087

RE: NUMBER OF ACRES WITH IN THE PLACE OF USE

RIGHTS 32-00073/00077/00078/00079/00085/00086/00087 COVER A PLACE OF USE OF 280 ACRES @ 2.0 CFS. THE ADJUDICATION CLAIM IRRIGATION OF 339 ACRES OR 59 AC MORE THAN THEIR DECREED PLACE OF USE FOR 32-00073/00077/00078/00079/00085/00086/00087. DECREE 32-00102 IS FOR 4.00 CFS AND AN UNSPECIFIED NUMBER OF ACRES. THE TOTAL AMOUNT OF ALL RIGHTS IS 6.00 CFS FOR 339 ACRES = 0.01769 CFS/AC = 0.88 MINERS INCHES PER ACRE.

BASED ON THE REVIEW/RESEARCH THAT WAS REQUIRED WHEN I ASSISTED THE WAGONERS IN THE FILING OF THEIR ADJUDICATION CLAIMS FOR THE ABOVE NUMBERED RIGHTS, IT IS MY OPINION THAT RIGHT 32-00102 FOR 4 CFS COVERED ADDITIONAL GROUND THAT THE REMAINING RIGHTS DID NOT COVER, AND, THEREFORE, THIS PROPOSED TRANSFER IS NOT AN EXPANSION.



KEITH C. WILSON
SENIOR RESOURCE AGENT

MICROFILMED

JUL 28 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: HWT

1. Right number 32-00102, etc Applicant Mac or Betty Wagoner
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____
4. Check:
 - a. ☒ Source ☐ Priority ☐ Amount ☐ Purpose ☐ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☐ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☐ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments SEE Keith Wilson Memo
These rts are coming from Birch Creek Ranch to Wagoner's place
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Simmons Rts
Right number(s) 32-00010, -00067, -00069, -00089, -00090, -00092, -00093, -00068
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 32-0

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☐ Approve
2. ☐ Deny
3. Conditions* _____

4. By _____ Date _____

10-May-1994

MAC OR BETTY WAGONER
PO BOX 296
DUBOIS ID 83423

RE: Application for Transfer of a Water Right No. 4352

Dear Water Right Applicant:

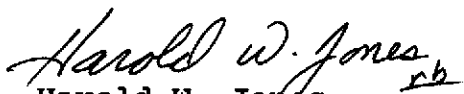
The Department of Water Resources acknowledges receipt of your permit for a water right transfer. This office is currently in the process of advertising the application in the POST REGISTER on May 12 & 19, 1994. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State Office Personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a transfer is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,


Harold W. Jones
Water Right Supervisor

HWJ:rb

MICROFILMED

JUL 28 1994

10-May-1994

BLAIR GROVER
PO BOX 36
RIGBY ID 83442

RE: Application No. 4352

Dear Sir:

We are enclosing a copy of the application(s) that may be of interest to your department. Please review the application(s) and submit any comments you may have to our Department as soon as possible. The last date of protest is May 30, 1994, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,


Harold W. Jones *rb*
Water Right Supervisor

HWJ:rb
enc

MICROFILMED

JUL 28 1999

10-May-1994

GEORGE C PETERSEN
PETERSEN MOSS OLSEN MEACHAM & CARR
485 E STREET
IDAHO FALLS ID 83402

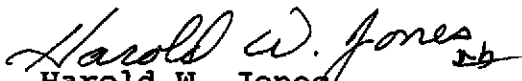
RE: Application No. 4352

Dear Sir:

We are enclosing a copy of the application(s) that may be of interest to your department. Please review the application(s) and submit any comments you may have to our Department as soon as possible. The last date of protest is May 30, 1994, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,


Harold W. Jones
Water Right Supervisor

HWJ:rb
enc

MICROFILMED

JUL 28 1999

10-May-1994

DON SHENTON
WATER DIST 32 D
PO BOX 33
DUBOIS ID 83423

RE: Application No.'s 4352

Dear Watermaster:

Please find enclosed a copy of the above referenced application. Please review the application and submit any comments you may have to our Department as soon as possible.

If we may be of further assistance, please feel free to contact us.

Thank you for your cooperation in this matter.

Respectfully submitted,


Harold W. Jones
Water Right Supervisor

HWJ:rb
enc.

MICROFILMED

JUL 28 1999

LAW OFFICES OF
BRECK BARTON & ASSOCIATES, P.A.
305 WEST MAIN
REXBURG, IDAHO 83440

BRECK H. BARTON

P.O. Box 100
(208) 356-4880

April 22, 1994

Idaho Department of Water Resources
ATTN: Ron Carlson
150 Shoup Avenue, #15
Idaho Falls, ID 83402

RECEIVED
MAY 2 1994
Department of Water Resources
Eastern District Office

Dear Ron:

Enclosed is an amended application for transfer of water right presented by Mac & Betty Wagoner. This is the amended transfer that was discussed earlier with the department and counsel that would allow for the bifurcation of the currently pending proceedings in Birch Creek, approving the Wagoner transfer.

We also enclose a check for fees. Thank you for your courtesies.

Very truly yours,


Breck Barton

BB/cb

Enclosure

cc: Blair Grover
George Peterson
Kent Foster

MICROFILMED

JUL 28 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 3553 (WATER RIGHTS)
NOS. 32-00067, 32-00090, 32-00093,)
32-00068, 32-00089, 32-00069,)
32-00092, 32-00061C, 32-00091) IN)
THE NAME BIRCH CREEK RANCHES, INC.)
AND APPLICATION FOR TRANSFER NO.)
4166 (WATER RIGHTS NOS. 32-00102,)
32-00073, 32-00085, 32-00077,)
32-00086, 32-00078, 32-00087,)
32-00079) IN THE NAME OF MAC OR)
BETTY WAGONER)

ORDER SUSPENDING
APPLICATION PROCESSING

Transfer Nos.

4166 + 4352

Withdrawn 4-12-96

Mac + Betty Wagoner

The Department conducted a prehearing conference on July 6, 1993. The purpose of the prehearing conference was to explore possible settlement, refine the issues and possibly set a hearing. At the prehearing conference, the parties discussed the stream liner failure which delayed Department review of these applications for transfer. The parties expressed dismay at the increasing losses in the stream channel prior to delivery of the water, and frustration at not being able to solve the problem.

Mac Wagoner urged the Department to conduct the hearing as quickly as possible. Birch Creek Ranches is considering a new plan to pipe the water from the old point of diversion listed on the Birch Creek Ranches, Inc. water right, thereby avoiding the major losses in the stream channel. Birch Creek Ranches felt new applications for transfers may need to be filed.

The Department informed the parties it would grant a six (6) month suspension of application processing while Birch Creek Ranches explores other options. If the applications have not been withdrawn at the end of six (6) months, or a hearing has not been requested, the Department will act to remove the applications from its records unless the applicant can show extraordinary circumstances justifying an extension of time.

Wagoner expressed the opinion that his application for transfer could be processed independent of the Birch Creek Ranches

JUL 28 1993

application. The parties expressed concern that the Wagoner proposal could not be consummated until the Birch Creek Ranches application is approved.

The attorneys for Wagoner and Birch Creek Ranches stated they would talk about their respective positions. If Wagoner wants to pursue bifurcation, he should file a petition with the Department to bifurcate his transfer, and show that the facts are sufficiently unique to justify bifurcation.

ORDER

IT IS HEREBY ORDERED that the processing of applications for transfer no. 3553 and 4166 is suspended for a period of six (6) months.

IT IS FURTHER ORDERED that failure to (1) submit a withdrawal of the transfer within six (6) months or (2) ask the Department to proceed with processing is cause for the Department of Water Resources to remove the transfer from its records.

IT IS FURTHER ORDERED that Wagoner may petition the Department to bifurcate the hearing for application for transfer no. 4166, but must show that the application for transfer raises issues of fact and/or law which are sufficiently dissimilar to justify the bifurcation.

Dated this 15th day of July, 1993.



Gary Spackman
Hearing Officer

MICROFILMED

JUL 28 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 15, 1993

Re: Application for Transfer Nos. 3553 and 4166

Dear Interested Party:

Enclosed is an order which suspends application processing on the above referenced transfer applications.

If you have any questions, or if I can be of any further assistance, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

Gary Spackman
Hearing Officer

Enclosure

MICROFILMED

JUL 28 1999

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 15th day of July, 1993, I mailed a true and correct copy, postage prepaid, of the foregoing Order Suspending Application Processing to the following:

Breck Barton

PO Box 100
Rexburg, ID 83440

Don Shenton

Dubois, ID 83423

Kent Foster

PO Box 50130
Idaho Falls, ID 83405

Jim D Mordaunt

PO Box 5
Rexburg, ID 83440

Mac & Betty Wagoner

PO Box 296
Dubois, ID 83423

George Peterson

485 E Street
Idaho Falls, ID 83402

Ted S Sorenson

550 Linden
Idaho Falls, ID 83405

Lewis Newman

Monteview, ID 83435

Alva Harris

~~171 S Emerson~~ PO Box 479
Shelley, ID 83274
Remailed 8/11/93

Blair Grover

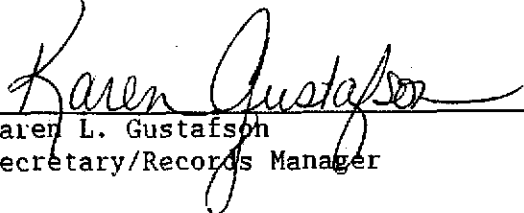
PO Box 36
Rigby, ID 83442

Steve Phillips

Box 15
Dubois, ID 83423

LaVar Newman

Monteview, ID 83435


Karen L. Gustafson
Secretary/Records Manager

MICROFILMED

JUL 28 1999

BIRCH CREEK RANCHES & WAGNER TRANSFERS

PREHEARING CONFERENCE

JULY 6, 1993

| NAME | ADDRESS | PHONE |
|----------------------|------------------------------------|----------|
| ✓ Gary Spackman | IDWR, Statehouse
Boise 83720 | 327-5432 |
| ✓ Ron Carlson | IDWR, IF | 525-7161 |
| ○ LaVar Thomas | Mountain Idaho | 657 2252 |
| ○ Lewis Newman | Mountainview Idaho | 657-2515 |
| ✓ Blair Thomas | Highway, Idaho | 745-6653 |
| ✓ Bruce Benton | Box 100 Rexburg | 356-4880 |
| ✓ Mac Wagner | P.O. Box 296 Dubois | 374-5415 |
| ○ Jim R. Mordant | P.O. Box 5, Rexburg | 356-9427 |
| ○ Steve S. Phillips | Box 19 Dunsmuir | 657-2570 |
| ✓ George S. Sorenson | 485 E. Street
Idaho Falls - Id. | 523-4650 |
| ✓ Kent Foster | P.O. Box 50130 I.F. | 523-0620 |
| ○ Ted S. Sorenson | 550 Linden I.F. | 522-8069 |

MICROFILMED

JUL 28 1993

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

3. Article Addressed to:

Alva Harris

171 S Emerson
Shelley, ID 83274MICROFILMED
28 APR 1990**4a. Article Number**

140301

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery**5. Signature (Addressee)***Debra Harris***6. Signature (Agent)**

3553-4166 Klg

I also wish to receive the following services (for an extra fee):

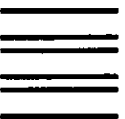
1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

8. Addressee's Address (Only if requested and fee is paid)**DOMESTIC RETURN RECEIPT**

UNITED STATES POSTAL SERVICE

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PENALTY FOR PRIVATE
USE, \$300

RECEIVED

JUN 14 1993

Department of Water Resources

Print your name, address and ZIP Code here

Water Allocation Bureau

MICROFILMED
Department of Water Resources
1301 N. Orchard St.

JUL 28 1993
Boise, ID 83706

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
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- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Blair Groves
PO Box 36
Rigby, ID 83442

4a. Article Number

140302

4b. Service Type

- ☐ Registered ☐ Insured
- ☒ Certified ☐ COD
- ☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery**5. Signature (Addressee)****6. Signature (Agent)**

Blair Groves

8. Addressee's Address (Only if requested and fee is paid)

35534 41166 KVA

UNITED STATES POSTAL SERVICE

5010A

Official Business



RECEIVED

JUN 16 1993

MICROFILMED

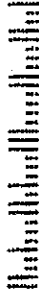
JUL 28 1999

Department of Water Resources

Print your name, address and ZIP Code here

Water Allocation Bureau
Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

PENALTY FOR PRIVATE
USE, \$300



SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
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- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

3. Article Addressed to:

Kent Foster

PO Box 50130
Idaho Falls, ID 83405**4a. Article Number**

140298

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date Received

JUN 11 1993

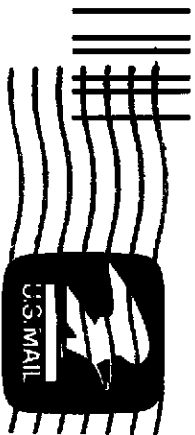
5. Signature (Addressee)**6. Signature (Agent)**

355344116

8. Addressee's Address (Only if requested and fee is paid)

UNITED STATES POSTAL SERVICE

Official Business



MICROFILMED

PENALTY FOR PRIVATE
USE, \$300

RECEIVED

JUL 28 1999

JUN 14 1993

Department of Water Resources

Print your name, address and ZIP Code here

Water Allocation Bureau
Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
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- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

3. Article Addressed to:

Mac & Betty Wagoner

PO Box 296

Dubois, ID 83422

MICROFILMED
1989**4a. Article Number**

140299

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

6-11-93

5. Signature (Addressee)

Betty Wagoner

6. Signature (Agent)

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

8. Addressee's Address (Only if requested and fee is paid)

355344166Kla

UNITED STATES POSTAL SERVICE

801 07Y

Official Business

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JUN 14 1993

Department of Water Resources

Print your name, address and ZIP Code here

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Water Allocation Bureau

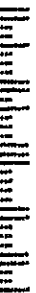
Department of Water Resources

JUL 28 1993
801 N. Orchard St.

Boise, ID 83706



PENALTY FOR PRIVATE
USE, \$399



SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

3. Article Addressed to:

Don Shenton
Dubois, ID 83423

4a. Article Number

140297

4b. Service Type

- ☐ Registered ☐ Insured
- ☒ Certified ☐ COD
- ☒ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

6-11-93

5. Signature (Addressee)

[Signature]

6. Signature (Agent)

[Signature]

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

Consult postmaster for fee.

8. Addressee's Address (Only if requested and fee is paid)

35534 4166 RD

UNITED STATES POSTAL SERVICE

BOI CITY

Official Business

RECEIVED

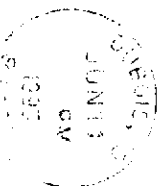
JUN 14 1993

Department of Water Resources

MICROFILMED

JUL 28 1993

Print your name, address and ZIP Code here



PENALTY FOR PRIVATE
USE, \$300

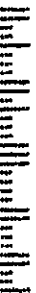


Water Allocation Bureau

Department of Water Resources

1301 N. Orchard St.

Boise, ID 83706



SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

3. Article Addressed to:

George Peterson
485 E Street
Idaho Falls, ID 83402

RECEIVED
MICROFILM

4a. Article Number

140300

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

6-11-93

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

355304166 Klg

PS Form 3811, November 1990

* U.S. GPO: 1991-287-068

DOMESTIC RETURN RECEIPT

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

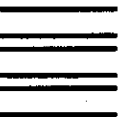
UNITED STATES POSTAL SERVICE

Official Business

RECEIVED

JUN 14 1993

Department of Water Resources



PENALTY FOR PRIVATE
USE, \$300

Print your name, address and ZIP Code here

~~Water Pollution~~ Bureau
Department of Water Resources
~~1412~~ 12. Orchard St.
Boise, ID 83706

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

3. Article Addressed to:

Breck Barton

PO Box 100
Rexburg, ID 83440**4a. Article Number**

7 140296

4b. Service Type☐ Registered ☐ Insured☒ Certified ☐ COD☐ Express Mail ☐ Return Receipt for Merchandise**7. Date of Delivery**

JUN 1 1991

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address2. ☐ Restricted Delivery

Consult postmaster for fee.

5. Signature (Addressee)

NA

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

Barton

735534166 Kja

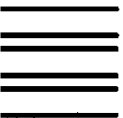
PS Form 3811, November 1990

*U.S. GPO: 1991-287-066

DOMESTIC RETURN RECEIPT

UNITED STATES POSTAL SERVICE

Official Business



MICROFILMED

PENALTY FOR PRIVATE
USE, \$300

RECEIVED

JUL 28 1999

JUN 14 1993

Department of Water Resources

Print your name, address and ZIP Code here

Water Allocation Bureau
Department of Water Resources
1301 N. Orchard St.

Boise, ID 83706

CONFERENCE AND HEARING PROCEDURE

IN THE MATTER OF A PROTESTED APPLICATION FOR PERMIT

In accordance with IDAHO CODE, Section 42-203, the following issues are involved in the consideration of the application and protest(s):

- 1) Will the proposed use reduce the quantity of water under existing rights?
- 2) Is the proposed water supply insufficient for the purposes intended?
- 3) Is the application made in good faith or for delay or speculative purposes?
- 4) Has the applicant sufficient financial resources with which to complete the proposed project?
- 5) Will the proposed use conflict with the local public interest?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The Applicant has the initial burden of proof on issues 1,2,3,4,& 6 above, that is, the applicant has the burden of coming forward with evidence for evaluation of those criteria.

The initial burden of proof on issue 5, local public interest, lies with the both the applicant and protestant as to factors which they are most knowledgeable and cognizant of. The applicant has the ultimate burden of persuasion with respect to this issue.

PROCEDURE

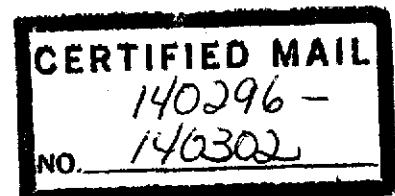
The procedure normally followed by the department in arriving at a decision on the issues which must be considered is to first hold a conference in the matter and then, if necessary, hold a hearing. If a hearing is held a written decision is issued based on the hearing record.

CONFERENCE

Preliminary to holding a hearing, a pre-hearing conference is held to to familiarize the department and the parties with the matter and to determine if a resolution of the protest(s) is possible without the need for a hearing.

MICROFILMED

CONFERENCE AND HEARING PROCEDURE JUL 28 1999



At the conference the department may formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

HEARING

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be issued and the parties will be afforded the opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by IDAHO CODE, Section 42-1701A.

The parties by written stipulation, may waive their right to a proposed decision, however, the failure of either party to waive a proposed decision will not predjudice the director's review of a party's evidence and arguments. However, such a waiver will shorten the decision making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the District Court.

Under the provisions of the IDAHO CODE, Sections 42-1701A and 67-5215, any court review of the department's decision on appeal shall be confined to the record created before the department.

EXHIBITS

If any party at a hearing intends to present an exhibit to augment the hearing record, such party shall in advance of the hearing, prepare sufficient copies of the exhibit for distribution to all parties at the hearing.

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

| | | |
|---|---|-------------------|
| IN THE MATTER OF APPLICATION FOR |) | |
| TRANSFER NO. 3553 (WATER RIGHTS |) | NOTICE OF |
| NOS. 32-00067, 32-00090, 32-00093, |) | PREHEARING |
| 32-00068, 32-00089, 32-00069, |) | CONFERENCE |
| 32-00092, 32-00061C, 32-00091) IN |) | |
| THE NAME BIRCH CREEK RANCHES, INC. |) | |
| AND APPLICATION FOR TRANSFER NO. |) | |
| 4166 (WATER RIGHTS NOS. 32-00102, |) | |
| 32-00073, 32-00085, 32-00077, |) | |
| 32-00086, 32-00078, 32-00087, |) | |
| 32-00079) IN THE NAME OF MAC OR |) | |
| BETTY WAGONER |) | |
| |) | |

On February 12, 1991, Birch Creek Ranches, Inc. filed an amended application to transfer water rights identified as nos. 32-00061c/32-00090/32-00093/32-00068/32-00069/32-00089/32-00092/32-00091/32-00101 for the diversion of 17.5 Cubic feet per second. Protests against approval of said transfer were received from Janice M. Judy and George C. Petersen, Attorney at Law, on behalf of D & D Enterprises.

On February 12, 1991, Birch Creek Ranches, Inc. filed an additional amended application to transfer water rights identified as nos. 32-00067/32-00090 for the diversion of 4.00 cubic feet per second. Protest against approval of this transfer were received from Blair Grover, Attorney at Law, on behalf of Lavar and Louise J. Newman and from George C. Petersen, Attorney at Law, on behalf of D & D Enterprises.

On February 6, 1991, Mac and Betty Wagoner filed an application to transfer water rights identified as nos. 32-00073/32-00077/32-00078/32-00079/32-00085/32-00086/32-00087/32-00102 for the diversion of 6.00 cubic feet per second. Protests against approval of said transfer were received from Blair Grover, Attorney at Law, on behalf of Lavar and Louise J. Newman and from George C. Petersen, Attorney at Law, on behalf of D & D Enterprises.

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A prehearing conference was held on July 8, 1991 where several issues were discussed, particularly the use of the prior record for the Birch Creek Ranches application for transfer. The parties agreed to listen to the tapes, and determine whether the prior record could be used rather than recreating all of the testimony again. The parties have never stipulated regarding the use of the prior testimony.

Finally, delivery of water from Birch Creek has been disrupted by activity in the stream channel which has caused substantial controversy, and which has diverted attention away from the applications for transfer. Hopefully, the problems are sufficiently resolved, and the parties can now again concentrate on the applications for transfer.

YOU ARE HEREBY NOTIFIED THAT A PREHEARING CONFERENCE WILL BE CONDUCTED ON JULY 6, 1993, AT THE HOUR OF 1:30 P.M., IN THE CONFERENCE ROOM OF THE DEPARTMENT OF WATER RESOURCES, EASTERN REGIONAL OFFICE, 900 NORTH SKYLINE, IDAHO FALLS, IDAHO, 83402. Please come prepared to discuss hearing procedures, deadlines for discovery, refinement of issues, and other matters which may assist in preparing for the ultimate hearing.

Dated this 9th day of June, 1993.



Gary Spackman
Hearing Officer

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JUL 28 1993

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CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 9th day of June, 1993, I mailed a true and correct copy, postage prepaid, of the foregoing Notice of Prehearing Conference to the following:

Breck Barton

PO Box 100
Rexburg, ID 83440

Mac & Betty Wagoner

PO Box 296
Dubois, ID 83423

Alva Harris

171 S Emerson
Shelley, ID 83274

Don Shenton

Dubois, ID 83423

George Peterson

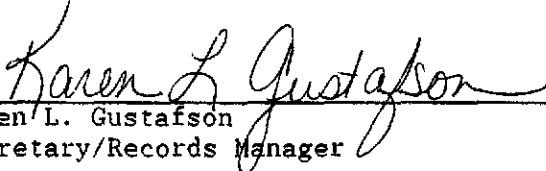
485 E Street
Idaho Falls, ID 83402

Blair Grover

PO Box 36
Rigby, ID 83442

Kent Foster

PO Box 50130
Idaho Falls, ID 83405


Karen L. Gustafson
Secretary/Records Manager

MICh
JUL 28 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 18, 1993

Breck Baron
Attorney at Law
305 West Main
Rexburg, ID 83440

Re: Birch Creek Transfers

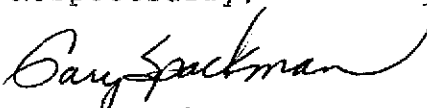
Dear Mr. Baron:

In November, 1992, you wrote a letter to Ron Carlson of this agency inquiring about the status of transfers filed by Mac and Betty Wagoner. As I recall, I spoke to you on the phone regarding the applications for transfer.

Approximately one year ago, I anticipated setting a hearing for the protested applications for transfer of Mac and Betty Wagoner, as well as a rehearing for transfers filed by Birch Creek Ranches. Because of problems with a liner installed in Birch Creek, I delayed setting the hearing at the request of the parties. When I spoke to you on the phone, you wanted me to set a hearing, and issue a decision for the protested applications for transfer. You expressed urgency about consummating a contract with Ted Sorenson.

This letter is an inquiry about whether I can now set a conference for all the applications for transfer. I will ask Eastern Region to schedule a conference if I do not receive an acceptable request for continuance from the parties. I would appreciate an affirmative response to my inquiry.

Respectfully,


Gary Spackman

C: Mac and Betty Wagoner
Alva Harris
Don Shenton
Geroge Peterson
Blair Grover
Kent Foster
IDWR - Regional Office

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JUL 28 1999

LAW OFFICES OF
BRECK BARTON & ASSOCIATES, P.A.
305 WEST MAIN
REXBURG, IDAHO 83440

BRECK H. BARTON

RECEIVED

P.O. Box 100
(208) 356-4880

November 20, 1992

NOV 30 1992

Department of Water Resources
Eastern District Office

Ron Carlson
Idaho Department of Water Resources
150 Shoup Avenue, #15
Idaho Falls, ID 83402

Re: Birch Creek Adjudication

Dear Ron:

Mac and Betty Wagoner were in today and inquired as to the status of the department's action on the Birch Creek transfer applications. Would you be able to give me a call and let me know what the status of those applications is? I'd appreciate hearing from you personally.

Very truly yours,


Breck Barton

BB/djf

cc: Mac and Betty Wagoner

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

| | | |
|-------------------------------------|---|-------------------|
| IN THE MATTER OF APPLICATION FOR |) | |
| TRANSFER NO. 32-0061C/ETC. AND |) | COMBINED |
| 32-0067/0090 IN THE NAME OF BIRCH |) | NOTICE OF HEARING |
| CREEK RANCHES AND NO. 32-0102/ETC. |) | |
| IN THE NAME OF MAC OR BETTY WAGONER |) | |
| |) | |

On February 12, 1991, Birch Creek Ranches, Inc. filed an amended application to transfer water rights identified as Nos. 32-0061C/32-0090/32-0093/32-0068/32-0069/32-0089/32-0092/32-0091/32-0101 for the diversion of 17.5 cubic feet per second. Protests against approval of said transfer were received from Janice M. Judy, and George C. Petersen, Attorney at Law, in behalf of D & D Enterprises.

On February 12, 1991, Birch Creek Ranches, Inc. filed an additional amended application to transfer water rights identified as Nos. 32-0067/32-0090 for the diversion of 4.00 cubic feet per second. Protests against approval of this transfer were received from Blair Grover, Attorney at Law, in behalf of Lavar and Louise J. Newman and from George C. Petersen, Attorney at Law, in behalf of D & D Enterprises.

On February 6, 1991, Mac and Betty Wagoner filed a application to transfer water rights identified as Nos. 32-0073/0077/0078/0079/0085/0086/0087/0102 for the diversion of 6.00 cubic feet per second. Protests against approval of said transfer were received from Blair Grover, Attorney at Law, in behalf of Lavar and Louise J. Newman and from George C. Petersen, Attorney at Law, in behalf of D & D Enterprises.

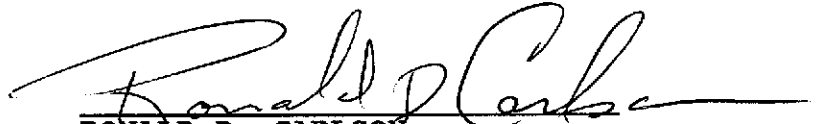
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Because of the similarities of the issues involved this hearing has been combined.

The Department has set the matter of protests for hearing for 9:30 a.m., Monday, July 8, 1991, in the Civil Defense Conference Room, Bonneville County Courthouse, 605 N. Capital, Idaho Falls, Idaho. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67 of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Date this 19th day of June, 1991.


RONALD D. CARLSON
Eastern Regional Manager

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JUL 28 1999

EASTERN DISTRICT OFFICE
150 SHoup AVE. #15
IDAHO FALLS, IDAHO 83402

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☒ Certified
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certificate of mailing or for
additional copies of this bill.

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| Line | Number of Articles | Name of Addressee, Street, and Post-Office Address | Postage | Fee | Handling Charge | Act. Value (if Regs.) | Insured Value | Due Sender if C.O.D. | R. R. Fee | S. D. Fee | S. H. Fee | Reg. Del. Fee | Remarks |
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| 1 | 0718 | Devine, M. W. 3580 E. Island St. | | | | | | | | | | | 32-00610 |
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| 3 | 0720 | Devine, M. W. 485 E. St. | | | | | | | | | | | |
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| 4 | 0721 | Devine, M. W. 485 E. St. | | | | | | | | | | | |
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| 5 | 0722 | Devine, M. W. 485 E. St. | | | | | | | | | | | |
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| 6 | 0723 | Devine, M. W. 485 E. St. | | | | | | | | | | | |
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| 7 | 0724 | Devine, M. W. 485 E. St. | | | | | | | | | | | |
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| 8 | 0725 | Devine, M. W. 485 E. St. | | | | | | | | | | | |
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| 9 | 0726 | Devine, M. W. 485 E. St. | | | | | | | | | | | |
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| 10 | 0727 | Devine, M. W. 485 E. St. | | | | | | | | | | | |
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| 11 | 0728 | Devine, M. W. 485 E. St. | | | | | | | | | | | |
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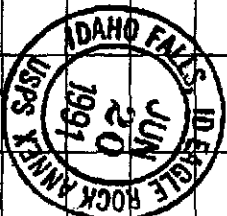
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| 12 | 0729 | Devine, M. W. 485 E. St. | | | | | | | | | | | |
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| 13 | 0730 | Devine, M. W. 485 E. St. | | | | | | | | | | | |
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| 14 | 0731 | Devine, M. W. 485 E. St. | | | | | | | | | | | |
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| 15 | 0732 | Devine, M. W. 485 E. St. | | | | | | | | | | | |
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| Total Number of Pieces Listed by Sender | | Total Number of Pieces Received at Post Office | POSTMASTER, PER (Name of receiving employee) | | The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail documentation reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for Registered Mail, \$400 for COD and \$400 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels. Special delivery service also includes special handling service. | | | | | | | |
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JUL 28 1999

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

The following three transfers are based upon an agreement between Birch Creek Ranches and Mac Wagoner, and are dependent upon approval of all three applications.

NO. 32-00102, ETC.

Notice is hereby given that Mac or Betty Wagoner has applied to the Department of Water Resources to change point of diversion and place of use of the waters of Birch Creek. The right sought to be changed is evidenced by Decrees and recorded as follows:

Decreed to Samuel Goddard in case of Frank Reno, et al, vs. J.R. Richards dated October 2, 1984

Decree No. 32-00102

AMOUNT: 4.00 cfs

PRIORITY: May 10, 1889

Place of use not listed in decree

Decreed to Samuel Goddard in case of Agnus Reno vs. J.R. Richards dated September 6, 1922.

Decree No. 0085

AMOUNT: 2 cfs

PRIORITY: May 10, 1910

Decree No. 0086

AMOUNT: 2 cfs

PRIORITY: May 1, 1911

Decree No. 0087

AMOUNT: 2 cfs

PRIORITY: May 1, 1912

The water is used to irrigate 120 acres within the SENW, NESW, NWSE, SEC 9, T 9N, R 30E, B.M.

Decreed to George Goddard in case of Agnus Reno vs. J.R. Richards dated September 6, 1922.

Decree No. 0073

AMOUNT: 2 cfs

PRIORITY: May 15, 1909

Decree No. 0077

AMOUNT: 2 cfs

PRIORITY: May 15, 1910

Decree No. 0078

AMOUNT: 2 cfs

PRIORITY: May 15, 1911

Decree No. 0079

AMOUNT: 8 cfs

PRIORITY: May 15, 1913

The water is used to irrigate 160 acres within the W1/2NE, SENE, NENW, SEC 9, T 9N, R 30E, B.M.

POINTS OF DIVERSION NOT LISTED IN ABOVE DECREES:

TO BE CHANGED AS FOLLOWS:

Only 6 cfs will be diverted from the SESW, SEC 34, T 9N, R 30E, CLARK COUNTY and used from April 1 to November 1 to irrigate 960 acres within the SESW, W1/2SE, SESE, SEC 12, T 8N, R 31E; E1/2SE, SEC 1; N1/2SW, SE, SEC 10; S1/2NW, SW, SEC 11; N1/2NW, SEC 14, T 8N, R 32E; E1/2SW, W1/2SE, SEC 6, T 8N, R 33E, B.M.

NO. 32-0061C, ETC.

Notice is hereby given that Birch Creek Ranches, Inc. has applied to the Department of Water Resources to change point of diversion and place of use of the waters of Birch Creek. The right sought to be changed is evidenced by Decrees and recorded as follows:

Decreed to C.B. Watts

Decree No. 32-0090

AMOUNT: 1.6 cfs

PRIORITY: May 10, 1886

Decree No. 32-0089

AMOUNT: 2.5 cfs

PRIORITY: May 10, 1888

Decreed to Edward M. Kaufman

Decree No. 32-0093

AMOUNT: 1.56522 cfs

PRIORITY: May 10, 1886

Decree No. 32-0092

AMOUNT: 2.44565 cfs

PRIORITY: May 10, 1888

Decree No. 32-0091

AMOUNT: .48913 cfs

PRIORITY: May 1, 1901

Decreed to Wood Livestock Co.

Decree No. 32-0068

AMOUNT: 3.2 cfs

PRIORITY: May 10, 1887

Decree No. 32-0069

AMOUNT: 3.2 cfs

PRIORITY: May 10, 1888

Decreed to Jerome F. Reno

Decree No. 32-0061C

AMOUNT: .4 cfs

PRIORITY: May 10, 1888

In case of Agnes B. Reno, et al, vs. J.R. Richards, et al, dated September 6, 1922 in 9th District Court county of Fremont.

POINT(S) OF DIVERSION: NESW, SEC 11; NENE, SEC 14; NWNE, NESE, SENE, SEC 24, T 10N, R 29E; SWSW, SEC 29; NWNW, SEC 32, T 10N, R 30E, B.M.

The water is used from April 1 to November 1 to irrigate 960 acres within the W1/2NW, SENW, NESW, W1/2SE, SESE, SEC 11; SWSW, SEC 12; W1/2NW, NWSW, SEC 13; E1/2NE, SEC 14; SESE, SEC 24; NENE, SEC 25, T 10N R 29E, B.M.; SWNW, W1/2SW, SESW, SWSE, SEC 19; SWSW, SEC 29; NE, N1/2NW, SENW, SEC 30; W1/2NE, N1/2NW, SENW, NESW, W1/2SE, SEC 32, T 10N, R 30E, B.M.

Decree No. 32-0101 Decreed to Thomas J. Welmer in case of Agnes B. Reno, et al, vs. J.R. Richards, et al, dated September 6, 1922 in 9th District Court county of Fremont.

AMOUNT: 2.9 cfs

PRIORITY: June 4, 1909

POINT OF DIVERSION: SESENE, SEC 3, T 10N, R 29E, CLARK COUNTY

The water is used from April 1 to November 1 to irrigate 64 acres of land within the SWSW SEC 2; SENE, E1/2SE, SEC 3, T 10N, R 29E, B.M.

TO BE CHANGED AS FOLLOWS:

Only 17.5 cfs will be diverted from the SESW, SEC 34, T 9N, R 30E, B.M. (New Reno Diversion) and used to irrigate 960 acres within the SESW, NWSE, S1/2SE, SEC 12, T 8N, R 31E; E1/2SE, SEC 1; N1/2SW, SE, SEC 10; S1/2NW, SW, SEC 11; N1/2NW, SEC 14, T 8N, R 32E; E1/2SW, W1/2SE, SEC 6, T 8N, R 33E, B.M.

NO.'S 32-0067 & 32-0090

Notice is hereby given for the purposed amendment of application No.'s 32-0067 & 32-0090 by Birch Creek Ranches, Inc. to change point of diversion and place of use of the waters Birch Creek. The rights sought to be changed are evidenced by Decrees and recorded as follows:

Decreed to Wood Livestock Co.

Decree No. 32-0067

AMOUNT: 3.2 cfs

PURPOSES FROM: Irrigation April 1 to November 1

AMOUNT: .8 cfs

PURPOSES FROM: Stockwater March 1 to December 1

PRIORITY: September 10, 1882

Decreed to C.B. Watts

Decree No. 32-0090

AMOUNT: 1.6 cfs

PRIORITY: May 10, 1886

In case of Agnes B. Reno, et al, vs. J.R. Richards, et al, dated September 6, 1922 in 9th District Court county of Fremont.

POINTS OF DIVERSION: NESW, SEC 11; NENE, SEC 14; NWNE, NESE, SENE, SEC 24, T 10N, R 29E; SWSW, SEC 29; NWNW, SEC 32, T 10N R 30E, B.M.

The water is used from April 1 to November 1 to irrigate 960 acres within the W1/2NW, SENW, NESW, W1/2SE, SESE, SEC 11; SWSW, SEC 12; W1/2NW, NWSW, SEC 13; E1/2NE, SEC 14; SESE, SEC 24; NENE, SEC 25, T 10N R 29E, B.M.; SWNW, W1/2SW, SESW, SWSE, SEC 19; SWSW, SEC

Idaho Statesman

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JUL 28 1993

AMOUNT: 3.2 cfs
Decree No. 32-0069
AMOUNT: 3.2 cfs
PRIORITY: May 10, 1887
PRIORITY: May 10, 1888

Decreed to Jerome F. Reno
Decree No. 32-0061C
AMOUNT: .4 cfs
PRIORITY: May 10, 1888
In case of Agnes B. Reno, et al, vs. J.R. Richards, et al, dated September 6, 1922 in 9th District Court county of Fremont.
POINT(S) OF DIVERSION: NESW, SEC 11; NENE, SEC 14; NWNE, NESE, SENE, SEC 24, T 10N, R 29E; SWSW, SEC 29; NWNW, SEC 32, T 10N, R 30E, B.M.

The water is used from April 1 to November 1 to irrigate 960 acres within the W1/2NW, SENW, NESW, W1/2SE, SESE, SEC 11; SWSW, SEC 12; W1/2NW, NWSW, SEC 13; E1/2NE, SEC 14; SESE, SEC 24; NENE, SEC 25, T 10N R 29E, B.M.; SWNW, W1/2SW, SESW, SWSE, SEC 19; SWSW, SEC 29; NE, N1/2NW, SENW, SEC 30; W1/2NE, N1/2NW, SENW, NESW, W1/2SE, SEC 32, T 10N, R 30E, B.M.

Decree No. 32-0101 Decreed to Thomas J. Weimer in case of Agnes B. Reno, et al, vs. J.R. Richards, et al, dated September 6, 1922 in 9th District Court county of Fremont.

AMOUNT: 2.9 cfs
PRIORITY: June 4, 1909
POINT OF DIVERSION: SESENE, SEC 3, T 10N, R 29E, CLARK COUNTY
The water is used from April 1 to November 1 to irrigate 64 acres of land within the SWSW SEC 2; SENE, E1/2SE, SEC 3, T 10N, R 29E, B.M.

TO BE CHANGED AS FOLLOWS:

Only 17.5 cfs will be diverted from the SESW, SEC 34, T 9N, R 30E, B.M. (New Reno Diversion) and used to irrigate 960 acres within the SESW, NWSE, S1/2SE, SEC 12, T 8N, R 31E; E1/2SE, SEC 1; N1/2SW, SE, SEC 10; S 1/2NW, SW, SEC 11; N1/2NW, SEC 14, T 8N, R 32E; E1/2SW, W1/2SE, SEC 6, T 8N, R 33E, B.M.

NO.'S 32-0067 & 32-0090

Notice is hereby given for the purposed amendment of application No.'s 32-0067 & 32-0090 by Birch Creek Ranches, Inc. to change point of diversion and place of use of the waters Birch Creek. The rights sought to be changed are evidenced by Decrees and recorded as follows:
Decreed to Wood Livestock Co.

Decree No. 32-0067

AMOUNT: 3.2 cfs
PURPOSES FROM: Irrigation April 1 to November 1
AMOUNT: .8 cfs
PURPOSES FROM: Stockwater March 1 to December 1
PRIORITY: September 10, 1882

Decreed to C.B. Watts

Decree No. 32-0090

AMOUNT: 1.6 cfs
PRIORITY: May 10, 1886
In case of Agnes B. Reno, et al, vs. J.R. Richards, et al, dated September 6, 1922 in 9th District Court county of Fremont.
POINTS OF DIVERSION: NESW, SEC 11; NENE, SEC 14; NWNE, NESE, SENE, SEC 24, T 10N, R 29E; SWSW, SEC 29; NWNW, SEC 32, T 10N R 30E, B.M.

The water is used from April 1 to November 1 to irrigate 960 acres within the W1/2NW, SENW, NESW, W1/2SE, SESE, SEC 11; SWSW, SEC 12; W1/2NW, NWSW, SEC 13; E1/2NE, SEC 14; SESE, SEC 24; NENE, SEC 25, T 10N, R 29E, B.M.; SWNW, W1/2SW, SESW, SWSE, SEC 19; SWSW, SEC 29; NE, N1/2NW, SENW, SEC 30; W1/2NE, N1/2NW, SENW, NESW, W1/2SE, SEC 32, T 10N, R 30E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted from the SENENW (LOT 3), SEC 5, T 9N, R 30E, (WAGONER DIVERSION) and used to irrigate 339 acres of land within the NESW, NWSW (LOT 6), SWSW (LOT 7), SESW, SWSE, SEC 4; SENE, E1/2SE, SEC 5; W1/2NE, NW, E1/2SW, W1/2SE, SEC 9, T 9N, R 30E, B.M.

Any protests against the proposed Change must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before MAY 6, 1991.

R. Keith Higginson, Director

Pub. Apr. 18, 25, 1991 8199

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JUL 28 1999

Ranches & Mac Wagoner, and are dependent upon approval of all three applications.

NO. 32-00102, ETC.

Notice is hereby given that Mac or Betty Wagoner has applied to the Department of Water Resources to change point of diversion and place of use of the waters of Birch Creek. The right sought to be changed is evidenced by Decrees and recorded as follows:

Decreed to Samuel Goddard in case of Frank Reno, et al, vs. J.R. Richards dated October 2, 1894.

Decree No. 32-00102

AMOUNT: 4.00 cfs

PRIORITY: May 10, 1889

Place of use not listed in decree

Decreed to Samuel Goddard in case of Agnus Reno vs. J.R. Richards dated September 6, 1922.

Decree No. 0085

AMOUNT: 2 cfs

PRIORITY: May 10, 1910

Decree No. 0086

AMOUNT: 2 cfs

PRIORITY: May 1, 1911

Decree No. 0087

AMOUNT: 2 cfs

PRIORITY: May 1, 1912

The water is used to irrigate 120 acres within the SENW, NESW, NWSE, SEC 9, T 9N, R 30E, B.M.

Decreed to George Goddard in case of Agnus Reno vs. J.R. Richards dated September 6, 1922.

Decree No. 0073

AMOUNT: 2 cfs

PRIORITY: May 15, 1909

Decree No. 0077

AMOUNT: 2 cfs

PRIORITY: May 15, 1910

Decree No. 0078

AMOUNT: 2 cfs

PRIORITY: May 15, 1911

Decree No. 0079

AMOUNT: 8 cfs

PRIORITY: May 15, 1913

The water is used to irrigate 160 acres within the W1/2NE, SENE, NENW, SEC 9, T 9N, R 30E, B.M.

POINTS OF DIVERSION NOT LISTED IN ABOVE DECREES

TO BE CHANGED AS FOLLOWS:

Only 6 cfs will be diverted from the SESW, SEC 34, T 9N, R 30E, CLARK COUNTY and used from April 1 to November 1 to irrigate 960 acres within the SESW, W1/2SE, SESE, SEC 12, T 8N, R 31E, E1/2SE, SEC 1; N1/2SW, SE, SEC 10; S1/2NW, SW, SEC 11; N1/2NW, SEC 14, T 8N, R 32E; E1/2SW, W1/2SE, SEC 6, T 8N, R 33E, B.M.

NO. 32-0061C, ETC.

Notice is hereby given that Birch Creek Ranches, Inc. has applied to the Department of Water Resources to change point of diversion and place of use of the waters of Birch creek. The right sought to be changed is evidenced by Decrees and recorded as follows:

Decreed to C.B. Watts

Decree No. 32-0090

AMOUNT: 1.6 cfs

PRIORITY: May 10, 1886

Decree No. 32-0089

AMOUNT: 2.5 cfs

PRIORITY: May 10, 1888

Decreed to Edward M. Kaufman

Decree No. 32-0093

AMOUNT: 1.56522 cfs

PRIORITY: May 10, 1886

Decree No. 32-0092

AMOUNT: 2.44565 cfs

PRIORITY: May 10, 1888

Decree No. 32-0091

AMOUNT: .48913 cfs

PRIORITY: May 1, 1901

Decreed to Wood Livestock Co.

Decree No. 32-0068

AMOUNT: 3.2 cfs

PRIORITY: May 10, 1887

Decree No. 32-0069

AMOUNT: 3.2 cfs

PRIORITY: May 10, 1888

Decreed to Jerome F. Reno

Decree No. 32-0061C

AMOUNT: 4 cfs

PRIORITY: May 10, 1888

in case of Agnes B. Reno, et al, vs. J.R. Richards, et al, dated September 6, 1922

in 9th District Court county of Fremont.

POINT(S) OF DIVERSION: NESW, SEC 11; NENE, SEC 14; NENE, NESE, SENE, SEC 24, T 10N, R 29E; SWSW, SEC 29; NWNW, SEC 32, T 10N, R 30E, B.M.

The water is used from April 1 to November 1 to irrigate 960 acres within the W1/2NW, SENW, NESW, W1/2SE, SESE, SEC 11; SWSW, SEC 12; W1/2NW, NWSW, SEC 13; E1/2NE, SEC 14; SESE, SEC 24; NENE, SEC 25, T 10N, R 29E, B.M.; SWNW, W1/2SW, SESW, SWSE, SEC 19; SWSW, SEC 29; NE, N1/2NW, SENW, SEC 30; W1/2NE, N1/2NW, SENW, NESW, W1/2SE, SEC 32, T 10N, R 30E, B.M.

Decree No. 32-0101 Decreed to Thomas J.

Wagoner in case of Agnes B. Reno, et al, vs. J.R. Richards, et al, dated September 6, 1922 in 9th District Court county of Fremont.

AMOUNT: 2.9 cfs

PRIORITY: June 4, 1909

POINT OF DIVERSION: SESENE, SEC 3, T 10N, R 29E, CLARK COUNTY

The water is used from April 1 to November 1 to irrigate 64 acres of land within the SWSW, SEC 2; SENE, E1/2SE, SEC 3, T 10N, R 29E, B.M.

TO BE CHANGED AS FOLLOWS:

Only 17.5 cfs will be diverted from the SESW, SEC 34, T 9N, R 30E, B.M. (New Reno Diversion) and used to irrigate 960 acres within the SESW, NWSE, S1/2SE, SEC 12, T 8N, R 31E; E1/2SE, SEC 1; N1/2SW, SE, SEC 10; S1/2NW, SW, SEC 11; N1/2NW, SEC 14, T 8N, R 32E; E1/2SW, W1/2SE, SEC 6, T 8N, R 33E, B.M.

NO.'S 32-0067 & 32-0090

Notice is hereby given for the proposed amendment of application No.'s 32-0067 & 32-0090 by Birch Creek Ranches, Inc. to change point of diversion and place of use of the waters Birch Creek. The rights sought to be changed are evidenced by Decrees and recorded as follows:

Decreed to Wood Livestock Co.

Decree No. 32-0067

AMOUNT: 3.2 cfs

PURPOSES FROM: Irrigation April 1 to November 1

AMOUNT: 8 cfs

PURPOSES FROM: Stockwater March 1 to December 1

PRIORITY: September 10, 1882

Decreed to C.B. Watts.

Decree No. 32-0090

AMOUNT: 1.6 cfs

PRIORITY: May 10, 1886

in case of Agnes B. Reno, et al, vs. J.R. Richards, et al, dated September 6, 1922 in 9th District Court county of Fremont.

POINT(S) OF DIVERSION: NESW, SEC 11; NENE, SEC 14; NENE, NESE, SENE, SEC 24, T 10N, R 29E; SWSW, SEC 29; NWNW, SEC 32, T 10N, R 30E, B.M.

The water is used from April 1 to November 1 to irrigate 960 acres within the W1/2NW, SENW, NESW, W1/2SE, SESE, SEC 11; SWSW, SEC 12; W1/2NW, NWSW, SEC 13; E1/2NE, SEC 14; SESE, SEC 24; NENE, SEC 25, T 10N, R 29E, B.M.; SWNW, W1/2SW, SESW, SWSE, SEC 19; SWSW, SEC 29; NE, N1/2NW, SENW, SEC 30; W1/2NE, N1/2NW, SENW, NESW, W1/2SE, SEC 32, T 10N, R 30E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted from the SENENW (LOT 3), SEC 5, T 9N, R 30E, (WAGONER DIVERSION) and used to irrigate 339 acres of land within the NESW, NWSW (LOT 6), SWSW (LOT 7), SESW, SWSE, SEC 4; SENE, E1/2SE, SEC 5; W1/2NE, NW, E1/2SW, W1/2SE, SEC 9, T 9N, R 30E, B.M.

Any protests against the proposed change must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before MAY 6, 1991.

R. Keith Higginson
Director

Published: April 18, 25, 1991

MICROFILMED

JUL 28 1999

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHTS**

The following three transfers are based upon an agreement between Birch Creek

Legals-Legals-Legal Publication

LEGAL NOTICE LEGAL NOTICE

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

The following three transfers are based upon an agreement between Birch Creek Ranches & Mac Wagoner, and are dependent upon approval of all three applications.

NO. 32-00102, ETC

Notice is hereby given that Mac or Betty Wagoner has applied to the Department of Water Resources to change point of diversion and place of use of the waters of Birch Creek. The right sought to be changed is evidenced by Decrees and recorded as follows:

Decreed to Samuel Goddard in case of Frank Reno, et al, vs. J.R. Richards dated October 2, 1894.

Decree No. 32-00102

AMOUNT: 4.00 cfs PRIORITY: May 10, 1889

Place of use not listed in decree

Decreed to Samuel Goddard in case of Agnus Reno vs. J.R. Richards dated September 6, 1922.

Decree No. 0085

AMOUNT: 2 cfs PRIORITY: May 10, 1910

Decree No. 0086

AMOUNT: 2 cfs PRIORITY: May 1, 1911

Decree No. 0087

AMOUNT: 2 cfs PRIORITY: May 1, 1912

The water is used to irrigate 120 acres within the

SENE, NESW, NWSE, SEC 9, T 9N, R 30E, B.M.

Decreed to George Goddard in case of Agnus Reno vs. J.R. Richards dated September 6, 1922.

Decree No. 0073

AMOUNT: 2 cfs PRIORITY: May 15, 1909

Decree No. 0077

AMOUNT: 2 cfs PRIORITY: May 15, 1910

Decree No. 0078

AMOUNT: 2 cfs PRIORITY: May 15, 1911

Decree No. 0079

AMOUNT: 8 cfs PRIORITY: May 15, 1913

The water is used to irrigate 160 acres within the W1/

2NE, SENE, NENW, SEC 9, T 9N, R 30E, B.M.

POINTS OF DIVERSION NOT LISTED IN ABOVE DECREES

TO BE CHANGED AS FOLLOWS:

Only 6 cfs will be diverted from the SESW, SEC 34, T 9N, R 30E, CLARK COUNTY and used from April 1 to November 1 to irrigate 960 acres within the SESW, W1/2SE, SESE, SEC 12, T 8N, R 31E; E1/2SE, SEC 1; N1/2SW, SE SEC 10; S1/2NW, SW, SEC 11; N1/2NW, SEC 14, T 8N, R 32E; E1/2SW, W1/2SE, SEC 6, T 8N, R 33E, B.M.

Publication

AHO

WIN FALLS

Copy to Mac Wagoner

to, and do solemnly swear

hereof, for Two

the issue dated

certify that said newspaper is

which newspapers prior to con-

solidation, has been published

notify that pursuant to Section 6

will be published; and that at

Notary Public for

Residing at

My commission expires

FALLS

day of

nally appeared

me to be the person whose na-

that the statements therein are

MA

Department

SS. Easter

NO. 32-0061C, ETC

Notice is hereby given that Birch Creek Ranches, Inc. has applied to the Department of Water Resources to change point of diversion and place of use of the waters of Birch Creek. The right sought to be changed is evidenced by Decrees and recorded as follows:

Decreed to C.B. Watts

Decree No. 32-0090

AMOUNT: 1.6 cfs PRIORITY: May 10, 1888

Decree No. 32-0089

AMOUNT: 2.5 cfs PRIORITY: May 10, 1888

Decreed to Edward M. Kaufman

Decree No. 32-0093

AMOUNT: 1.56522 cfs PRIORITY: May 10, 1888

Decree No. 32-0092

AMOUNT: 2.44565 cfs PRIORITY: May 10, 1888

Decree No. 32-0091

AMOUNT: 48913 cfs PRIORITY: May 1, 1901

Decreed to Wood Livestock Co.

Decree No. 32-0068

AMOUNT: 3.2 cfs PRIORITY: May 10, 1887

Decree No. 32-0069

AMOUNT: 3.2 cfs PRIORITY: May 10, 1888

Decreed to Jerome F. Reno

Decree No. 32-0061C

AMOUNT: 4 cfs PRIORITY: May 10, 1888

in case of Agnes B. Reno, et al, vs J.R. Richards, et al, dated September 6, 1922 in 9th District Court county of Fremont.

POINT(S) OF DIVERSION: NESW, SEC 11; NENE, SEC 14; NWNE, NESE, SENE, SEC 24, T 10N, R 29E; SWSW, SEC 29; NWNW, SEC 32, T 10N, R 30E, B.M.

The water is used from April 1 to November 1 to irrigate 960 acres within the W1/2NW, SENW, NESW, W1/2SE, SESE, SEC 11; SWSW, SEC 12; W1/2NW, NWSW, SEC 13; E1/2NE, SEC 14; SESE, SEC 24; NENE, SEC 25, T 10N, R 29E, B.M.; SWNW, W1/2SW, SESW, SEC 19; SWSW, SEC 29; NE, N1/2NW, SENW, SEC 30; W1/2NE, N1/2NW, SENW, NESW, W1/2SE, SEC 32, T 10N, R 30E, B.M.

Decree No. 32-0101 Decreed to Thomas J. Weimer in case of Agnes B. Reno, et al, vs J.R. Richards, et al, dated September 6, 1922 in 9th District Court county of Fremont.

AMOUNT: 2.9 cfs PRIORITY: June 4, 1909

POINT OF DIVERSION: SESENE, SEC 3, T 10N, R 29E, CLARK COUNTY

The water is used from April 1 to November 1 to irrigate 64 acres of land within the SWSW, SEC 2; SENE, E1/2SE, SEC 3, T 10N, R 29E, B.M.

TO BE CHANGED AS FOLLOWS:

Only 17.5 cfs will be diverted from the SESW, SEC 34, T 9N, R 30E, B.M. (New Reno Diversion) and used to irrigate 960 acres within the SESW, NWSE, S1/2SE, SEC 12, T 8N, R 31E; E1/2SE, SEC 1; N1/2SW, SE, SEC 10; S1/2NW, SW, SEC 11; N1/2NW, SEC 14, T 8N, R 32E; E1/2SW, W1/2SE, SEC 6, T 8N, R 33E, B.M.

NO. 32-0067 & 32-0090

Notice is hereby given for the proposed amendment of application No. 32-0067 & 32-0090 by Birch Creek Ranches, Inc. to change point of diversion and place of use of the waters of Birch Creek. The rights sought to be changed are evidenced by Decrees and recorded as follows:

Decreed to Wood Livestock Co.

Decree No. 32-0067

AMOUNT: 3.2 cfs

PURPOSES FROM: Irrigation April 1 to November 1

AMOUNT: 8 cfs

PURPOSES FROM: Stockwater March 1 to December 1

PRIORITY: September 10, 1882.

Decreed to C.B. Watts

Decree NO. 32-0090

AMOUNT: 1.6 cfs PRIORITY: May 10, 1888

in case of Agnes B. Reno, et al, vs J.R. Richards, et al, dated September 6, 1922 in 9th District Court county of Fremont.

POINT(S) OF DIVERSION: NESW, SEC 11; NENE, SEC 14; NWNE, NESE, SENE, SEC 24, T 10N, R 29E; SWSW, SEC 29; NWNW, SEC 32, T 10N, R 30E, B.M.

The water is used from April 1 to November 1 to irrigate 960 acres within the W1/2NW, SENW, NESW, W1/2SE, SESE, SEC 11; SWSW, SEC 12; W1/2NW, NWSW, SEC 13; E1/2NE, SEC 14; SESE, SEC 24; NENE, SEC 25, T 10N, R 29E, B.M.; SWNW, W1/2SW, SESW, SEC 19; SWSW, SEC 29; NE, N1/2NW, SENW, SEC 30; W1/2NE, N1/2NW, SENW, NESW, W1/2SE, SEC 32, T 10N, R 30E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted from the SENENW(Lot 3), SEC 5, T 9N, R 30E, (WAGONER DIVERSION) and used to irrigate 339 acres of land within the NESW, NWSW(LOT 6), SWSW(LOT 7), SESW, SWSE, SEC 4; SENE, E1/2SE, SEC 6; W1/2NE, NW, E1/2SW, W1/2SE, SEC 9, T 9N, R 30E, B.M.

Any protests against the proposed change must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before MAY 6, 1991.

R. Keith Higginson

Director

PUBLISH: Thursday, April 18 & 25, 1991.

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 042591

INVOICE No. L00227285

Account No. 446600

32-00102

Description 27285NOTIC

Times 2

Lines

213

Tab Lines

\$ 239.63

LEGAL ADVERTISING INVOICE

OLD TO:

DEPT. OF WATER RESOURCES
150 SHOUP AVE. SUITE 15
IDAHO FALLS
ID 83402

RECEIVED

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.

Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

Department of Water Resources

NO. 32-0081C, ETC.

Notice is hereby given that Birch Creek Ranches, Inc. has applied to the Department of Water Resources to change point of diversion and place of use of the waters of Birch Creek. The right sought to be changed is evidenced by Decrees and recorded as follows:

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Decree No. 32-0090

AMOUNT: 1.6 cfs PRIORITY:

May 10, 1886

Decree No. 32-0089

AMOUNT: 2.5 cfs PRIORITY:

May 10, 1888

Decreed to Edward M. Kaufman

Decree No. 32-0093

AMOUNT: 1.56522 cfs PRIORITY:

May 10, 1886

Decree No. 32-0092

AMOUNT: 2.44565 cfs PRIORITY:

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Decree No. 32-0091

AMOUNT: 48913 cfs PRIORITY:

May 1, 1901

Decreed to Wood Livestock Co.

Decree No. 32-0068

AMOUNT: 3.2 cfs PRIORITY:

May 10, 1887

Decree No. 32-0069

AMOUNT: 3.2 cfs PRIORITY:

May 10, 1888

Decreed to Jerome F. Reno

Decree No. 32-0061C

AMOUNT: .4 cfs PRIORITY: May

10, 1888

in case of Agnes B. Reno, et al, vs.

J.R. Richards, et al, dated September 6, 1922 in 9th District Court county of Fremont.

POINT(S) OF DIVERSION: NESW, SEC 11; NENE, SEC 14; NWNE, NESE, SENE, SEC 24, T 10N, R 29E; SWSW, SEC 29; NWNW, SEC 32, T 10N, R 30E, B.M.

The water is used from April 1 to November 1 to irrigate 960 acres within the W1/2NW, SENW, NESW, W1/2SE, SESE, SEC 11; SWSW, SEC 12; W1/2NW, NWSW, SEC 13; E1/2NE, SEC 14; SESE, SEC 24; NENE, SEC 25, T 10N, R 29E, B.M.; SWNW, W1/2SW, SESW, SWSE, SEC 19; SWSW, SEC 29; NE, N1/2NW, SENW, SEC 30; W1/2NE, N1/2NW, SENW, NESW, W1/2SE, SEC 32, T 10N, R 30E, B.M.

Decree No. 32-0101 Decreed to Thomas J. Weimer in case of Agnes B. Reno, et al, vs. J.R. Richards, et al, dated September 6, 1922 in 9th District Court county of Fremont.

AMOUNT: 2.9 cfs PRIORITY:

June 4, 1909

POINT OF DIVERSION: SESENE, SEC 3, T 10N, R 29E, CLARK COUNTY

The water is used from April 1 to November 1 to irrigate 64 acres of land within the SWSW, SEC 2; SENE, E1/2SE, SEC 3, T 10N, R 29E, B.M.

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

The following three transfers are based upon an agreement between Birch Creek Ranches & Mac Wagoner, and are dependent upon approval of all three applications.

NO. 32-00102, ETC.

Notice is hereby given that Mac or Betty Wagoner has applied to the Department of Water Resources to change point of diversion and place of use of the waters of Birch Creek. The right sought to be changed is evidenced by Decrees and recorded as follows:

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Decree No. 32-00102

AMOUNT: 4.00 cfs PRIORITY:

May 10, 1889

Place of use not listed in decree

Decreed to Samuel Goddard in case of Agnus Reno vs. J.R. Richards dated September 6, 1922.

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AMOUNT: .2 cfs PRIORITY: May

10, 1910

Decree No. 0086

AMOUNT: .2 cfs PRIORITY: May

1, 1911

Decree No. 0087

AMOUNT: .2 cfs PRIORITY: May

1, 1912

The water is used to irrigate 120 acres within the SENW, NESW, NWSE, SEC 9, T 9N, R 30E, B.M.

Decreed to George Goddard in case of Agnus Reno vs. J.R. Richards dated September 6, 1922.

Decree No. 0073

AMOUNT: .2 cfs PRIORITY: May

15, 1909

Decree No. 0077

AMOUNT: .2 cfs PRIORITY: May

15, 1910

Decree No. 0078

AMOUNT: .2 cfs PRIORITY: May

15, 1911

Decree No. 0079

AMOUNT: .2 cfs PRIORITY: May

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The water is used to irrigate 160 acres within the W1/2NE, SENE, NENW, SEC 9, T 9N, R 30E, B.M.

POINTS OF DIVERSION NOT LISTED IN ABOVE DECREES

TO BE CHANGED AS FOLLOWS:

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Eastern District Office

F PUBLICATION

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Decree No. 32-0067

AMOUNT: 3.2 cfs

PURPOSES FROM: Irrigation April 1 to November 1

AMOUNT: .8 cfs

PURPOSES FROM: Stockwater March 1 to December 1

PRIORITY: September 10, 1882

Decreed to C.B. Watts.

Decree No. 32-0090

AMOUNT: 1.6 cfs PRIORITY:

May 10, 1886

in case of Agnes B. Reno, et al, vs.

J.R. Richards, et al, dated September 6, 1922 in 9th District Court county of Fremont.

POINT(S) OF DIVERSION: NESW, SEC 11; NENE, SEC 14; NWNE, NESE, SENE, SEC 24, T 10N, R 29E, SWSW, SEC 29; NWNW, SEC 32, T 10N, R 30E, B.M.

The water is used from April 1 to November 1 to irrigate 960 acres within the W1/2NW, SENW, NESW, W1/2SE, SESE, SEC 11; SWSW, SEC 12; W1/2NW, NWSW, SEC 13; E1/2NE, SEC 14; SESE, SEC 24; NENE, SEC 25, T 10N, R 29E, B.M.; SWNW, W1/2SW, SESW, SWSE, SEC 19; SWSW, SEC 29; NE, N1/2NW, SENW, SEC 30; W1/2NE, N1/2NW, SENW, NESW, W1/2SE, SEC 32, T 10N, R 30E, B.M.

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101 28 R. Keith Higginson

Director

W1/2SE

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

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AMOUNT: 4.00 cfs PRIORITY: May 10, 1889

Place of use not listed in decree

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AMOUNT: .2 cfs PRIORITY: May 10, 1910

Decree No. 0086

AMOUNT: .2 cfs PRIORITY: May 1, 1911

Decree No. 0087

AMOUNT: .2 cfs PRIORITY: May 1, 1912

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Decreed to George Goddard in case of Agnus Reno vs. J.R. Richards dated September 6, 1922.

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Decree No. 0077

AMOUNT: .2 cfs PRIORITY: May 15, 1910

Decree No. 0078

AMOUNT: .2 cfs PRIORITY: May 15, 1911

Decree No. 0079

AMOUNT: .8 cfs PRIORITY: May 15, 1913

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MICROFILMED

JUL 28 1999

NO. 32-0061C, ETC.

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Decreed to C.B. Watts

Decree No. 32-0090

AMOUNT: 1.6 cfs PRIORITY: May 10, 1886

Decree No. 32-0089

AMOUNT: 2.5 cfs PRIORITY: May 10, 1888

Decreed to Edward M. Kaufman

Decree No. 32-0093

AMOUNT: 1.56522 cfs PRIORITY: May 10, 1886

Decree No. 32-0092

AMOUNT: 2.44565 cfs PRIORITY: May 10, 1888

Decree No. 32-0091

AMOUNT: .48913 cfs PRIORITY: May 1, 1901

Decreed to Wood Livestock Co.

Decree No. 32-0068

AMOUNT: 3.2 cfs PRIORITY: May 10, 1887

Decree No. 32-0069

AMOUNT: 3.2 cfs PRIORITY: May 10, 1888

Decreed to Jerome F. Reno

Decree No. 32-0061C

AMOUNT: .4 cfs PRIORITY: May 10, 1888

in case of Agnes B. Reno, et al, vs. J.R. Richards, et al, dated September 6, 1922 in 9th District Court county of Fremont.

POINT(S) OF DIVERSION: NESW, SEC 11; NENE, SEC 14; NWNE, NESE, SENE, SEC 24, T 10N, R 29E; SWSW, SEC 29; NWNW, SEC 32, T 10N, R 30E, B.M.

The water is used from April 1 to November 1 to irrigate 960 acres within the W1/2NW, SENW, NESW, W1/2SE, SESE, SEC 11; SWSW, SEC 12; W1/2NW, NWSW, SEC 13; E1/2NE, SEC 14; SESE, SEC 24; NENE, SEC 25, T 10N, R 29E, B.M.; SWNW, W1/2SW, SESW, SWSE, SEC 19; SWSW, SEC 29; NE, N1/2NW, SENW, SEC 30; W1/2NE, N1/2NW, SENW, NESW, W1/2SE, SEC 32, T 10N, R 30E, B.M.

Decree No. 32-0101 Decreed to Thomas J. Weimer in case of Agnes B. Reno, et al, vs. J.R. Richards, et al, dated September 6, 1922 in 9th District Court county of Fremont.

AMOUNT: 2.9 cfs PRIORITY: June 4, 1909

POINT OF DIVERSION: SESENE, SEC 3, T 10N, R 29E, CLARK COUNTY

The water is used from April 1 to November 1 to irrigate 64 acres of land within the SWSW, SEC 2; SENE, E1/2SE, SEC 3, T 10N, R 29E, B.M.

MICROFILMED

JUL 28 1999

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TO BE CHANGED AS FOLLOWS:

Only 17.5 cfs will be diverted from the SESW, SEC 34, T 9N, R 30E, B.M. (New Reno Diversion) and used to irrigate 960 acres within the SESW, NWSE, S1/2SE, SEC 12, T 8N, R 31E; E1/2SE, SEC 1; N1/2SW, SE, SEC 10; S1/2NW, SW, SEC 11; N1/2NW, SEC 14, T 8N, R 32E; E1/2SW, W1/2SE, SEC 6, T 8N, R 33E, B.M.

NO.'S 32-0067 & 32-0090

Notice is hereby given for the purposed amendment of application No.'s 32-0067 & 32-0090 by Birch Creek Ranches, Inc. to change point of diversion and place of use of the waters Birch Creek. The rights sought to be changed are evidenced by Decrees and recorded as follows:

Decreed to Wood Livestock Co.

Decree No. 32-0067

AMOUNT: 3.2 cfs

PURPOSES FROM: Irrigation April 1 to November 1

AMOUNT: .8 cfs

PURPOSES FROM: Stockwater March 1 to December 1

PRIORITY: September 10, 1882

Decreed to C.B. Watts.

Decree No. 32-0090

AMOUNT: 1.6 cfs PRIORITY: May 10, 1886

in case of Agnes B. Reno, et al, vs. J.R. Richards, et al, dated September 6, 1922 in 9th District Court county of Fremont.

POINT(S) OF DIVERSION: NESW, SEC 11; NENE, SEC 14; NWNE, NESE, SENE, SEC 24, T 10N, R 29E; SWSW, SEC 29; NWNW, SEC 32, T 10N R 30E, B.M.

The water is used from April 1 to November 1 to irrigate 960 acres within the W1/2NW, SENW, NESW, W1/2SE, SESE, SEC 11; SWSW, SEC 12; W1/2NW, NWSW, SEC 13; E1/2NE, SEC 14; SESE, SEC 24; NENE, SEC 25, T 10N, R 29E, B.M.; SWNW, W1/2SW, SESW, SWSE, SEC 19; SWSW, SEC 29; NE, N1/2NW, SENW, SEC 30; W1/2NE, N1/2NW, SENW, NESW, W1/2SE, SEC 32, T 10N, R 30E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted from the SENENW(LOT 3), SEC 5, T 9N, R 30E, (WAGONER DIVERSION) and used to irrigate 339 acres of land within the NESW, NWSW(LOT 6), SWSW(LOT 7), SESW, SWSE, SEC 4; SENE, E1/2SE, SEC 5; W1/2NE, NW, E1/2SW, W1/2SE, SEC 9, T 9N, R 30E, B.M.

Any protests against the proposed change must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before MAY 6, 1991.

R. Keith Higginson
Director

Published in the TIMES-NEWS on APRIL 18 & 25, 1991.

FILED
JUL 28 1999

APPLICATION FOR TRANSFER OF
WATER RIGHT NO. 32-00102, ETC

RECEIVED

MAY - 7 1991

Department of Water Resources
Eastern District Office

WATER DISTRICT 32-D

WATERMASTER Donald W. Shenton

DATE: MAY 5, 1991

COMMENTS: NO MENTION IS MADE OF Bed LOSS OR SEEPAGE
LOSSES IN THE STREAMBED. This water is being moved
A long way down Stream in a Stream bed that
LOSSES lots of water. (Some times in excess of 40%)

☒ I do endorse approval of this change.

☐ I do not endorse approval of this change.

I recommend the following conditions of approval:

That the appropriate Bed losses be assessed
to the Final transferred total C.F.S.

Donald W. Shenton

Watermaster

MICROFILMED

JUL 28 1991

Page _____ of _____

RECEIVED
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
JUL 28 1999

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT

PART I

Eastern District Office

Name of applicant Mac or Betty Wagoner Phone 374-5415
 Post Office address P.O. Box 296, Dubois, ID 83423

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 Ted Sorensen and Mac Wagoner have entered into an agreement to settle their water use disputes. This transfer is filed as part of that agreement; copy of which is attached.

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
- 32-00102 5-10-1889 4.00 cfs irrigation 4-1 to 11-1
See attached _____ _____ _____ _____ to _____
Exhibit A _____ _____ _____ _____ to _____
 _____ _____ _____ _____ _____ to _____
2. Total amount of water being transferred 6.00 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Birch Creek tributary to sinks
4. Point(s) of Diversion:

| Lot | ¼ | ¼ | ¼ | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|---|----|----|------|------|------|--------|--------------------------|
| | | SE | SW | 34 | 9N | 30E | Clark | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

5. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE ¼ | | | | NW ¼ | | | | SW ¼ | | | | SE ¼ | | | | Totals |
|------|------|------|------|------|------|------|-------------|------|------|------|------|------|------|------|------|------|------|------|--------|
| | | | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | |
| 8N | 31E | 12 | | | | | | | | | | | | 40 | | 40 | 40 | 40 | 160 |
| | 32E | 10 | | | | | | | | | 40 | 40 | | | 40 | 40 | 40 | 40 | 240 |
| | | 11 | | | | | | | 40 | 40 | 40 | 40 | 40 | 40 | | | | | 240 |
| | | 14 | | | | | 40 | 40 | | | | | | | | | | | 80 |
| | | 1 | | | | | | | | | | | | | 40 | | | 40 | 80 |
| 8N | 33E | 6 | | | | | MICROFILMED | | | | 40 | | | 40 | | 40 | 40 | | 160 |
| | | | | | | | JUL 28 1999 | | | | | | | | | | | | |

Total acres 960

MICROFILMED
JUL 28 1999

Witness my hand this _____ day of _____, 19____

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

d. Remarks:

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
See attached agreement between owner and Ted Sorenson.

trust, mortgage or contract agreeing to the proposed changes.

contracts? ☒ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or
portion of the old Reno Ditch.

a. Description of diversion system _____
placed in Birch Creek at the point of diversion to divert water through
the new lined power channel to the power plant and thence into the lower
An earthen dam with a buried PNC liner has been

6. General Information:

PART 1

Transfer No. _____

Page _____ of _____

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. 32-00102 Decreed to Samuel Goddard
 in case of Frank Reno et al vs. J. R. Richards
 dated October/21, 1894 in _____ county of _____

b. License No. _____ issued by the Idaho Department of Water Resources.

c. Claim No. _____ on file with the Idaho Department of Water Resources.

d. Transfer No. _____ which produced this right.

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

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Birch Creek tributary to sinks

4. Date or priority 5-10-1889

5. Water is used for the following purpose:

amount 4.00 for irrigation purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 4.00 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: Not listed in decree

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

8. Lands irrigated or place of use: Not listed in decree

| Twp. | Rge. | Sec. | NE ¼ | | | | NW ¼ | | | | SW ¼ | | | | SE ¼ | | | | Totals |
|--------|
| | | | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | |
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MICROFILMED

JUL 23 1999

Total acres _____

9. Describe any other water rights used for the same purpose as described above 32-00073, -00086, -00077, -00085, -00078, -00087, & -00079

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount—

(11-22/512)

(c/s/ac-ft)

amount—

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. Amount—

(cfs/ac-ft)

ATTORNEY
(c/s/ac-ft)

amount—

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

1999 JUL 28 11:11
MICROFILMED

Total acres

Water Right Number - A32-00102

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

[illegible]

*** C - CURRENT OWNER ***
WAGONER

341

1 - P.O. BOX 296

State- ID Zip- 83423

City- DUBOIS
Phone - 208-374-5415

WAGONER

BETTY

3 - City- DUBOIS
Phone - 208-374-5415
State- ID Zip- 83423

State- ID Zip- 83423

```
+ - - Priority Date - - + + - - Region - - + + - - Stage - - +
05/10/1989 Error in Region D - DECEED Status - - +
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+ - - - - Source - - - - +
- - - - - BIRCH CREEK
+ - - - - Tributary - - - - +
- - - - - SINKS

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[illegible]

(33) CLARK

[illegible]

| | | | |
|-------------------------|---------------------------|-----------------------------|-------------------------------|
| 01 - IRRIGATION | 01/01 | 12/31 | 4.000 |
| + - Total Div. Rate - + | + - Total Div. Volume - + | + - Total Div. Capacity - + | + - Total Consumptive Use - + |
| 4.000 | | | 847.5 |

| Twn | Rng | Sec | Tract | Lot | Acres | Place of Use | Description | County |
|-----|-----|-----|-------|-----|-------|--------------|-------------|-------------|
| 09N | 30E | 4 | NE SW | | 1.0 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 4 | NW SW | 6 | 29.0 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 4 | SW SW | 7 | 36.0 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 4 | SE SW | | 29.0 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 4 | SW SE | | 2.0 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 5 | SE NE | | 5.0 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 5 | NE SE | | 20.0 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 5 | SE SE | | 2.0 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | NW NE | | 20.0 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | SW NE | | 31.0 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | NE NW | | 40.0 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | NW NW | | 20.0 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | SW NW | | 4.0 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | SE NW | | 38.0 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | NE SW | | 24.0 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | SE SW | | 2.0 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | NW SE | | 32.0 | 01 | IRRIGATION | (33) CLARK |

Water right number - A32-00102

(33) CLARK

Total Acres: 339.0

+ - - Diversion Means - Diversion Dam, Headgate to Ditches for Flood Irrigation

+ - - Non-Irrigation Use - STOCK WATER DIRECTLY FROM DITCHES

+ - - Other Rights for Same Use - 32-0073/0077/0078/0079/0085/0086/0087

Remarks

PERIOD OF USE JUSTIFICATION:

1. ACTUAL PERIOD MAY ONLY BE 2/15 TO 11/20 DUE TO ICEING
2. SOIL TYPE(GRAVELY) REQUIRES EXCESS WATER EARLY AND LATE TO BRING SUBWATER UP.
3. HISTORICALLY PERIOD HAS BEEN LONGER THAN 4/1 TO 11/1
4. DEGREE PERIOD OF USE STATED AS "...do have at all time..."

| | | | |
|--|-----------|-----------------------------------|-----|
| | + - - - - | - Old Water Right Numbers | - - |
| | | No Old Water Right Numbers found. | |

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

+ - - - Decree Plaintiff - - +
J. R. RICHARDS
+ - - - Decree Defendant - - +
FRANK RENO ET. AL.

+ - - Audit Fields - 04/22/88 WILSON 05/19/88 NOYES 12/13/88 WILSON

[illegible]

Adjudication Rights Dates and Flags Area

| | | | | | | | | |
|-----------------------|---|------------|-----------------------|---|------------|-------------------------|---|-------|
| Court Report Filing | - | 00/00/0000 | Field Inspection Made | - | 00/00/0000 | Civil Case Number | - | 39576 |
| Objection Filed Date | - | 00/00/0000 | Field Inspection Flag | - | | Old Case Number | - | |
| Response Filed Date | - | 00/00/0000 | Verified Date | - | 00/00/0000 | Old Judicial District | - | |
| Claim Received Date | - | 04/22/1988 | Last Amended Date | - | 12/13/1988 | Temporary Right | - | P |
| Proof Due Date | - | 00/00/0000 | Proof Made Date | - | 00/00/0000 | Water District | - | |
| Licensed Date | - | 00/00/0000 | Receipt Number | - | E000140 | Federal/State Indicator | - | S |
| Claims Tape Error Flg | - | | POU Ownership Flag | - | Y | Presumption Flag | - | |
| Fee Exempt Flag | - | | Name Connector | - | OR | | - | |

MICROFILMED
JUL 28 1999

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 0073 Decreed to George Goddard
 In case of Agnus Reno vs. J.R. Richards et.al.
 dated September 6, in 1922 county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice Birch Creek ☐ Warranty Deed ☐ Other Sinks

3. Source of water _____ tributary to _____

4. Date or priority May 15, 1909

5. Water is used for the following purpose:

amount .2cfs for irrigation purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right .2 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: Not listed in decree

| Lot | ¼ | ¼ | ¼ | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|---|---|---|------|------|------|--------|--------------------------|
| | | | | | | | | |
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8. Lands irrigated or place of use: Not listed in decree

| Twp. | Rge. | Sec. | NE ¼ | | | | NW ¼ | | | | SW ¼ | | | | SE ¼ | | | | Totals |
|--------|
| | | | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | |
| 9N | 30E | 9 | | A | A | A | A | | | | | | | | | | | | |
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MICROFILMED

JUL 28 1999

Total acres 160

9. Describe any other water rights used for the same purpose as described above 0077 0078 0079

PART 2

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
2. Point(s) of Diversion: _____

| Lot | % | % | % | Sec. | Twp. | Rge. | NE % | NW % | SW % | SE % | NE % | NW % | SW % | SE % | NE % | NW % | SW % | SE % | Totals |
|--------------------------|---|---|---|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
| Local name for diversion | | | | | | | | | | | | | | | | | | | |
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3. Lands irrigated or place of use: _____

| Lot | % | % | % | Sec. | Twp. | Rge. | NE % | NW % | SW % | SE % | NE % | NW % | SW % | SE % | NE % | NW % | SW % | SE % | Totals |
|--------------------------|---|---|---|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
| Local name for diversion | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
2. Point(s) of Diversion: _____

| Lot | % | % | % | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|---|---|---|------|------|------|--------|--------------------------|
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3. Lands irrigated or place of use: _____

| Twp. | Rge. | Sec. | NE % | | | | NW % | | | | SW % | | | | SE % | | | | Totals |
|--------|
| | | | NE % | NW % | SW % | SE % | NE % | NW % | SW % | SE % | NE % | NW % | SW % | SE % | NE % | NW % | SW % | SE % | |
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|----------------------|-------------------------|------------------------|---------------------|------------------|
| Water Right Number - | A32-00073 | Prefix Translation: | ADJUDICATION CLAIM | Old (D) Number - |
| + - - - - | Last Name - - - + | + - First Name - - + | + - - - - | - - - - - |
| + - - - - | - - - Last Name - - - + | - - - First Name - - + | - - - Address - - - | - - - - - |

*** C - CURRENT OWNER ***
WAGONER

MAC

1 - P.O. BOX 296

State- ID Zip- 83423

City- DUBOIS
Phone - 208-374-5415

BETTY

1 - P.O. BOX

State- ID Zip- 83423

City- DUBOIS
Phone - 208-374-5415

[illegible]

```

+ - - - - Source - - - - - +
BIRCH CREEK
+ - - - - Tributary - - - - - +
SINES

```

| Twn | Rng | Sec | Tract | Lot | Rrlg | County | Point of Diversion | Stream Index (Blank if no Index Code) |
|-----|-----|-----|-------|-----|------|--------|--------------------|---------------------------------------|
|-----|-----|-----|-------|-----|------|--------|--------------------|---------------------------------------|

(33) CLARK

| Code | Description | Period From | Water Use | Period To | Diversion Rate | Diversion Volume |
|------|-------------|-------------|-----------|-----------|----------------|------------------|
|------|-------------|-------------|-----------|-----------|----------------|------------------|

0.200

12/31

01 - IRRIGATION

| | - | Total Div. Rate - + | + - Total Div. Volume - + | + - Total Div. Capacity - + | - Total Consumptive Use - + | - KW Usage - + |
|--|---|---------------------|---------------------------|-----------------------------|-----------------------------|----------------|
| | | 0.200 | | | 847.5 | |

| Town | Rng | Sec | Tract | Lot | Acres | Place of Use | Description | County |
|------|-----|-----|-------|-----|-------|--------------|-------------|--------|
|------|-----|-----|-------|-----|-------|--------------|-------------|--------|

| | | | | | | | | |
|-----|-----|---|-------|------|----|------------|------|-------|
| 09N | 30E | 4 | NE SW | 1.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 4 | NW SW | 29.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 4 | SW SW | 36.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 4 | SE SW | 29.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 4 | SW SE | 2.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 5 | SE NE | 5.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 5 | NE SE | 20.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 5 | SE SE | 2.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 9 | NW NE | 20.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 9 | SW NE | 31.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 9 | NE NW | 40.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 9 | NW NW | 20.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 9 | SW NW | 4.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 9 | SE NW | 38.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 9 | NE SW | 24.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 9 | SE SW | 2.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 9 | NW SE | 32.0 | 01 | IRRIGATION | (33) | CLARK |

MICRON MED

Water right number - A32-00073 Prefix Translation: ADJUDICATION CLAIM

| Trn | Rng | Sec | Tract | Lot | Acres | Place of Use | Description | County |
|-----|-----|-----|-------|-----|-------|--------------|-------------|------------|
| 09N | 30E | 9 | SW SE | 4.0 | 01 | IRRIGATION | | (33) CLARK |

Total Acres: 339.0

+ - - Diversion Means - DIVERSION DAM, HEADGATE TO DITCHES FOR FLOOD IRRIGATIONB

+ - - Non-Irrigation Use - STOCK WATER DIRECTLY FROM DITCHES

+ - - Other Rights for Same Use - 32-0077/0078/0079/0085/0086/0087/0102

+ - - RIGHT USED OVER ENTIRE PLACE OF USE AS CROP DEMANDS DURING THE IRRIGATION SEASON

PERIOD OF USE JUSTIFICATION:

1. ACTUAL PERIOD MAY BE ONLY 2/15 TO 11/20 DUE TO ICING
2. SOIL TYPE (GRAVELY) REQUIRES EXCESS WATER EARLY AND LATE IN THE YEAR TO BRING THE SUBWATER UP.
3. HISTORICALLY PERIOD HAS BEEN LONGER THAN 4/1 TO 11/1
4. DECREE PERIOD OF USE STATED AS: "...have, at all times,..."

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

+ - - No Old Water Right Numbers found.

+ - - Conditions of Approval - - - - -

+ - - No Conditions of Approval found.

+ - - Decree Plaintiff - - - +

AGNES B. RENO, ET. AL.

+ - - Decree Defendant - - - +

J. R. RICHARDS, ET. AL.

+ - - Decree Date - +

00/00/0000

+ - - Audit Fields - 04/22/88 WILSON 05/19/88 NOYES 12/13/88 WILSON

+ - - Comments - - - - -

No Comments Found

+ - - Adjudication Rights Dates and Flags Area - - - - -

| Court Report Filing | Objection Filed Date | Response Filed Date | Claim Received Date | Proof Due Date | Licensed Date | Claims Tape Error Flg | Fee Exempt Flag | Field Inspection Made | Verified Date | Last Amended Date | Proof Made Date | Receipt Number | POU Ownership Flag | Name Connector | Civil Case Number | Old Case Number | Old Judicial District | Temporary Right | Water District | Federal/State Indicator | Presumption Flag |
|---------------------|----------------------|---------------------|---------------------|----------------|---------------|-----------------------|-----------------|-----------------------|---------------|-------------------|-----------------|----------------|--------------------|----------------|-------------------|-----------------|-----------------------|-----------------|----------------|-------------------------|------------------|
| - 00/00/0000 | - 00/00/0000 | - 00/00/0000 | - 04/22/1988 | - 00/00/0000 | - 00/00/0000 | - 00/00/0000 | - | - 00/00/0000 | - 04/22/1988 | - 00/00/0000 | - 00/00/0000 | - E000140 | - Y | - OR | - 39576 | - | - | - P | - | - S | - |

MICROFILMED
JUN 28 1999

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 0077 Decreed to George Goddard
in case of Agnus Reno vs. J.R. Richards
dated September 6, in 1922 county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Birch Creek tributary to Sinks

4. Date or priority May 15, 1910

5. Water is used for the following purpose:

amount .2cfs for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right .2 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: Not listed in decree

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

8. Lands irrigated or place of use: Not listed in decree

| Twp. | Rge. | Sec. | NE ¼ | | | | NW ¼ | | | | SW ¼ | | | | SE ¼ | | | | Totals |
|--------|
| | | | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | |
| 9N | 30E | 9 | | A | A | A | A | | | | | | | | | | | | |
| |
| |
| |
| |
| |
| |

MICROFILMED

197 28 1999 total acres 160

9. Describe any other water rights used for the same purpose as described above 0073 0078 0079

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

It yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

- | | | | | |
|----|-------------|-----|---------------|----|
| 1. | amount | for | purposes from | to |
| | (cfs/ac-ft) | | | |
| | amount | for | purposes from | to |
| | (cfs/ac-ft) | | | |
| | amount | for | purposes from | to |
| | (cfs/ac-ft) | | | |

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]**Total acres**

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

- | | | | | | |
|----|--------|-------------|-----|---------------|----|
| 1. | amount | (cts/ac-ft) | for | purposes from | to |
| | amount | (cts/ac-ft) | for | purposes from | to |
| | amount | (cts/ac-ft) | for | purposes from | to |
| | amount | (cts/ac-ft) | for | purposes from | to |

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

101 2 8 1999
MICROFILMED

Total acres

Old (D) Number -

[illegible]

1 - P.O. BOX 296

State- ID Zip- 83423

1 - P.O. BOX 296

State- ID Zip- 83423

[illegible]

```

+-----+
+-----Source-----+
+-----BIRCH CREEK-----+
+-----Tributary-----+
+-----SINKS-----+

```

| | Twn | Rng | Sec | Tract | Lot | Rflg | County | Point of Diversion | Stream Index (Blank if no Index Code) |
|--|-----|-----|-----|-------|-----|------|--------|--------------------|---------------------------------------|
|--|-----|-----|-----|-------|-----|------|--------|--------------------|---------------------------------------|

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

| Code | Description | Period From | Period To | Water Use | Diversion Rate | Diversion Volume |
|------|-------------|-------------|-----------|-----------|----------------|------------------|
|------|-------------|-------------|-----------|-----------|----------------|------------------|

| | | | |
|-----------------|-------|-------|-------|
| 01 - IRRIGATION | 01/01 | 12/31 | 0.200 |
|-----------------|-------|-------|-------|

[illegible]

| Town | Rng | Sec | Tract | Lot | Acres | Place of Use | Description | County |
|------|-----|-----|-------|-----|-------|--------------|-------------|--------|
|------|-----|-----|-------|-----|-------|--------------|-------------|--------|

| | | | | | | | | |
|-----|-----|---|-------|------|----|------------|------|-------|
| 09N | 30E | 4 | NE SW | 1.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 4 | NW SW | 29.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 4 | SW SW | 36.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 4 | SE SW | 29.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 4 | SW SE | 2.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 5 | SE NE | 5.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 5 | NE SE | 20.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 5 | SE SE | 2.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 9 | NW NE | 20.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 9 | SW NE | 31.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 9 | NE NW | 40.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 9 | NW NW | 20.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 9 | SW NW | 4.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 9 | SE NW | 38.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 9 | NE SW | 24.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 9 | SE SW | 2.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 9 | NW SE | 32.0 | 01 | IRRIGATION | (33) | CLARK |

MICROFILMED
JUL 28 1995

Water right number - A32-00077 Prefix Translation: ADJUDICATION CLAIM

| Twn | Rng | Sec | Tract | Lot | Acres | Code | Description | County |
|---|-----|-----|-------|-----|-------|------------|-------------|--------|
| 09N | 30E | 9 | SW SE | 4.0 | 01 | IRRIGATION | (33) CLARK | |
| Total Acres: 339.0 | | | | | | | | |
| + - - Diversion Means - DIVERSION DAM, HEADGATE TO DITCHES FOR FLOOD IRRIGATION | | | | | | | | |
| + - - Non-Irrigation Use - STOCK WATER DIRECTLY FROM DITCHES | | | | | | | | |
| + - - Other Rights for Same Use - 32-0073/0078/0079/0085/0086/0087/0102 | | | | | | | | |
| + - - RIGHT USED OVER ENTIRE PLACE OF USE AS CROP DEMANDS DURING THE IRRIGATION SEASON | | | | | | | | |
| PERIOD OF USE JUSTIFICATION: | | | | | | | | |
| 1. ACTUAL PERIOD MAY BE ONLY 2/15 TO 11/20 DUE TO ICEING | | | | | | | | |
| 2. SOIL TYPE(GRAVELY) REQUIRES EXCESS WATER EARLY AND LATE IN THE YEAR TO BRING SUBWATER UP. | | | | | | | | |
| 3. HISTORICALLY PERIOD HAS BEEN LONGER THAN 4/1 TO 11/1 | | | | | | | | |
| 4. DECREE PERIOD OF USE STATED AS: "...have, at all times,..." | | | | | | | | |
| + - - Old Water Right Numbers - - - - - | | | | | | | | |
| No Old Water Right Numbers found. | | | | | | | | |
| + - - Conditions of Approval - - - - - | | | | | | | | |
| No Conditions of Approval found. | | | | | | | | |
| + - - Decree Plaintiff - - - + | | | | | | | | |
| AGNES B. RENO, ET. AL. | | | | | | | | |
| + - - Decree Defendant - - - + | | | | | | | | |
| J. R. RICHARDS, ET. AL. | | | | | | | | |
| + - - Decree Date - + | | | | | | | | |
| 00/00/0000 | | | | | | | | |
| + - - Audit Fields - 04/22/88 WILSON 12/13/88 WILSON | | | | | | | | |
| + - - Comments - - - - - | | | | | | | | |
| No Comments Found | | | | | | | | |
| + - - Adjudication Rights Dates and Flags Area - - - - - | | | | | | | | |
| Court Report Filing - 00/00/0000 Field Inspection Made - 00/00/0000 Civil Case Number - 39576 | | | | | | | | |
| Objection Filed Date - 00/00/0000 Field Inspection Flag - Old Case Number - | | | | | | | | |
| Response Filed Date - 00/00/0000 Verified Date - 00/00/0000 Old Judicial District - | | | | | | | | |
| Claim Received Date - 04/22/1988 Last Amended Date - 12/13/1988 Temporary Right - P | | | | | | | | |
| Proof Due Date - 00/00/0000 Proof Made Date - 00/00/0000 Water District - | | | | | | | | |
| Licensed Date - 00/00/0000 Receipt Number - E000140 Federal/State Indicator - 5 | | | | | | | | |
| Claims Tape Error Flg - POU Ownership Flag - Y Presumption Flag - | | | | | | | | |
| Fee Exempt Flag - Name Connector - OR | | | | | | | | |

MICROFILMED
JUN 28 1999

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 0078 Decreed to George Goddard
 In case of Agnus Reno vs. J.R. Richards
 dated September 6, 1922 In _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Birch Creek tributary to sinks

4. Date or priority May 15, 1911

5. Water is used for the following purpose:

amount .2crs for irrigation purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right .2 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: Not listed in decree

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

8. Lands irrigated or place of use: Not listed in decree

| Twp. | Rge. | Sec. | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| | | | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | |
| 9N | 30E | 9 | | A | A | A | A | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Total acres 160

9. Describe any other water rights used for the same purpose as described above 0073 0077 0079

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

If yes, describe:

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

- | 1. amount | | for | | purposes from | | to | |
|-------------|--|-----|--|---------------|--|----|--|
| (cfs/ac-ft) | | | | | | | |
| amount | | for | | purposes from | | to | |
| (cfs/ac-ft) | | | | | | | |
| amount | | for | | purposes from | | to | |
| (cfs/ac-ft) | | | | | | | |
| amount | | for | | purposes from | | to | |
| (cfs/ac-ft) | | | | | | | |

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

- | | | | | |
|----|-------------|-----|---------------|----|
| 1. | amount | for | purposes from | to |
| | (cts/ac-ft) | | | |
| | amount | for | purposes from | to |
| | (cts/ac-ft) | | | |
| | amount | for | purposes from | to |
| | (cts/ac-ft) | | | |

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

JUL 28 1966
MICROFILMED

Total acres

Water Right Number - A32-00078 Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

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

*** C - CURRENT OWNER ***
WAGONER

MAC

1 - P.O. BOX 296

2 -

3 -

City- DUBOIS

Phone - 208-374-5415

State- ID Zip- 83423

BETTY

1 - P.O. BOX 296

2 -

3 -

City- DUBOIS

Phone - 208-374-5415

State- ID Zip- 83423

WAGONER

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
05/15/1911 Error in Region D - DECEASED

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

BIRCH CREEK

+ - - - - - - - - - - - Point of Diversion - - - - - Stream Index (Blank if no Index Code)

TwN Rng Sec Tract Lot Rflg County

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

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

01 - IRRIGATION

01/01

12/31

0.200

+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Div. Capacity - + + - - Total Consumptive Use - + + - - KW Usage - +
0.200

+ - - - - - - - - - - - Place of Use - - - - - Description - - - - - County - - - - -

MICROFILMED
JUN 28 1999

| TwN | Rng | Sec | Tract | Lot | Acres | Code | Description | County |
|-----|-----|-----|-------|------|-------|------|-------------|------------|
| 09N | 30E | 4 | NE SW | 1.0 | 01 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 4 | NW SW | 29.0 | 01 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 4 | SW SW | 36.0 | 01 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 4 | SE SW | 29.0 | 01 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 4 | SW SE | 2.0 | 01 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 5 | SE NE | 5.0 | 01 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 5 | NE SE | 20.0 | 01 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 5 | SE SE | 2.0 | 01 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | NW NE | 20.0 | 01 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | SW NE | 31.0 | 01 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | NE NW | 40.0 | 01 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | NW NW | 20.0 | 01 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | SW NW | 4.0 | 01 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | SE NW | 38.0 | 01 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | NE SW | 24.0 | 01 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | SE SW | 2.0 | 01 | 01 | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | NW SE | 32.0 | 01 | 01 | IRRIGATION | (33) CLARK |

| | | | | |
|--|-----|--|-------|---------------|
| Water right number - A32-00078 | | Prefix Translation: ADJUDICATION CLAIM | | |
| Twn | Rng | Sec | Tract | Lot Acres |
| 09N | 30E | 9 | SW SE | 4.0 |
| | | | | 01 IRRIGATION |
| Total Acres: | | 339.0 | | |
| + - - Diversion Means - DIVERSION DAM, HEADGATE TO DITCHES FOR FLOOD IRRIGATION | | | | |
| + - - Non-Irrigation Use - STOCK WATER DIRECTLY FROM DITCHES | | | | |
| + - - Other Rights for Same Use - 32-0073/0077/0079/0085/0086/0087/0102 | | | | |
| + - - RIGHT USED OVER ENTIRE PLACE OF USE AS CROPS DEMANDS DURING THE IRRIGATION SEASON | | | | |
| PERIOD OF USE JUSTIFICATION: | | | | |
| 1. ACTUAL PERIOD MAY BE ONLY 2/15 TO 11/20 DUE TO ICEING | | | | |
| 2. SOIL TYPE(GRAVELY) REQUIRES EXCESS WATER EARLY AND LATE IN THE YEAR TO BRING SUBWATER UP. | | | | |
| 3. HISTORICALLY PERIOD HAS BEEN LONGER THAN 4/1 TO 11/1 | | | | |
| 4. DECREE PERIOD OF USE STATED AS: "...have, at all times,..." | | | | |
| + - - Old Water Right Numbers - - - - - | | | | |
| No Old Water Right Numbers found. | | | | |
| + - - Conditions of Approval - - - - - | | | | |
| No Conditions of Approval found. | | | | |
| + - - Decree Plaintiff - - - - - | | | | |
| J. R. RICHARDS, ET. AL. | | | | |
| + - - Decree Defendant - - - - - | | | | |
| J. R. RICHARDS, ET. AL. | | | | |
| + - - Decree Date - - - - - | | | | |
| 00/00/0000 | | | | |
| + - - Audit Fields - 04/22/88 WILSON 05/19/88 NOYES 12/13/88 WILSON | | | | |
| + - - Comments - - - - - | | | | |
| No Comments Found | | | | |
| + - - Adjudication Rights Dates and Flags Area - - - - - | | | | |
| Court Report Filing - 00/00/0000 | | | | |
| Field Inspection Made - 00/00/0000 | | | | |
| Field Inspection Flag - 00/00/0000 | | | | |
| Verified Date - 00/00/0000 | | | | |
| Last Amended Date - 12/13/1988 | | | | |
| Proof Made Date - 00/00/0000 | | | | |
| Receipt Number - E000140 | | | | |
| POU Ownership Flag - Y | | | | |
| Name Connector - OR | | | | |
| Civil Case Number - 39576 | | | | |
| Old Case Number - | | | | |
| Old Judicial District - | | | | |
| Temporary Right - P | | | | |
| Water District - | | | | |
| Federal/State Indicator - S | | | | |
| Presumption Flag - | | | | |

MICROFILMED
JUN 28 1999

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 0079 Decreed to George Goddard
 In case of Agnus Reno vs. J. R. Richards
 dated September 6 in 1922 county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Birch Creek tributary to Sinks

4. Date or priority May 15, 1913

5. Water is used for the following purpose:

amount .8cfs for irrigation purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right .8 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: Not listed in decree

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

8. Lands Irrigated or place of use: Not listed in decree

| Twp. | Rge. | Sec. | NE ¼ | | | | NW ¼ | | | | SW ¼ | | | | SE ¼ | | | | Totals |
|--------|
| | | | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | |
| 9N | 30E | 9 | | A | A | A | A | | | | | | | | | | | | |
| |
| |
| |
| |
| |
| |

MICROFILMED

JUN 28 1999

Total acres 160

9. Describe any other water rights used for the same purpose as described above 0073 0077 0078

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

• If yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

- | 1. amount | | for | | purposes from | | to | |
|-------------|--|-----|--|---------------|--|----|--|
| (cfs/ac-ft) | | | | | | | |
| amount | | for | | purposes from | | to | |
| (cfs/ac-ft) | | | | | | | |
| amount | | for | | purposes from | | to | |
| (cfs/ac-ft) | | | | | | | |
| amount | | for | | purposes from | | to | |
| (cfs/ac-ft) | | | | | | | |

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

MICROFILMED

| | | |
|------|---|------|
| 1001 | 2 | 1998 |
|------|---|------|

Total acres

Water Right Number - A32-00079 Prefix Translation: ADJUDICATION CLAIM Old (D) Number - Address - - - - -

*** C - CURRENT OWNER ***
WAGONER

MAC

1 - P.O. BOX 296

2 -

3 -

City- DUBOIS

Phone - 208-374-5415

1 - P.O. BOX 296

2 -

3 -

City- DUBOIS

Phone - 208-374-5415

State- ID Zip- 83423

State- ID Zip- 83423

+ - - Priority Date - - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
05/15/1913 Error in Region D - DECREED

+ - - Source - - - - - + + - - - - - Tributary - - - - - + - - - - - SINKS
BIRCH CREEK

+ - - - - - Point of Diversion - - - - - Stream Index (Blank if no Index Code) + - - - - -

| Trn | Rng | Sec | Tract | Lot | Rflg | County |
|-----|-----|-----|----------|-----|------|--------|
| 09N | 30E | 5 | SE NE NW | 3 | (33) | CLARK |

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

| | | | | |
|-----------------|-------|-------|-------|--|
| 01 - IRRIGATION | 01/01 | 12/31 | 0.800 | |
|-----------------|-------|-------|-------|--|

+ - - Total Div. Rate - - - + + - - Total Div. Volume - - - + + - - Total Div. Capacity - - - + + - - Total Consumptive Use - - - + + - - KW Usage - - - +
0.800 847.5

| Trn | Rng | Sec | Tract | Lot | Acres | Place of Use | Code | Description | County |
|-----|-----|-----|-------|------|-------|--------------|------|-------------|--------|
| 09N | 30E | 4 | NE SW | 1.0 | 01 | IRRIGATION | (33) | CLARK | |
| 09N | 30E | 4 | NW SW | 29.0 | 01 | IRRIGATION | (33) | CLARK | |
| 09N | 30E | 4 | SW SW | 36.0 | 01 | IRRIGATION | (33) | CLARK | |
| 09N | 30E | 4 | SW SE | 2.0 | 01 | IRRIGATION | (33) | CLARK | |
| 09N | 30E | 4 | SE SE | 29.0 | 01 | IRRIGATION | (33) | CLARK | |
| 09N | 30E | 5 | SE NE | 5.0 | 01 | IRRIGATION | (33) | CLARK | |
| 09N | 30E | 5 | NE SE | 20.0 | 01 | IRRIGATION | (33) | CLARK | |
| 09N | 30E | 5 | SE SE | 2.0 | 01 | IRRIGATION | (33) | CLARK | |
| 09N | 30E | 5 | NW NE | 20.0 | 01 | IRRIGATION | (33) | CLARK | |
| 09N | 30E | 9 | SW NE | 31.0 | 01 | IRRIGATION | (33) | CLARK | |
| 09N | 30E | 9 | NE NW | 40.0 | 01 | IRRIGATION | (33) | CLARK | |
| 09N | 30E | 9 | NW NW | 20.0 | 01 | IRRIGATION | (33) | CLARK | |
| 09N | 30E | 9 | SW NW | 4.0 | 01 | IRRIGATION | (33) | CLARK | |
| 09N | 30E | 9 | SE NW | 38.0 | 01 | IRRIGATION | (33) | CLARK | |
| 09N | 30E | 9 | SE SW | 24.0 | 01 | IRRIGATION | (33) | CLARK | |
| 09N | 30E | 9 | SE SW | 2.0 | 01 | IRRIGATION | (33) | CLARK | |
| 09N | 30E | 9 | NW SE | 32.0 | 01 | IRRIGATION | (33) | CLARK | |

MICROFILMED
101 28 1993

IDaho DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORTAJ0723NP
(OD-26)

Water right number - A32-00079 Prefix Translation: ADJUDICATION CLAIM

| Twn | Rng | Sec | Tract | Lot | Acres | Code | Description | County |
|-----|-----|-----|-------|-----|-------|------------|-------------|--------|
| 09N | 30E | 9 | SW SE | 4.0 | 01 | IRRIGATION | (33) CLARK | |

Total Acres: 339.0

+ - - Diversion Means - DIVERSION DAM, HEADGATE TO DITCHES FOR FLOOD IRRIGATION

+ - - Non-Irrigation Use - STOCK WATER DIRECTLY FROM DITCHES

+ - - Other Rights for Same Use - 32-0073/0077/0078/0085/0086/0087/0102

+ - - RIGHT USED OVER ENTIRE PLACE OF USE AS CROPS DEMANDS DURING THE IRRIGATION SEASON

PERIOD OF USE JUSTIFICATION:

1. ACTUAL PERIOD MAY BE ONLY 2/15 TO 11/20 DUE TO ICEING
2. SOIL TYPE (GRAVELY) REQUIRES EXCESS WATER EARLY AND LATE IN THE YEAR TO BRING THE SUBWATER UP.
3. HISTORICALLY PERIOD HAS BEEN LONGER THAN 4/1 TO 11/1
4. DECREE PERIOD OF USE STATED AS: "...have, at all times,..."

+ - - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers found.+ - - - - - Conditions of Approval - - - - -
No Conditions of Approval found.+ - - - - Decree Plaintiff - - - +
AGNES B. RENO, ET. AL.
+ - - - - Decree Defendant - - - +
J. R. RICHARDS, ET. AL.

+ - - Audit Fields - 04/22/88 WILSON 05/19/88 NOYES 12/13/88 WILSON

+ - - - - - Comments - - - - -
No Comments Found

+ - - - - - Adjudication Rights Dates and Flags Area - - - - -

| Court Report Filing | 00/00/0000 | Field Inspection Made | 00/00/0000 | Civil Case Number | 39576 |
|------------------------|------------|-----------------------|------------|-------------------------|-------|
| Objection Filed Date | 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | 00/00/0000 | Verified Date | - | Old Judicial District | - |
| Claim Received Date | 04/22/1988 | Last Amended Date | - | Temporary Right | - P |
| Proof Due Date | 00/00/0000 | Proof Made Date | - | Water District | - |
| Licensed Date | 00/00/0000 | Receipt Number | - E000140 | Federal/State Indicator | - S |
| Claims Tape Error Flag | - | POU Ownership Flag | - Y | Presumption Flag | - |
| Fee Exempt Flag | - | Name Connector | - OR | | |

MICROFILMED
JUL 28 1999

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 0085 Decreed to Samuel Goddard
 in case of Agnus Reno vs. J.R. Richards
 dated September 6, in 1922 county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Birch Creek tributary to sinks

4. Date or priority May 10, 1910

5. Water is used for the following purpose:

amount .2cfs for irrigation purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right .2 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: Not listed in decree

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

8. Lands irrigated or place of use: Not listed in decree

| Twp. | Rge. | Sec. | NE ¼ | | | | NW ¼ | | | | SW ¼ | | | | SE ¼ | | | | Totals |
|--------|
| | | | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | |
| 9N | 30E | 9 | | | | | | | | A | A | | | | | A | | | |
| |
| |
| |
| |
| |

MICROFILMED
 JUL 28 1990

Total acres 120

9. Describe any other water rights used for the same purpose as described above 0086 0087

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

_____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

MICROFILMED
JUL 28 1999

Old {D} Number -

[illegible]

1 - P.O.-BOX 296

City- DUBOIS
Phone - 208-374-5415
1 - P.O. BOX 296
State- ID Zip- 83423

State- ID Zip- 83423

| | | | | | | | | | | |
|-------|---------------|-------|-------|-----------------|-------|-------|---------|-------|--------|-------|
| + - - | Priority Date | - - + | + - - | Region | - - + | + - - | Stage | - - + | Status | - - + |
| | | | | Error in Region | | D - | DECREED | | | |
| | 05/10/1910 | | | | | | | | | |

```

+ - - - - Source - - - - - +
      BIRCH CREEK
+ - - - - Tributary - - - - - +
      SINKS

```

| | Rng | Sec | Tract | Lot | Rflg | County | Point of Diversion | Stream Index (Blank if no Index Code) |
|--|-----|-----|-------|-----|------|--------|--------------------|---------------------------------------|
|--|-----|-----|-------|-----|------|--------|--------------------|---------------------------------------|

(33) CLARK

| Code | Description | Period From | Water Use | Period To | Diversion Rate | Diversion Volume |
|------|-------------|-------------|-----------|-----------|----------------|------------------|
|------|-------------|-------------|-----------|-----------|----------------|------------------|

| | | | |
|--|-------|-------|-------|
| 01 - IRRIGATION | 01/01 | 12/31 | 0.200 |
| + - Total Div. Rate - + - Total Div. Volume - + - Total Div. Capacity - + - Total Consumptive Use - + - KW Usage - + | 0.200 | | |

| Twn | Rng | Sec | Tract | Lot | Acres | Place of Use | Description | County |
|-----|-----|-----|-------|-----|-------|--------------|-------------|-------------|
| 09N | 30E | 4 | NE SW | | 1.0 | | IRRIGATION | (33) CLARK |
| 09N | 30E | 4 | NW SW | 6 | 29.0 | | IRRIGATION | (33) CLARK |
| 09N | 30E | 4 | SW SW | 7 | 36.0 | | IRRIGATION | (33) CLARK |
| 09N | 30E | 4 | SE SW | | 29.0 | | IRRIGATION | (33) CLARK |
| 09N | 30E | 4 | SW SE | | 2.0 | | IRRIGATION | (33) CLARK |
| 09N | 30E | 5 | SE NE | | 5.0 | | IRRIGATION | (33) CLARK |
| 09N | 30E | 5 | NE SE | | 20.0 | | IRRIGATION | (33) CLARK |
| 09N | 30E | 5 | SE SE | | 2.0 | | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | NW NE | | 20.0 | | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | SW NE | | 31.0 | | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | NE NW | | 40.0 | | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | NW NW | | 20.0 | | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | SW NW | | 4.0 | | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | SE NW | | 38.0 | | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | NE SW | | 24.0 | | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | SE SW | | 2.0 | | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | NW SE | | 32.0 | | IRRIGATION | (33) CLARK |

MICROFILMED
1991 28 1999

(33) CLARK

| Court Report Filing | 00/00/0000 | Field Inspection Made | 00/00/0000 | Civil Case Number | 39576 |
|-----------------------|------------|-----------------------|------------|-------------------------|-------|
| Objection Filed Date | 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | 00/00/0000 | Verified Date | - | Old Judicial District | - |
| Claim Received Date | 04/22/1988 | Last Amended Date | - | Temporary Right | - |
| Proof Due Date | 00/00/0000 | Proof Made Date | - | Water District | - |
| Licensed Date | 00/00/0000 | Receipt Number | - | Federal/State Indicator | - |
| Claims Tape Error Flg | - | POU Ownership Flag | - | Presumption Flag | - |
| Fee Exempt Flag | - | Name Connector | - | | - |

MICROFILMED
JUL 28 1999

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 0086 Decreed to Smauel Goddard
in case of Agnus Reno vs. J.R. Richards
dated September 6, in 1922 county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Birch Creek tributary to sinks

4. Date or priority May 1, 1911

5. Water is used for the following purpose:

amount .2cfs for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right .2 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: Not listed in decree

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

8. Lands irrigated or place of use: Not listed in decree

| Twp. | Rge. | Sec. | NE ¼ | | | | NW ¼ | | | | SW ¼ | | | | SE ¼ | | | | Totals |
|--------|
| | | | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | |
| 9N | 30E | 9 | | | | | | | | A | A | | | | | A | | | |
| |
| |
| |
| |
| |

MICROFILMED

JUL 28 1999

Total acres 120

9. Describe any other water rights used for the same purpose as described above 0085 0087

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

if yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

- | | | | | | |
|----|-------------|-----|---------------|----|--|
| 1. | amount | for | purposes from | to | |
| | (cfs/ac-ft) | | | | |
| | amount | for | purposes from | to | |
| | (cfs/ac-ft) | | | | |
| | amount | for | purposes from | to | |
| | (cfs/ac-ft) | | | | |

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]**Total acres**

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

- | | | | | |
|----|-------------|-----|---------------|----|
| 1. | amount | for | purposes from | to |
| | (cfs/ac-ft) | | | |
| | amount | for | purposes from | to |
| | (cfs/ac-ft) | | | |
| | amount | for | purposes from | to |
| | (cfs/ac-ft) | | | |

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]**Total acres**

Old (D) Number -

[illegible]

1 - P.O. BOX 296

State- ID Zip- 83423

1 - P.O. BOX 296

State- ID Zip- 83423

```

+ - - Priority Date - - + + - - Region - - + + - - Stage - - + + - - Status - - +
                                D - DECREED
                                Error in Region
                                05/01/1911

```

```

+ - - - - Source - - - - - +
      BIRCH CREEK
+ - - - - Tributary - - - - - +
      SINKS

```

| | Rng | Sec | Tract | Lot | RFlg | County | Point of Diversion | Stream Index (Blank if no Index Code) |
|--|-----|-----|-------|-----|------|--------|--------------------|---------------------------------------|
|--|-----|-----|-------|-----|------|--------|--------------------|---------------------------------------|

(33) CLARK

| Code | Description | Period From | Water Use
Period To | Diversion Rate | Diversion Volume |
|------|-------------|-------------|------------------------|----------------|------------------|
|------|-------------|-------------|------------------------|----------------|------------------|

0.200

[illegible]

MICROFILMED
JUL 28 1999

| Twn | Rng | Sec | Tract | Lot | Acres | Place of Use | Description | County |
|-----|-----|-----|-------|-----|-------|--------------|-------------|-------------|
| 09N | 30E | 4 | NE SW | | 1.0 | | IRRIGATION | (33) CLARK |
| 09N | 30E | 4 | NW SW | 6 | 29.0 | | IRRIGATION | (33) CLARK |
| 09N | 30E | 4 | SW SW | 7 | 36.0 | | IRRIGATION | (33) CLARK |
| 09N | 30E | 4 | SE SW | | 29.0 | | IRRIGATION | (33) CLARK |
| 09N | 30E | 4 | SW SE | | 2.0 | | IRRIGATION | (33) CLARK |
| 09N | 30E | 5 | SE NE | | 5.0 | | IRRIGATION | (33) CLARK |
| 09N | 30E | 5 | SE SE | | 20.0 | | IRRIGATION | (33) CLARK |
| 09N | 30E | 5 | SE SE | | 2.0 | | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | NW NE | | 20.0 | | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | SW NE | | 31.0 | | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | NE NW | | 40.0 | | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | NW NW | | 20.0 | | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | SW NW | | 4.0 | | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | SE NW | | 38.0 | | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | NE SW | | 24.0 | | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | SE SW | | 2.0 | | IRRIGATION | (33) CLARK |
| 09N | 30E | 9 | NW SE | | 32.0 | | IRRIGATION | (33) CLARK |

Water right number - A32-00086 Prefix Translation: ADJUDICATION CLAIM

| Tw | Rng | Sec | Tract | Lot | Acres | Code | Description | County |
|--------------|-----|-----|-------|-----|-------|------------|-------------|--------|
| 09N | 30E | 9 | SW SE | 4.0 | 01 | IRRIGATION | (33) CLARK | |
| Total Acres: | | | | | 339.0 | | | |

- - - Diversion Means - DIVERSION DAM, HEADGATE TO DITCHES FOR FLOOD IRRIGATION

- - - Non-Irrigation Use - STCOK WATER DIRECTLY FROM DITCHES

- - - Other Rights for Same Use - 32-0073/0077/0078/0085/0087/0102

- - - RIGHT USED OVER ENTIRE PLACE OF USE AS CROPS DEMAND DURING THE IRRIGATION SEASON

- - - PERIOD OF USE JUSTIFICATION:

1. ACTUAL PERIOD MAY BE ONLY 2/15 TO 11/20 DUE TO ICEING
2. SOIL TYPE (GRAVELY) REQUIRES EXCESS WATER EARLY AND LATE IN THE YEAR TO BEING THE SUBWATER UP.
3. HISTORICALLY PERIOD HAS BEEN LONGER THAN 4/1 TO 11/1
4. DECREE PERIOD OF USE STATED AS: "...have, at all times,..."

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

- - - No Old Water Right Numbers found.

- - - Conditions of Approval - - - - -

- - - No Conditions of Approval found.

- - - Decree Plaintiff - - - +

- - - J. R. RENO, ET. AL.

- - - Decree Defendant - - - +

- - - J. R. RICHARDS, ET. AL.

- - - Decree Date - - - +

- - - 00/00/0000

- - - Audit Fields - 04/22/88 WILSON 12/13/88 WILSON

- - - Court Report Filing - 00/00/0000

- - - Objection Filed Date - 00/00/0000

- - - Response Filed Date - 00/00/0000

- - - Claim Received Date - 04/22/1988

- - - Proof Due Date - 00/00/0000

- - - Licensed Date - 00/00/0000

- - - Claims Tape Error Flg -

- - - Fee Exempt Flag -

- - - Field Inspection Made - 00/00/0000

- - - Field Inspection Flag -

- - - Verified Date - 00/00/0000

- - - Last Amended Date - 12/13/1988

- - - Proof Made Date - 00/00/0000

- - - Receipt Number - E000140

- - - POU Ownership Flag - Y

- - - Name Connector - OR

- - - Civil Case Number - 39576

- - - Old Case Number -

- - - Old Judicial District -

- - - Temporary Right - P

- - - Water District -

- - - Federal/State Indicator - S

- - - Presumption Flag -

MICROFILMED
JUL 28 1993

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 0087 Decreed to Samuel Goddard
 In case of Agnus Reno vs. J. R. Richards
 dated September 6 in 1922 county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Birch Creek tributary to Sinks

4. Date or priority May 1, 1912

5. Water is used for the following purpose:

amount .2cfs for irrigation purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right .2 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: Not listed in decree

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

8. Lands irrigated or place of use: Not listed in decree

| Twp. | Rge. | Sec. | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| | | | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | |
| 9N | 30E | 9 | | | | | | | | A | A | | | | | A | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Total acres 120

9. Describe any other water rights used for the same purpose as described above 0085 0086

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

It yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

- | 1. amount | | 2. Point(s) of Division: | |
|---------------|-----|--------------------------|-----|
| amount | for | amount | for |
| (cts/ac-ft) | | (cts/ac-ft) | |
| purposes from | to | purposes from | to |
| | | | |
| amount | for | amount | for |
| (cts/ac-ft) | | (cts/ac-ft) | |
| purposes from | to | purposes from | to |
| | | | |

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

- | | | | | |
|----|-------------|-----|---------------|----|
| 1. | amount | for | purposes from | to |
| | (cts/ac-ft) | | | |
| | amount | for | purposes from | to |
| | (cts/ac-ft) | | | |
| | amount | for | purposes from | to |
| | (cts/ac-ft) | | | |

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

JUL 28 1999
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Total acres

old (D) Number -

[illegible]

1 - P.O. BOX 296

State- ID Zip- 83423

State- ID Zip- 83423

| + - - | Priority Date | - - + | + - - | Region | - - + | + - - | Stage | - - + | Status |
|-------|---------------|-------|-----------------|--------|-------|-------|---------|-------|--------|
| | 05/01/1912 | | Error in Region | | | D - | DECREED | | |

+ - - - - Source - - - - - +
 BIRCH CREEK
 + - - - - Tributary - - - - -
 SINKS

[illegible]

(33) CLARK

| Code | Description | period From | Water Use | period To | Diversion Rate | Diversion Volume |
|------|-------------|-------------|-----------|-----------|----------------|------------------|
| | | | | | | |

0.200

| | | | | | | | | |
|---------------------|---|-----------------------|---|-------------------------|---|---------------------------|---|--------------|
| - Total Div. Rate - | + | - Total Div. Volume - | + | - Total Div. Capacity - | + | - Total Consumptive Use - | + | - kW Usage - |
| | | 0.200 | | | | 847.5 | | |

| Twn | Rng | Sec | Tract | Lot | Acres | Code | Description | County |
|-----|-----|-----|-------|-----|-------|------|-------------|--------|
|-----|-----|-----|-------|-----|-------|------|-------------|--------|

| | | | | | | | | |
|-----|-----|---|-------|------|----|------------|------|-------|
| 09N | 30E | 4 | NE SW | 1.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 4 | NW SW | 29.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 4 | SW SW | 36.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 4 | SE SW | 29.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 4 | SW SE | 2.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 5 | SE NE | 5.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 5 | WE SE | 20.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 5 | SE SE | 2.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 9 | NW NE | 20.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 9 | SW NE | 31.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 9 | NE NW | 40.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 9 | NW NW | 20.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 9 | SW NW | 4.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 9 | SE NW | 38.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 9 | NE SW | 24.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 9 | SE SW | 2.0 | 01 | IRRIGATION | (33) | CLARK |
| 09N | 30E | 9 | NW SE | 32.0 | 01 | IRRIGATION | (33) | CLARK |

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Water right number - A32-00087 Prefix Translation: ADJUDICATION CLAIM

| Twn | Rng | Sec | Tract | Lot | Acres | Code | Description | County |
|---|-----|-----|-------|-----|-------|------------|-------------|--------|
| 09N | 30E | 9 | SW SE | 4.0 | 01 | IRRIGATION | (33) CLARK | |
| Total Acres: 339.0 | | | | | | | | |
| + - - - - Diversion Means - DIVERSION DAM, HEADGATE TO DITCHES FOR FLOOD IRRIGATION | | | | | | | | |
| + - - - - Non-Irrigation Use - STOCK WATER DIRECTLY FROM DITCHES | | | | | | | | |
| + - - - - Other Rights for Same Use - 32-0073/0077/0078/0079/0085/0086/0102 | | | | | | | | |
| + - - - - RIGHT USED OVER ENTIRE PLACE OF USE AS CROPS DEMAND DURING THE IRRIGATION SEASON | | | | | | | | |
| PERIOD OF USE JUSTIFICATION: | | | | | | | | |
| 1. ACTUAL PERIOD MAY BE ONLY 2/15 TO 11/20 DUE TO ICEING | | | | | | | | |
| 2. SOIL TYPE (GRAVELY) REQUIRES EXCESS WATER EARLY AND LATE IN THE YEAR TO BRING THE SUBWATER UP. | | | | | | | | |
| 3. HISTORICALLY PERIOD HAS BEEN LONGER THAT 4/1 TO 11/1 | | | | | | | | |
| 4. DECREE PERIOD OF USE STATED AS: "...have, at all times,..." | | | | | | | | |
| + - - - - Old Water Right Numbers - - - - - | | | | | | | | |
| No Old Water Right Numbers found. | | | | | | | | |
| + - - - - Conditions of Approval - - - - - | | | | | | | | |
| No Conditions of Approval found. | | | | | | | | |
| + - - - - Decree Plaintiff - - - - - | | | | | | | | |
| J. R. RENO, ET. AL. | | | | | | | | |
| + - - - - Decree Defendant - - - - - | | | | | | | | |
| J. R. RICHARDS, ET. AL. | | | | | | | | |
| + - - - - Decree Date - - - - - | | | | | | | | |
| 00/00/0000 | | | | | | | | |
| + - - - - Audit Fields - 04/22/88 WILSON 05/19/88 NOYES 12/13/88 WILSON | | | | | | | | |
| + - - - - Comments - - - - - | | | | | | | | |
| No Comments Found | | | | | | | | |
| + - - - - Adjudication Rights Dates and Flags Area - - - - - | | | | | | | | |
| Court Report Filing - 00/00/0000 Field Inspection Made - 00/00/0000 Civil Case Number - 39576 | | | | | | | | |
| Objection Filed Date - 00/00/0000 Field Inspection Flag - - - - - | | | | | | | | |
| Response Filed Date - 00/00/0000 Verified Date - 00/00/0000 Old Judicial District - - - - - | | | | | | | | |
| Claim Received Date - 04/22/1988 Last Amended Date - 12/13/1988 Temporary Right - P | | | | | | | | |
| Proof Due Date - 00/00/0000 Proof Made Date - 00/00/0000 Water District - - - - - | | | | | | | | |
| Licensed Date - 00/00/0000 Receipt Number - E000140 Federal/State Indicator - S | | | | | | | | |
| Claims Tape Error Flg - - - - - | | | | | | | | |
| Fee Exempt Flag - - - - - | | | | | | | | |
| Name Connector - - - - - | | | | | | | | |
| OR | | | | | | | | |

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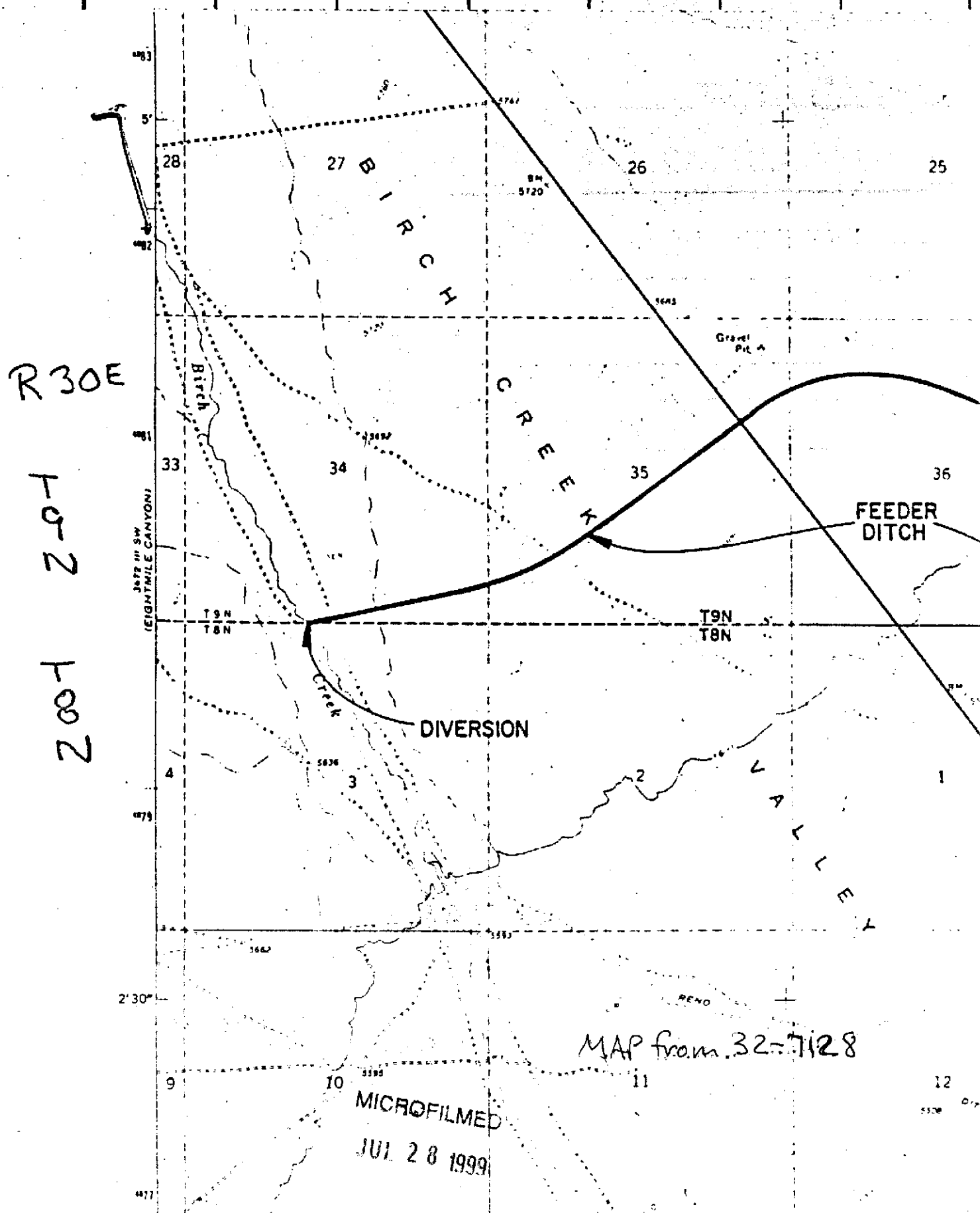


EXHIBIT A

| <u>Right #</u> | <u>Priority</u> | <u>Amount</u> | <u>Nature of Use</u> | <u>Period of Use</u> |
|----------------|-----------------|---------------|----------------------|----------------------|
| 32-0073 | 5/15/1909 | .2cfs | Irrigation | 4/1 to 11/1 |
| 32-0085 | 5/10/1910 | .2cfs | Irrigation | 4/1 to 11/1 |
| 32-0077 | 5/15/1910 | .2cfs | Irrigation | 4/1 to 11/1 |
| 32-0086 | 5/1/1911 | .2cfs | Irrigation | 4/1 to 11/1 |
| 32-0078 | 5/15/1911 | .2cfs | Irrigation | 4/1 to 11/1 |
| 32-0087 | 5/1/1912 | .2cfs | Irrigation | 4/1 to 11/1 |
| 32-0079 | 5/15/1913 | .8cfs | Irrigation | 4/1 to 11/1 |

RECEIVED
FEB 08 1991

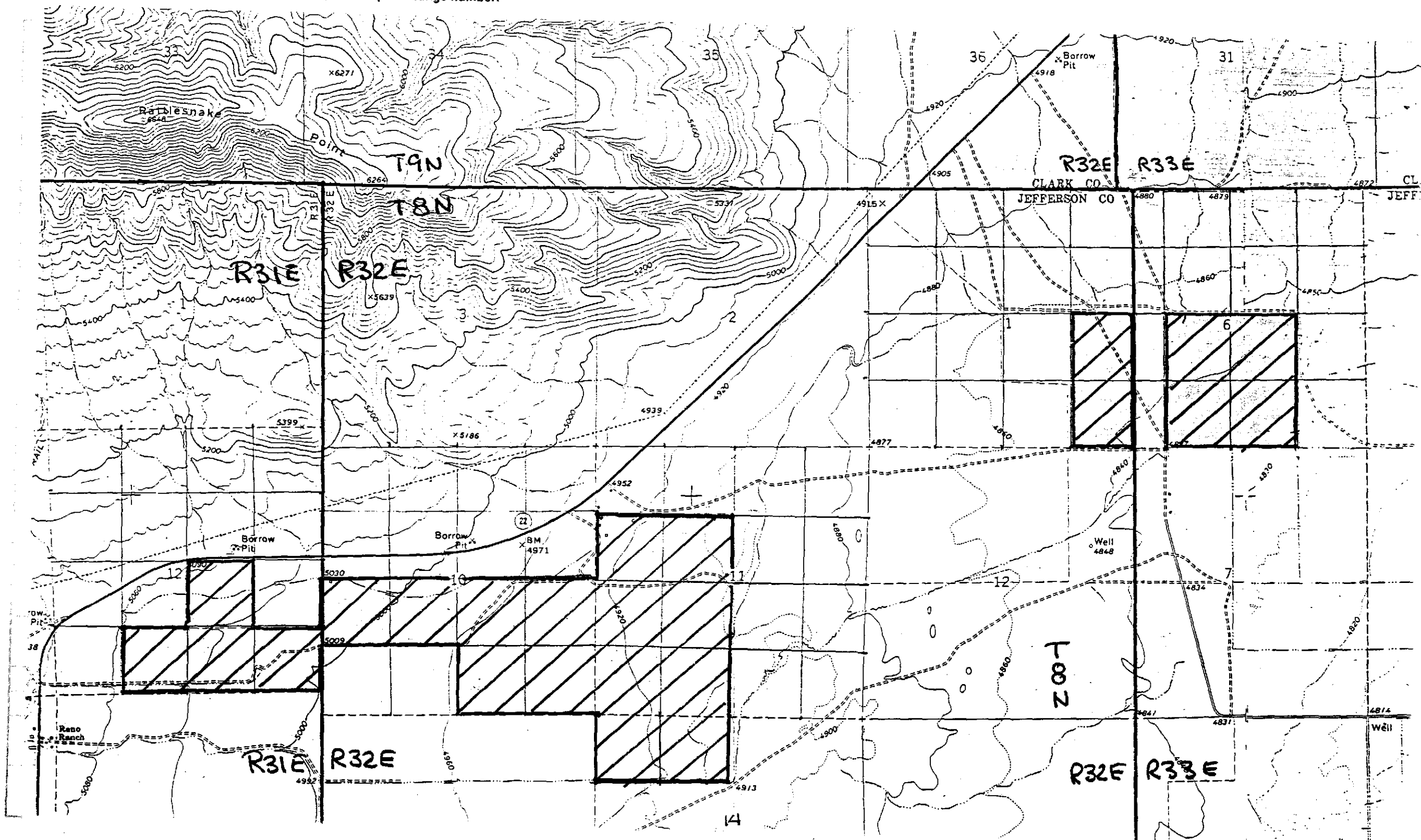
Department of Water Resources
Eastern District Office

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JUL 28 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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



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JAN 28 1991

Copy of transfer sent to lien holder

Transfer contains _____ pages and _____ attachments
Received by Joe Date 2-6-91
Prelim. check by Kuo Fee 50.00
Received by Joe Date 2-7-91
Published in Statewide
Pub. dates 4-18; 25-91
Watermaster recommendation requested on _____
Recommended for ☐ approval ☐ denial
Hearing held by _____ Date _____
Copies of protest forwarded by _____
Protest filed by _____

FOR DEPARTMENT USE ONLY

My commission expires _____

Subscribed and sworn to before me this 28 day of Feb, 1991
(Signature of Applicant) Joe Williams
(Notary Public) Joe Williams

I understand that any willful misrepresentations made in this application may result in voiding its approval.
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

3. Describe effects on other water uses resulting from the proposed change:

2. Quantity and quality of return flows and location of discharge:

_____ to _____
_____ to _____

B. CHANGES IN NATURE OF USE
1 New Nature of Use

Amount (cfs/ac-ft)
Hours/days/year
Period of Use

PART 3

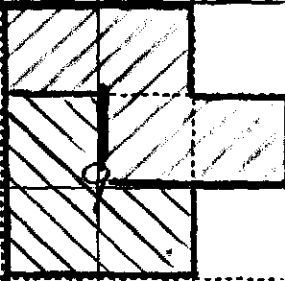
NAME OF APPLICANT Mac or Hty Wagoner

Form No. 0

PLACE OF USE

T9N

R30E



GEORGE GODDARD

160ac

32-0073

32-0079

32-0078

32-0077



SAM GODDARD

120ac

32-0085

32-0086

32-0087

32-0102 P/u Unknown

⊙ 0.02ct/ac P/u = 200ac

Expansion of the following Rights

160ac (32-0073/0079/0078/0077) → 960ac

120ac (32-0085/0086/0087) → 960ac

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: KC Wilson

1. Right number 32-00102 Applicant Mac or Betty Wagoner
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____
4. Check:
- a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
- b. ☒ Description of original point of diversion.
- c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
- a. ☒ All of right.
- b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
- ~~c.~~ ☒ Check description of point(s) of diversion. ^{MAP} P.D. from 32-07128
- ~~d.~~ ☒ Check description of place of use.
- ~~e.~~ ☒ Check map (shows p.d. and p.u. after transfer). NOTE Letter from Kent Foster - Map is from item B.5 part 2
- f. ☒ Check for correct signature, notarization, and fee. } see attached
- g. ☐ Check proof of ownership of right &/or land from which water is transferred. } Mem 4-191
- h. ☒ Check for expansion in use of right. Comments unknown. without a description of the place of use for 32-00102 it would seem impossible to determine. Expansion of 32-0073/0079/0078/0077/0085/0086/0087 see ATTACHED Place of Use
- i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) See Transfer Birch Creek Ranches INC. 32-0067/0090
- j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 32D

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☐ Yes ☐ No
3. Protest received? ☐ Yes ☐ No
- POP 5-6-91

RECOMMENDED ACTION

1. ☐ Approve
2. ☐ Deny
3. Conditions* _____

4. By _____ Date _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

May 30, 1991

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

RE: App. for Transfer No. 32-0102 MAC/BETTY WAGONER

Blair Grover
Attorney at Law
PO Box 36
Rigby, ID 83442-0036

Dear Mr. Grover:

This letter acknowledges receipt of the protest filed in behalf of Lavar and Louise J. Newman against the above referenced application for transfer. The following are the principle items considered by the Department at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfers?
2. Does the change constitute an enlargement in the use of the original rights?
3. Will the proposed use under these transfers conflict with the local public interest?

The protestant must be prepared to present proof of the allegations involving one or more of the items. You will be notified at a later date as to the time and place set for conference and/or hearing. We appreciate your support in this matter.

If we may be of further assistance, please contact us.

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

cc: IDWR - State Office

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JUN 28 1993

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State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

May 30, 1991

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

RE: App. for Transfer No. 32-0102 MAC/BETTY WAGONER

George C. Petersen
Attorney at Law
485 "E" Street
Idaho Falls, ID 83402

Dear Mr. Petersen:

This letter acknowledges receipt of the protest filed in behalf of D & D Enterprises against the above referenced application for transfer. The following are the principle items considered by the Department at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfers?
2. Does the change constitute an enlargement in the use of the original rights?
3. Will the proposed use under these transfers conflict with the local public interest?

The protestant must be prepared to present proof of the allegations involving one or more of the items. You will be notified at a later date as to the time and place set for conference and/or hearing. We appreciate your support in this matter.

If we may be of further assistance, please contact us.

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

cc: IDWR - State Office

JUL 28 1999 MICROFILMED

JUL 28 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

May 30, 1991

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

RE: Application for Transfer No. 32-0102/etc.
MAC/BETTY WAGONER

Breck Barton
Attorney at Law
PO Box 100
Rexburg, ID 83440

Dear Mr. Barton:

Enclosed please find a copy of protests filed against the above referenced application. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?
3. Will the proposed use under this transfer conflict with the local public interest?

The applicant must be prepared to present evidence and/or testimony addressing each of the three items should an additional hearing be necessary. You will be notified at a later date as to the time and place set for conference and/or hearing.

If we may be of further assistance, please contact us.

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

cc: IDWR - State Office

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Department of Water Resources
Eastern District Office

George C. Petersen, Jr., Esq.
PETERSEN, MOSS, OLSEN, MEACHAM & CARR
485 "E" Street
Idaho Falls, Idaho 83402
(208) 523-4650

Attorneys for D & D Enterprises, Inc.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF THE APPLICATION OF)
MAC AND BETTY WAGONER TO EXCHANGE)
WATER RIGHTS, SELL WATER RIGHTS, AND)
CHANGE POINT OF DIVERSION AND PLACE)
OF USE OF WATERS OF BIRCH CREEK THE)
SUBJECT OF PERMIT NO'S 32-00102,)
32-0073, 32-0085, 32-0077, 32-0086,)
32,0078, 32-0087, 32-0079, 32-0090)
AND 32-0067.)

PROTEST OF D & D
ENTERPRISES, INC.

D & D Enterprises, Inc., an Idaho corporation, protestant,
by and through its counsel of record, George C. Petersen, Jr., of
the firm of PETERSEN, MOSS, OLSEN, MEACHAM & CARR, Attorneys, in
care of George C. Petersen, Jr., of PETERSEN, MOSS, OLSEN, MEACHAM
& CARR, 485 "E" Street, Idaho Falls, Idaho 83402, hereby enters its
protest against approval of the application of Mac and Betty
Wagoner to exchange water rights, sell water rights and change
point of diversion and place of use of waters of Birch Creek the
subject of permit no's. 32-00102, 32-0073, 32-0085, 32-0077,
32-0086, 32-0078, 32-0087, 32-0079, 32-0090 and 32-0067, on the
following grounds:

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1. D & D Enterprises Inc., a water user of the Birch Creek waters, is situated downstream from the properties described in that certain application of Mac and Betty Wagoner ("Wagoner") wherein the Wagoners propose an exchange of the water rights, refer to a sale of certain water rights and further propose a change of point of diversion and place of use of waters of Birch Creek. From a preliminary review of the application of the Wagoners, it appears that the Wagoners have totally failed to address bed loss, associated with said proposed change of point of diversion together with any other loss that might take place by the proposed transfer of the waters of Birch Creek to a new point of diversion. The failure to make an appropriate adjustment for loss of water occurring as a result of the transfer of the Birch Creek water from the old point of diversion to the new point of diversion would be detrimental to, and not in the best interest of, other downstream water users of Birch Creek and in particular this protestant.

2. Protestant has a number of queries concerning the validity of some of the proposed water right proposed to be transferred and thus requests that the burden of proof be on applicant to prove that said water rights to be transferred are in fact legitimate and bonafide and should be considered for transfer as proposed by applicant.

3. Applicant further fails to establish a method and/or procedure by which the water master could administer a bed loss in making an appropriate distribution of the waters of Birch Creek to applicant as a water user as compared to the other water users

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JUL 28 1999

effected by the proposed transfer all to the end that the requested transfer will be equitable to all water users of Birch Creek.

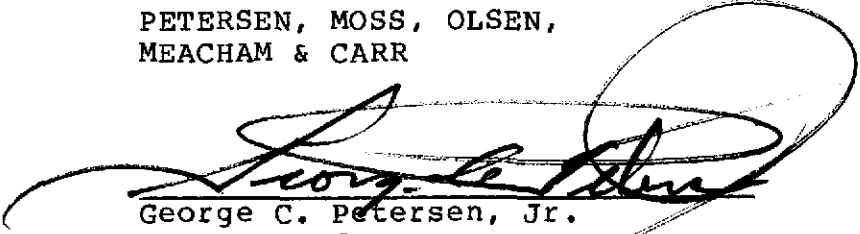
4. In the event the application, heretofore addressed, is approved, said approval would substantially effect the water rights of this applicant and in effect applicant would be injured by the transfer, all in violation of the rights intended to be protected under Idaho Code § 42-222.

5. Approval of the application of applicant as proposed, would constitute an enlargement of the use of the water rights of applicant, that is, would increase applicant's water rights all of which would result in a substantial loss to be suffered by this protestant and other water users situated downstream.

6. The change sought by applicant is not in the local public interest.

DATED This 6th day of May, 1991.

PETERSEN, MOSS, OLSEN,
MEACHAM & CARR



George C. Petersen, Jr.
Attorneys for
D & D Enterprises, Inc.

jih/2129G

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MAY 28 1999

CERTIFICATE OF SERVICE

I hereby certify that I am a duly licensed attorney in the State of Idaho, with my office in Idaho Falls, Idaho, and that on the 6th day of May, 1991, I served a true and correct copy of the foregoing document on the persons listed below by first class mail, with the correct postage thereon, or by causing the same to be delivered as defined by Rule 5(b), I.R.C.P.

Persons Served:

Jerry R. Rigby, Esq.
P.O. Box 250
Rexburg, ID 83440-0250

Kent Foster, Esq.
P.O. Box 50130
Idaho Falls, ID 83405

Breck Barton, Esq.
P.O. Box 100
Rexburg, ID 83440

Mr. James DeMordaunt
P.O. Box 5
Rexburg, ID 83440

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

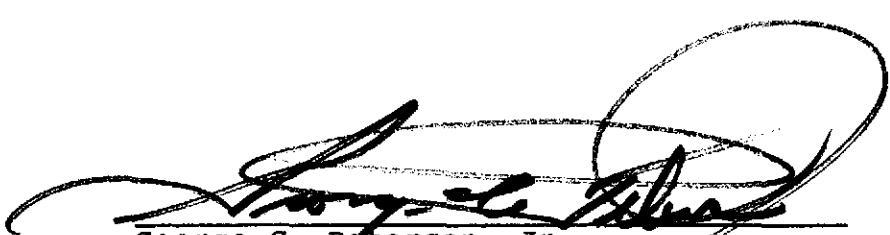
Mr. Ted Sorenson
550 Linden Dr.
Idaho Falls, ID 83401

Mr. Steve Phillips
HC 61 Box 1260
Dubois, ID 83423

Don Shenton
Dubois, ID 83423

Method of Service:

(X) mail () hand () fax



George C. Petersen, Jr.

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JUN 28 1993

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Department of Water Resources
Eastern District Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

RE: APPLICATION OF MAC OR BETTY WAGONER

32-00102

TO: Idaho Department of Water Resources
150 Shoup Avenue
Idaho Falls, Idaho 83402

COMES NOW LAVAR NEWMAN and LOUISE J. NEWMAN, hereinafter referred to as PROTESTANTS, and protest the Application for Transfer of Water Rights submitted by MAC OR BETTY WAGONER. This protest is for, among others, the following reason.

1. Some of the matters raised in the application are the subject of a prior and still pending application for similar transfers filed by BIRCH CREEK RANCHES INC. Applicant became a party thereto by protesting those applications. The Idaho Department of Water Resources (IDWR) has conducted hearings, listened to lengthy testimony, and taken substantial evidence on the pending application. However, it has not rendered a decision. The application raises some of the same issues and should not be considered until there is a decision rendered by the Department on the pending applications. Otherwise, PROTESTANT will be required to expend considerable sums duplicating testimony already before IDWR. PROTESTANTS have acquired what is known as the Wilding Ranch and have been assigned all of the right, title and interest of the Wildings in those applications.

2. The proposed application will injure the water rights of PROTESTANT.

3. The proposed application does not take into consideration transmission losses from the existing point of diversion to the new point of diversion.

4. The proposed transfer does not take into consideration percolation or recharge rights lost by moving the point of diversion.

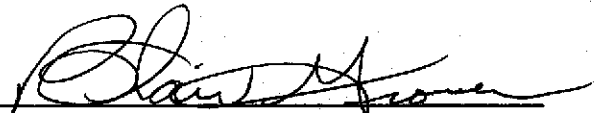
5. The proposed application does not adequately take into consideration priority rights already existing on Birch Creek.

MICROFILMED

JUL 28 1999

6. Such other and further reasons as may be determined and/or discovered in the course of hearing and/or considering these applications.

DATED: May 3, 1991.


BLAIR GROVER
Attorney for LaVar and Louise
Newman

MICROFILMED
JUL 28 1999

RECEIVED

MAY - 6 1991

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO

WEST ONE BANK BUILDING
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
TELEFAX (208) 523-9518

Department of Water Resources
Eastern District Office

ARTHUR W. HOLDEN (1877-1967)
ROBERT B. HOLDEN (1911-1971)
TERRY L. CRAPO (1939-1982)
WILLIAM S. HOLDEN (1907-1988)

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
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DONALD L. HARRIS
RANDALL B. REED
MARIE T. FEELEY
JOHN G. SIMMONS
ROBERT M. FOLLETT

May 6, 1991

Idaho Department of Water Resources
150 Shoup Avenue, #15
Idaho Falls, Idaho 83402

RE: Birch Creek Ranches and Wagoner Transfers

Gentlemen:

Mr. Breck Barton just called and advised that he was informed by Mac Wagoner and Don Shenton that Mr. Shenton is taking the position in connection with the proposed transfers that Mr. Wagoner must be charged a conveyance loss on the exchange or trade with Birch Creek Ranches. That of course was not the intent of the parties.

The agreement between Wagoners and Birch Creek Ranches was intended to leave Wagoners with a full 4.0 cfs as has been the case historically, only with the earlier priorities of the two Simmons rights. Whatever water reaches the new diversion for the power channel will be diverted there and split among the three remaining water users below the power plant, either in accordance with their various rights, or in accordance with their agreement, which they are at this time attempting to finalize.

Yours very truly,



Kent W. Foster

#6936.00/srs

cc: Breck Barton, Esq.
Mr. Ted Sorenson

MICROFILMED

JUL 28 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RE: APPLICATION OF MAC OR BETTY WAGONER
32-00102

RECEIVED

MAY - 3 1991

Department of Water Resources
Eastern District Office

TO: Idaho Department of Water Resources
150 Shoup Avenue
Idaho Falls, Idaho 83402

COMES NOW LAVAR NEWMAN and LOUISE J. NEWMAN, hereinafter referred to as PROTESTANTS, and protest the Application for Transfer of Water Rights submitted by MAC OR BETTY WAGONER. This protest is for, among others, the following reason.

1. Some of the matters raised in the application are the subject of a prior and still pending application for similar transfers filed by BIRCH CREEK RANCHES INC. Applicant became a party thereto by protesting those applications. The Idaho Department of Water Resources (IDWR) has conducted hearings, listened to lengthy testimony, and taken substantial evidence on the pending application. However, it has not rendered a decision. The application raises some of the same issues and should not be considered until there is a decision rendered by the Department on the pending applications. Otherwise, PROTESTANT will be required to expend considerable sums duplicating testimony already before IDWR. PROTESTANTS have acquired what is known as the Wilding Ranch and have been assigned all of the right, title and interest of the Wildings in those applications.

2. The proposed application will injure the water rights of PROTESTANT.

3. The proposed application does not take into consideration transmission losses from the existing point of diversion to the new point of diversion.

4. The proposed transfer does not take into consideration percolation or recharge rights lost by moving the point of diversion.

5. The proposed application does not adequately take into consideration priority rights already existing on Birch Creek.

MICROFILMED

JUL 28 1999

6. Such other and further reasons as may be determined and/or discovered in the course of hearing and/or considering these applications.

DATED: May 3, 1991.


BLAIR GROVER
Attorney for LaVar and Louise
Newman

MICROFILMED
JUL 28 1999

11-Apr-1991

DON SHENTON
WATER DIST 32 D
PO BOX 33
DUBOIS ID 83423

RE: Application No. 32-00102,ETC, 32-0061C, ETC, &
32-0067/32-0090

Dear Watermaster:

Please find enclosed a copy of the above referenced application. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is May 6, 1991, and we are required to take action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Thank you for your cooperation in this matter.

Respectfully submitted,

Harold Jones
Water Rights Supervisor

HJ/rb
Enclosure

MICROFILMED

001 2 8 1999

11-Apr-1991

BRECK BARTON
FOR MAC & BETTY WAGONER
305 W MAIN
REXBURG ID 83440

RE: Application No. 32-00102, ETC

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in Post-Register and statewide on April 18 & 25, 1991. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

MICROFILMED

JUL 28 1999

09-Apr-1991

POST REGISTER
PO BOX 1800
IDAHO FALLS ID 83403

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before MAY 6, 1991.

Yours truly,

Rita Bodell
Secretary/Office Coordinator

Encl.

MICROFILMED

JUL 28 1999

09-Apr-1991

THE TIMES NEWS
PO BOX 548
TWIN FALLS ID 83303

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before MAY 6, 1991.

Yours truly,

Rita Bodell
Secretary/Office Coordinator

Encl.

MICROFILMED

JUL 28 1999

09-Apr-1991

IDAHO STATESMAN
PO BOX 40
BOISE ID 83707

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before MAY 6, 1991.

Yours truly,

Rita Bodell
Secretary/Office Coordinator

Encl.

MICROFILMED

JUL 28 1993

09-Apr-1991

LEWISTON MORNING TRIBUNE
PO BOX 957
LEWISTON ID 83501

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before MAY 6, 1991.

Yours truly,

Rita Bodell
Secretary/Office Coordinator

Encl.

MICROFILMED

JUL 28 1999

FROM: KEITH C. WILSON - EASTERN

05 APRIL 1991

TO: TRANSFER FILE - 32-0067/0090/0102/0073/0085/0077/0086/0078/
32-0087/0079/0061C/0101/0068/0069/0089/0090/
32-0091/0092/0093

SUBJECT: DIVERSION RATE IN EXCESS OF 0.02 CFS/ACRE

MAC WAGONER'S TRANSFER PROPOSES TO TRANSFER 6.0 CFS TO 960 ACRES, AND BIRCH CREEK RANCHES, INC. PROPOSES TO TRANSFER 17.5 CFS TO THE SAME 960 ACRES.

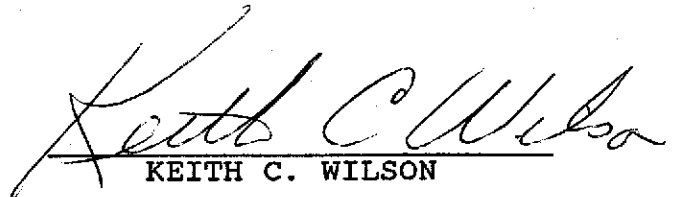
ANALYSIS: $6.0 \text{ CFS} + 17.5 \text{ CFS} = 23.5 \text{ CFS/960 ACRES}$

$23.5 \text{ CFS/960 ACRES} = 0.024479 \text{ CFS/ACRE}$

$0.024479 \text{ CFS/ACRE} = 1.223 \text{ MINERS INCHES PER ACRE}$

$1.223 \text{ MINERS INCHES} > 1 \text{ MINERS INCH}$

THEREFORE: THIS IS EXCESSIVE FLOW. APPLICANT MUST
SUBMIT EVIDENCE FOR $> 0.02 \text{ CFS/AC FLOW}$


KEITH C. WILSON

MICROFILMED

JUL 28 1999

FROM: KEITH C. WILSON

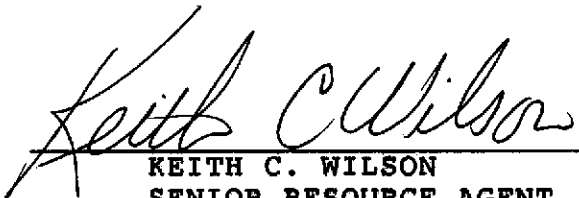
4 APRIL 1991

TO: TRANSFER FILE 6.0 CFS MAC & BETTY WAGONER

SUBJECT: PROOF OF OWNERSHIP
NOTARY STAMP

27 MARCH 1991 - PHONE CALL TO BRECK BARTON - LEFT MESSAGE
RE: 1. PROOF OF OWNERSHIP FOR MAC & BETTY
WAGONER.
2. HE WOULD NEED TO BRING NOTARY STAMP
AND COMPLETE THE NOTARIZATION OF
THE WAGONER'S TRANSFER.

28 MARCH 1991 - PHONE CALL TO BRECK BARTON - IN THE PHONE
CONVERSATION I REQUESTED THAT HE BRING HIS NOTARY STAMP,
AND TO EITHER BRING IN PROOF OF OWNERSHIP OF WAGONER'S
LAND OR TO MAIL IT TO THIS OFFICE.



KEITH C. WILSON
SENIOR RESOURCE AGENT

MICROFILMED

JUL 28 1999

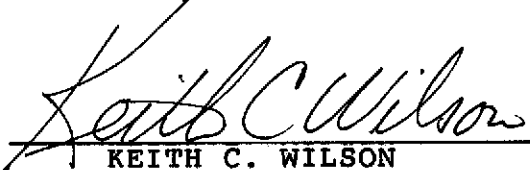
FROM: KEITH C. WILSON

22 MARCH 1991

TO: TRANSFER FILE RIGHTS 32-0073/0077/0078/0079/0085/0086/
-0087/0102

SUBJECT: MAP

THE MAP IN PART 3 FILED WITH THIS TRANSFER DOES NOT AGREE WITH PART 1, ITEM B.5. HOWEVER, IN THE ENCLOSED COPY OF A LETTER FROM KENT FOSTER (dtd 13 MAR 1991) THE PLACE OF USE IS CONFIRMED TO BE CORRECT AS SHOWN IN PART 1, ITEM B.5. SINCE THIS IS A STATEMENT FROM THE LAWYER FOR BIRCH CREEK RANCHES, I HAVE COMPLETED A COPY OF THE MAP USING THE LEGAL DESCRIPTION FROM PART 1, ITEM B.5.



KEITH C. WILSON
SENIOR RESOURCE AGENT

MICROFILMED

JUN 28 1999

27 February 1991

Breck Barton
305 West Main
Rexburg, Idaho 83440

RE: Mac & Betty Wagoner Transfer

Dear Mr. Barton:

In the review of the Wagoner's transfer I found that the legal description of the proposed place of use (Part 1, Item # B.5), did not agree with the map (i.e. Sec 6, T08N, R33E). To assist you I have enclosed a copy of Part 1, Item 5B, and maps of that area of Sec 6, T08N, R33E.

Please review the maps and item 5B to determine the correct place of use. If it is necessary to change item 5B I have enclosed a blank form that you can use.

It is also necessary for the Wagoner's to send a copy of last years tax notice to show ownership of the original place of use (i.e. W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 9, T09N, R30E.)

Please respond on or before 12 March 1991. Processing of the transfer will continue upon receipt of the corrected information.

Sincerely,

Keith C. Wilson
Senior Resource Agent

MICROFILMED

JUL 28 1999

07 March 1991

Kent Foster
P.O. Box 50130
Idaho Falls, Idaho 83405

RE: Birch Creek Ranches, Inc. Transfers

Dear Mr. Foster:

In the review of the Birch Creek Ranches's transfer for 17.5 cfs I found that the legal description of the proposed place of use (Part 1, Item # B.5), did not agree with the map. In fact the page for the map referred to a map filed with original application. Assuming that this is the map that accompanied the transfer for Mac or Betty Wagoner, Sec 6, T08N, R33E, does not agree with Part 1, Item # B.5. To assist you I have enclosed a copy of Part 1, Item B.5, and maps of that area of Sec 6, T08N, R33E.

In the review of the Birch Creek Ranches's transfer for 4.0 cfs I found that the legal description of the proposed place of use (Part 1, Item # B.5), did not agree with the map (Part # 3). For your convenience enclosed is a copy of the USGS map of the area as described in Part 1 B.5 (Map is from Mac Wagoner's adjudication claims). If this map is correct I already have a copy in this office just let me know, and I'll attach it to the transfer.

Please review the maps and item B.5 to determine the correct place of use.

To complete the review of the applications for transfer please submit a copy of last years's tax notice for the property to which the water right is appurtenant (Attachment No. 3 for transfer for 4.0 cfs, and Attachment No. 4 for transfer for 17.5 cfs) or other documents which show ownership.

Please respond on or before 20 March 1991. Processing of the transfer will continue upon receipt of the information.

Sincerely,

Keith C. Wilson
Senior Resource Agent

MICROFILMED
JUN 28 1999

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
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DONALD L. HARRIS
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WEST ONE BANK BUILDING
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
TELEFAX (208) 523-9518

ARTHUR W. HOLDEN (1877-1967)
ROBERT B. HOLDEN (1911-1971)
TERRY L. CRAPO (1939-1982)
WILLIAM S. HOLDEN (1907-1988)

MAR 14 1991

March 13, 1991

Keith C. Wilson, Senior Resource Agent
IDAHO DEPARTMENT OF WATER RESOURCES
150 Shoup Avenue, #15
Idaho Falls, Idaho 83402

RE: Birch Creek Ranches, Inc.
Amended Applications for Transfer

Dear Mr. Wilson:

In response to your letter of March 7th which we received on the 11th:

1. With respect to the portion of Birch Creek Ranches' Amended Application for Transfer of 17.5 cfs to D & D lands, the correct place of use is shown under Part 1, Item # B.5. The map we referred to was not the map submitted by Mac and Betty Wagoner, but rather the map filed with the original Birch Creek Ranches application in April of 1989. This water is leased to D & D Enterprises and we relied upon the legal description of 960 acres supplied by Mr. Jim DeMordaunt. We do not know for certain who prepared the map for the Wagoner application; we thought it was Ron Carlson.

2. With respect to the portion of Birch Creek Ranches' Amended Application for Transfer for 4.0 cfs to Wagoner lands, we copied Part 1, Item # B.5 and the map from the copy of Wagoners' application which was furnished to us by Mr. Breck Barton, and we assumed that the correct description was contained in Part 1, Item # B.5. We neither prepared nor reviewed the map submitted by Mr. Wagoner; again, we thought it was all prepared by Ron Carlson, but really do not know for certain.

MICROFILMED

MAR 28 1993

Keith C. Wilson, Senior Resource Agent
March 13, 1991
Page 2

As between the map and the 960 acres of D & D land described in Part 1, Item # B.5, we think the latter is correct. As between the map and the 339 acres of Wagoner land shown in Part 1, Item # B.5, we think you will need to consult with Wagoners or their attorney to determine which is correct.

We have requested copies of the tax notices for the 960 acres of Birch Creek Ranches' lands and will forward them when they arrive. Because these are amendments of the application filed in 1989, and because notice of that application was already published, we thought this item was no longer necessary.

Yours very truly,



Kent W. Foster

#6936.00/srs

cc: Breck H. Barton, Esq.

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO
P. O. BOX 50130
IDAHO FALLS, IDAHO 83405

Keith C. Wilson, Senior Resource Agent
IDAHO DEPT. OF WATER RESOURCES

HAND DELIVER

MICROFILMED

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
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TERRY L. CRAPO (1939-1982)
WILLIAM S. HOLDEN (1907-1988)

FEB 12 1991

February 12, 1991

RECEIVED

FEB 12 1991

Idaho Department of Water Resources
150 Shoup Avenue, #15
Idaho Falls, Idaho 83402

Department of Water Resources
Eastern District Office

Gentlemen:

We are in receipt of a copy of a letter from Mr. Breck Barton to Mr. Ron Carlson, dated January 21, 1991, and the application for transfer that was enclosed therewith for transfer of Rights Nos. 32-0102, 32-0073, 32-0085, 32-0077, 32-0086, 32-0078, 32-0087, and 32-0079. As Mr. Barton in that letter advised we would be doing, we are enclosing herewith two amended applications for transfer.

Because of the agreement with Wagoners to transfer portions of the rights sought to be transferred by our application of April 20, 1989, to lands of Wagoners', we have split the amended applications into two separate pieces; the first seeks to transfer Right No. 32-0067 and half of right No. 32-0090 to the Wagoner lands, and the second seeks to transfer portions of Rights Nos. 32-0090, 32-0093, 32-0068, 32-0061C, 32-0069, 32-0089, 32-0092, 32-0091, and 32-0101, held by Birch Creek Ranches, to lands of the D & D Enterprises under a lease arrangement with D & D.

Even though we have filed these as amended applications, we have enclosed a filing fee of \$100.00 in case you conclude that further publication of notice is necessary. If we can provide additional information or assist in any manner, please

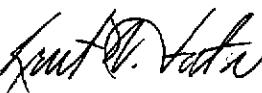
MICROFILMED

FEB 22 1991

February 12, 1991
Page 2

do not hesitate to call upon us. We understand that all involved are anxious to have this matter finalized with as much dispatch as possible.

Yours very truly,


Kent W. Foster

#6936.00/srs

Enclosure

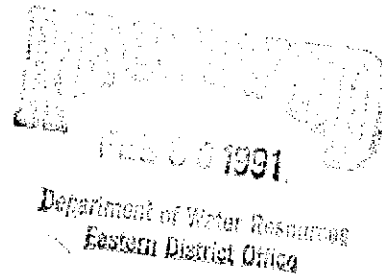
cc: Mr. Ted Sorenson

MICROFILMED

MAR 28 1999

Donald L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO
P.O. Box 50130
Idaho Falls, Idaho 83405
Telephone: (208) 523-0620

Attorneys for Plaintiffs



IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CLARK

TED S. SORENSON and GAYLE)
SORENSON, dba SORENSON)
ENGINEERING and BIRCH POWER)
COMPANY, INC.,)
Plaintiffs,)
vs.)
MAC WAGONER and BETTY WAGONER,)
husband and wife,)
Defendants.)

Case No. 2-462

MEMORANDUM OF AGREEMENT

COME NOW Ted S. Sorenson, Gayle Sorenson d/b/a Sorenson Engineering, Birch Power Company, Inc. and Birch Creek Ranches, Inc. (Sorensens) and Mac Wagoner and Betty Wagoner (Wagoners) and enter into the following Memorandum of Agreement which agreement shall be made final by execution of settlement and release documents consistent herewith.

1. The season of use for Water Right No. 32-7067 and .8 cfs of the Right No. 32-0090 of the waters of Birch Creek,

MICROFILMED
JUL 20 1992

which shall be transferred to Wagoners, shall hereafter be from April 1st of each year to and including October 15th of the same year; provided, however, that Wagoners may commence diversion of water under such right, if they deem it appropriate, later than April 1st in any given year, and if they do so, the same number of days from April 1st until the day such diversion is first commenced shall be added at the end of the irrigation season for such year so that they may continue diversions under such right for the same number of days after October 15th as elapsed between April 1st and the date subsequent thereto when diversion of water under such right actually began for such year. It is understood that regardless of the date diversions under such right commence, and regardless of whether water is or is not diverted under such right at any time during the above described season of use, such season shall not be extended longer than the actual number of days between April 1st and October 15th.

2. Sorensons will transfer to Wagoners the water rights on Birch Creek identified as Right No. 32-0067 for 3.2 cfs with a priority date of September 10, 1882 and Right No. 32-0090 for a portion of that right of .8 cfs with a priority date of May 10, 1886. Wagoners will transfer to Sorensons Water Right No. 32-0102 for 4.0 cfs with a priority date of May 10, 1889.

3. Sorensons will purchase from Wagoners, Wagoners "high

water" rights consisting of the following:

| <u>NO.</u> | <u>CFS</u> | <u>PRIORITY</u> |
|------------|------------|-----------------|
| 0073 | .2 | 05/15/1909 |
| 0085 | .2 | 05/10/1910 |
| 0077 | .2 | 05/15/1910 |
| 0086 | .2 | 05/01/1911 |
| 0078 | .2 | 05/15/1911 |
| 0087 | .2 | 05/01/1912 |
| 0079 | .8 | 05/15/1913 |

Sorensons will pay to Wagoners the amount of fifteen thousand dollars (\$15,000.00) after the transfer of the above-referenced rights.

4. Wagoners shall withdraw their notice of claim filed in the Snake River Basin Adjudication for 500 miner's inches (10 cfs) of "high water".

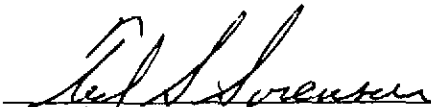
5. The 4 cfs or 200 inches of water represents Wagoners water. Sorensons agree to subordinate any additional water developed by them over which they have control as a result of any water saving effort such as lining portions of Birch Creek or any changes to the minimum bypass flow to Wagoners water. Wagoners will make no protest to any water saving activity undertaken by Sorensons.

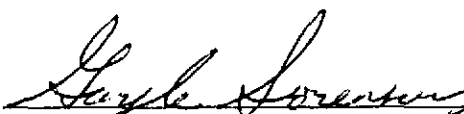
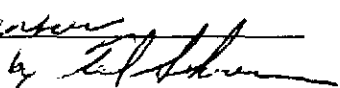
6. Sorensons agree that in addition to the irrigation water rights listed herein Wagoners will be entitled to divert up to 40 miner's inches (.8 cfs) of the water right which Sorensons will transfer to them which is Right No. 32-0067 for

stockwatering purposes commencing on or after March 1st of any year until such time as irrigation water is diverted and may continue such diversions in the same amount from the time irrigation ceases to no later than December 1st.

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

8. That Wagoners will withdraw their protest to the transfer of Sorensons now pending before the Idaho Department of Water Resources. The parties agree that this Memorandum of Agreement and the Settlement and Mutual Release that shall be entered into shall be conditioned on the premise that the Idaho Department of Water Resources does not require Wagoners to take land out of production for having sold the "high water" rights.


Ted S. Sorenson


Gayle Sorenson 

BIRCH POWER COMPANY, INC.

By: 
Ted S. Sorenson, President

BIRCH CREEK RANCHES, INC.

By: _____

Ed Shenson

Approved as to Form and Content By:

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

Mac Wagoner
Mac Wagoner

Betty Wagoner
Betty Wagoner

Approved as to Form and Content By:

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

#5491.00
8029h/srr

LAW OFFICES OF
BRECK BARTON & ASSOCIATES, P.A.
305 WEST MAIN
REXBURG, IDAHO 83440

BRECK H. BARTON

P.O. Box 100
(208) 356-4880

January 21, 1991

Mr. Ron Carlson
Idaho Department of Water Resources
150 Shoup, Suite 15
Idaho Falls, ID 83402

Dear Mr. Carlson:

I enclose application for transfer of Right Numbers 32-00102, 32-0073, 32-0085, 32-0077, 32-0086, 32-0078, 32-0087, 32-0079.

I also enclose our check for the filing fees in this matter. I also enclose a copy of the Memorandum Agreement between Ted Sorenson et.al. and my client, Mac and Betty Wagoner, concerning transfer of these water rights.

This application was initially prepared by the department but failed to include right number 0073, 0086, 0077, 0085, 0078, 0087, and 0079. All of these water rights are being purchased by Mr. Sorenson.

Mr. Sorenson will be filing an application to transfer water right number 32-0067 with a priority date of 9/10/1882 in the amount of 3.2 cfs for irrigation/stock and water right number 32-0090 with a priority date of 5/10/1886 in the amount of .8 cfs for irrigation/stock to Mac and Betty Wagoner. We trust the department will act promptly upon receipt of that application.

The department has spent considerable time in gathering information for the enclosed transfer and in assisting in the preparation of the same. I want to personally thank you, Ron, for your courtesies and the courtesies of your staff in putting this together.

Very truly yours,



Breck Barton

BB/cb

Enclosures

cc: Kent Foster



Department of Water Resources
Eastern District Office

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