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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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JUL 27 1999

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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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	SESW 40	NESW 40	
			NWSW 40	NESE 40	NWSE 40	480
		14	NENE 40	SENE 40		80
32E	1	Lot 1 (NENE)	34	Lot 2 (NWNE)	34	
			SENE 40	Lot 3 (NENW)	34	
			SWNW 40	SESW 40	Lot 4 (NWNW)	20
			NWSW 40	SWSW 40	NESW 40	
			NESE 40	NWSE 40	SESW 40	
			SESE 40		SWSE 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	
		SESW 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	SESW 40		324
33E	5	Lot 3 (NENW)	34	Lot 4 (NWNW)	34	
			SESW 40	NWSW 40	SWNW 40	
					SWSW 40	228
	6	Lot 1 (NENE)	34	Lot 2 (NWNE)	34	
			SENE 40	Lot 3 (NENW)	34	
		Lot 5 (SWNW)	20	SESW 40	Lot 4 (NWNW)	17
		Lot 6 (NWSW)	20	Lot 7 (SWSW)	20	
			NESE 40	NWSE 40	SESW 40	
			SESE 40		SWSE 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	
		SESW 40		NESW 40	NWSW 40	
		SWSW 40		SESW 40		320

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JUL 27 1999

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
				* 5798

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

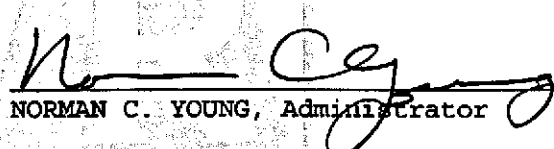
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JUL 27 1999

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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Birch Creek

32-0

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR FREMONT COUNTY.

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
J. R. Richards, X
Plaintiff, X
vs X
Frank Reno, S. Kuharski, William X
Goddard, W. A. Tyler, Samuel Goddard, X
M. Kaufman, W. A. Scott, W. W. Johnson, X
Thomas Miller, David Miller, Edward X
Kaufman, and Henry Kaufman, X
Defendants, X
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

JUDGMENT AND DECREE.

This cause came on regularly for trial under a stipulation of the respective parties and their attorneys heretofore signed and filed. Messrs J. Ed Smith and W. T. Smith appeared as attorneys for Plaintiff, Messrs Regras and Terrell appeared as attorneys for H. Kaufman, Edward Kaufman and Henry Kaufman, Messrs Quarles and Averitt appeared as Attorneys for W. W. Johnson, S. Kuharski and W. A. Scott, Messrs Stewart & Dietrich appeared as Attorneys for W. A. Tyler, Thomas Miller and David Miller, Messrs S. C. Winters and R. V. Conier appeared as attorneys for Frank Reno, and Mr. Thomas R. Harner appeared as attorney for Samuel Goddard and William Goddard, and the parties were all present in person. The Court proceeded to the hearing of the testimony and all the parties with their witnesses having duly testified, which said testimony was taken by the Court Stenographer and the documentary and record testimony having been duly admitted, and the Court having listened to the argument of the respective counsel, the cause was closed and finally submitted to the Court for its consideration and adjudication.

And the Court after due consideration in the premises renders its decision and files its Findings of Facts and Conclusions of Law and orders Judgment to be entered in accordance therewith.

NOW THEREFORE IT IS ORDERED ADJUDGED AND DECREED,

First.

That the defendant W. W. Johnson do have at all times a flow of 160 inches of water, measured under a four inch pressure of the wates of Birch Creek a stream situated in Fremont County, State of Idaho, and the

ORIGINAL

Trans. #2165 32 0067 That the said Wood Live Stock Company, a corporation, aforesaid, as successor in interest of Thomas and David Miller, have at all times the use of three and two-tenths (3.2) cubic feet per second of time (one hundred and sixty miners' inches) of the waters of the said Birch Creek, its right to the use of the same to date from the 10th day of September, 1882, to be used upon and become appurtenant to the following described lands:

Lots Two (2), Three (3), and Four (4), and the South-East Quarter of the South-west Quarter of Section Nineteen (19), in Township Ten (10) North of Range Thirty (30) East of the Boise Meridian.

Trans. #2165 32 0068 That the said Wood Live Stock Company, as the successor in interest of Thomas and David Miller, have at all times the use of three and two-tenths (3.2) cubic feet per second of time (one hundred and sixty miners' inches) of the waters of the said Birch Creek, and also all of the waters of that certain spring, known as Miller's Spring, a tributary of the said Birch Creek; its right to the use of the same to date from the 10th day of May, 1887, to be used upon and become appurtenant to the following described lands:

The North-east Quarter of the North-west Quarter, and the North Half of the North-east Quarter, of Section Thirty (30), and the South-west Quarter of the South-east Quarter of Section Nineteen (19), Township Ten (10) North of Range Thirty (30) East of the Boise Meridian, containing one hundred and sixty acres, in Clark County, State of Idaho.

Trans. #2165 32 0069 That the said Wood Live Stock Company, a corporation, as the successor in interest of William Goddard, also have, at all times, the use of three and two-tenths (3.2) cubic feet per second of time (one hundred and sixty miners' inches) of the waters of said Birch Creek, its right to the use of the same to date from the 10th day of May, 1888, to be used upon and become appurtenant to the following described lands:

The South-east Quarter of the North-east Quarter, and the North Half of the South-east Quarter, and the South-east Quarter of the Southeast Quarter of Section Twenty-four (24), in Township Ten (10) North of Range Twenty-nine (29) East of the Boise Meridian, containing one hundred and sixty acres, in Clark County, State of Idaho.

32 0070 That Clara Granger and F.E. Granger, as the successors in interest of S. Kiharski, have at all times the use of three and two-tenths (3.2) cubic feet per

Application No. 32-0067/0090/0089/
0068/0069/0092/
0061/0091/0093

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT **APPROVED**
To Change the Point of Diversion and/or the Place of Use

Name of applicant William T. Simmons Phone 663-4322

Post office address Terreton, Idaho 83450

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by: Jerome F. Reno
a. Decree to Wood Livestock Co., C. B. Watts & Edward M. Kaufman.
(Name)
in case of Agnes B. Reno, et al vs J. R. Richards, et al
dated Sept. 6, 1922 in Ninth Dist. Court county of Fremont
(Name of court)
b. License No. _____ issued by the Idaho Department of Water Resources
c. Claim No. _____ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Real Estate
Sale contract dated April 3, 1975 from G. Marshall Bare and H. Margery Bare
See attached copy of recorded notice.
3. Source of water Birch Creek tributary to _____ sinks _____
4. Date of priority 9-10-1882 - 32-0067; 5-10-1886 - 32-0090 & 32-0093; 5-10-1887 - 32-0068;
5-10-1888 - 32-0089, 32-0069, 32-0092 & 32-0061; 5-01-1901 - 32-0091
5. Water is used for the following purposes:
d amount 19.9 for Irrigation purposes from Apr. 1 to Nov. 1
ent amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)
6. Total amount of water under right: a. 19.9 cubic feet per second
&/or
b. _____ acre feet per annum
7. Location of original point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 24
Township 10N Range 29E, B.M., in Clark County
Additional points of diversion, if any NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 24, T. 10N, R. 29E; SW $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 29, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 32, T. 10N, R. 30E(not given in decree but have historically
8. Lands irrigated or place of use: been at the above locations.)

[illegible]

Total number of acres to be irrigated

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Description and location of place of use:

CFS

3.20

7.60

2.50

1.60

2.50

0.50

3.20

.40

-7.66

3.20

18.7

~~19.9~~

Total number of acres irrigated 960

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B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion _____ 18.7
 - a. Amount of water to be diverted ~~-19.9-~~ c.f.s. &/or _____ acre feet
 - b. Point(s) of diversion NE ¼ NE ¼, Section 14 Township 10N
Range 29E, B.M., Clark County
Additional points NE¼SW¼, Sec. 11, NW¼NE¼, NE¼SE¼, SE¼NE¼, Sec. 24, T. 10N,
R. 29E; SW¼SW¼, Sec. 29, NW¼NW¼, Sec. 32, T. 10N, R. 30E, B.M.
 - c. Description of diverting works 5800 ft. 8" buried mainline with concrete sumps, one 75 Hp. pump, one 100 hp. pump and 16, ¼ mile 4" handlines
 - d. Describe the reasons for applying for a change in the point(s) of diversion
Upper portion of ranch can be irrigated more efficiently with pumps and sprinklers system.
2. Change in place of use
 - a. Describe the lands or place of use to which the right will be transferred:

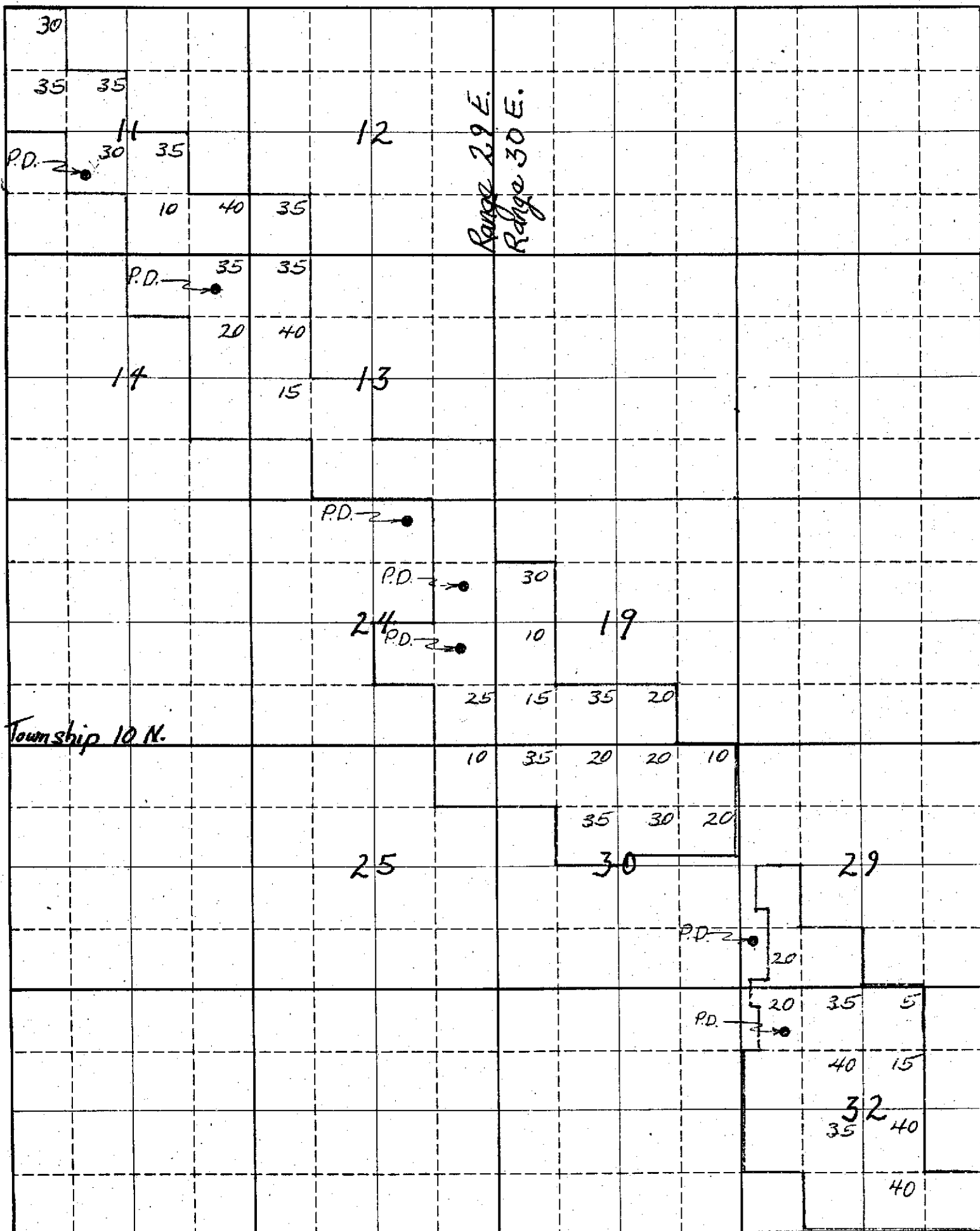
TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10N	29E	11						30	35	35	30		35			35	10	40	215
		12											35						35
		13						35	40			15							90
		14	35			20													55
		24															25		25
		25	10																10
10N	30E	19						30			10	15	35			20			110
		29										20							20
		30	10	20	30	20	20	35		35									170
		32		5	15		35	20*		40	35					40	40		230

* 0.10 cfs of the combination of 32-0091, 32-0092 & 32-0093 has been considered as being appurtenant to Blue Dome pr rty owned by Mrs. Cecil Carlso Said water will not be affected by this transfer

Total number of acres to be irrigated 960

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- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

RECEIVED
MAY 19 1964
FEDERAL BUREAU OF SURVEY

3. Remarks _____

I hereby assert that no one will be injured by such change and 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.

Subscribed and sworn to before me this 29 day of September, 1977
Wm T. Simmons
(Signature of applicant)

My commission expires January 5, 1980
James H. Gerard
(Notary public)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 32-0061, 32-0067, 32-0068, 32-0069, 32-0089, 32-0090, 32-0091, 32-0092 and 32-0093, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:
1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
 2. Use of water under this right is subject to control by the watermaster of State Water District No. 32D, Birch Creek.
 3. The maximum rate of diversion under said right shall not exceed 18.6 cfs.

Witness my hand this 22nd day of February, 19 83

L. Glen Gayton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by me Date 9-8-77

Prelim. check by LH Fee \$30.00

Receipted by me Date 9-8-77

Published in The Standard Journal

Pub. dates Sept. 22 & 29, 1977

Watermaster recommendation requested on 9-12-77

Bew Welding rec'd. #32-D

Protest filed by W.H. Enterprises

Bew Welding

Copies of protest forwarded by Cal

Hearing held by _____ Date _____

Recommended for approval denial

by JIC. Jim Orr

**PLEASE SEE WR 32-61 FOR
EXHIBITS AND RELATED
DOCUMENTS FOR BIRCH CREEK
PROTEST**

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^{CS}/State Office

SUBJECT: Transfer 5450

DATE: June 29, 1999

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

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

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

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MEMORANDUM

TO: FILE 32-00069

FROM: PAM SKAGGS

RE: TRANSFER # 5450

DATE: 5-17-99

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

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MEMORANDUM

TO: FILE 32-00069
FROM: PAM SKAGGS ^{CA}
RE: TRANSFER # 3553
DATE: 7/16/93

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Original Transfer Application, Form and correspondence regarding the above referenced Transfer is located within file # 32-00069 IC.

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III 27 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 10, 1992

RE: Transfers filed by Birch Creek Ranches and Mac and Betty Wagoner; Application for Amendment by Birch Creek Ranches - Nos. 32-00061, 32-00067, 32-00068, 32-00069, 32-00089, 32-00090, 32-00091, 32-00092, 32-00093, 32-00102

Dear Interested Party:

I spoke to George Peterson, who represents D & D Enterprises in the above disputed matters. Mr. Peterson stated that he had visited with Blair Grover, attorney for Newman, and Kent Foster, attorney for Sorenson. He stated that because of the uncertainty about the existing condition of Birch Creek because of the liner failure, some additional delay in the hearing would be helpful.

I told Mr. Peterson that I am willing to delay the hearing until there is some physical certainty about the delivery of water in Birch Creek. I do not intend to let these applications go unaddressed for years in the files of the Department, however.

I will defer setting the hearing for an additional six (6) months. On or about January 1, 1993, I will again call it up for review. If there is any change in the status prior to that time, I would appreciate being informed.

Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

MICROFILMED

JUL 27 1992

CERTIFICATE OF MAILING

I hereby certify that on the 13th day of July, 1992, I mailed a true and correct copy of the attached letter, to the following individuals:

Breck Barton
P.O. Box 100
Rexburg, ID 83440

Alva Harris
171 S. Emerson
Shelley, ID 83274

George Peterson
485 "E" Street
Idaho Falls, ID 83402

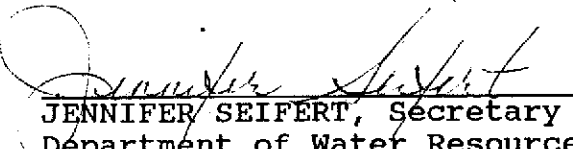
Kent Foster
P.O. Box 50130
Idaho Falls, ID 83405

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

Don Shenton
Dubois, ID 83423

Blair Grover
P.O. Box 36
Rigby, ID 83442-0036

IDWR - Eastern Region


JENNIFER SEIFERT, Secretary
Department of Water Resources

MICROFILMED

JUL 27 1993



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 25, 1992

<address>

RE: Transfers filed by Birch Creek Ranches and Mac and Betty & Wagoner; Application for Amendment by Birch Creek Ranches

Dear <sal>:

Parties to the above protested applications for transfer and amendment have been negotiating a possible settlement of the applications for transfer and application for amendment. I have not heard of any agreement. I recall seeing a letter, signed by Breck Barton, which set a deadline for completion of certain activity, although I cannot find it in my files.

This letter is an inquiry about the status of the negotiations, and the desires of the parties regarding a hearing. I do not want this matter to languish in the files of the Department forever without resolution.

I will set this matter for hearing at the end of thirty (30) days. If you are unavailable during certain time periods, I suggest you contact me prior to the end of the thirty days. If the protests are resolvable in some other way, I would appreciate being informed.

Respectfully,

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

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc: Eastern Region

MICROFILMED

JUN 27 1999

CERTIFICATE OF MAILING

I hereby certify that on the 25th day of June, 1992, I mailed a true and correct copy of the attached letter, postage prepaid, to the following individuals:

Breck Barton
P.O. Box 100
Rexburg, ID 83440

Alva Harris
171 S. Emerson
Shelley, ID 83274

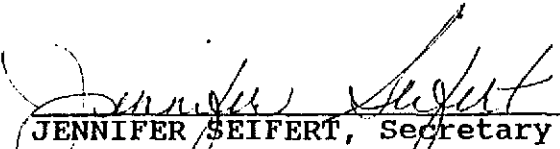
George Peterson
485 "E" Street
Idaho Falls, ID 83402

Kent Foster
Attorney at Law
P.O. Box 50130
Idaho Falls, ID 83405

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

Don Shenton
Dubois, ID 83423

Blair Grover
P.O. Box 36
Rigby, ID 83442-0036


JENNIFER SEIFERT, Secretary
Department of Water Resources

MICROFILMED

JUN 27 1993



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

November 1, 1991

Breck Barton
P.O. Box 100
Rexburg, ID 83440

RE: Transfers filed by Birch Creek Ranches and Mac and Betty &
Wagoner; Application for Amendment by Birch Creek Ranches

Dear Mr. Barton:

The parties to the above matters have represented to me that they were productively negotiating a settlement. As a result, I have not sent a notice of hearing for the second week of November. I understand that the parties are still negotiating a settlement and that they will shortly know whether an agreement can be reached. I will defer setting the matter for hearing until December 1, 1991. If I have not received a stipulation for settlement, I will inquire about the use of the prior record, and set the matter for hearing.

I hope the negotiation is productive.

Sincerely,

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

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

MICROFILMED

JUL 27 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 1, 1991

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

RE: Transfers filed by Birch Creek Ranches and Mac and Betty &
Wagoner; Application for Amendment by Birch Creek Ranches

Dear Mr. and Mrs. Wagoner:

The parties to the above matters have represented to me that they were productively negotiating a settlement. As a result, I have not sent a notice of hearing for the second week of November. I understand that the parties are still negotiating a settlement and that they will shortly know whether an agreement can be reached. I will defer setting the matter for hearing until December 1, 1991. If I have not received a stipulation for settlement, I will inquire about the use of the prior record, and set the matter for hearing.

I hope the negotiation is productive.

Sincerely,

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

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

MICROFILMED

111 27 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 1, 1991

Alva A. Harris
171 S. Emerson
Shelley, ID 83274

RE: Transfers filed by Birch Creek Ranches and Mac and Betty &
Wagoner; Application for Amendment by Birch Creek Ranches

Dear Ms. Harris:

The parties to the above matters have represented to me that they were productively negotiating a settlement. As a result, I have not sent a notice of hearing for the second week of November. I understand that the parties are still negotiating a settlement and that they will shortly know whether an agreement can be reached. I will defer setting the matter for hearing until December 1, 1991. If I have not received a stipulation for settlement, I will inquire about the use of the prior record, and set the matter for hearing.

I hope the negotiation is productive.

Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

MICROFILMED

JUL 27 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 1, 1991

Don Shenton
Dubois, ID 83423

RE: Transfers filed by Birch Creek Ranches and Mac and Betty &
Wagoner; Application for Amendment by Birch Creek Ranches

Dear Mr. Shenton:

The parties to the above matters have represented to me that they were productively negotiating a settlement. As a result, I have not sent a notice of hearing for the second week of November. I understand that the parties are still negotiating a settlement and that they will shortly know whether an agreement can be reached. I will defer setting the matter for hearing until December 1, 1991. If I have not received a stipulation for settlement, I will inquire about the use of the prior record, and set the matter for hearing.

I hope the negotiation is productive.

Sincerely,

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

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

MICROFILMED

JUL 27 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 1, 1991

George Petersen
485 "E" Street
Idaho Falls, ID 83402

RE: Transfers filed by Birch Creek Ranches and Mac and Betty &
Wagoner; Application for Amendment by Birch Creek Ranches

Dear Mr. Petersen:

The parties to the above matters have represented to me that they were productively negotiating a settlement. As a result, I have not sent a notice of hearing for the second week of November. I understand that the parties are still negotiating a settlement and that they will shortly know whether an agreement can be reached. I will defer setting the matter for hearing until December 1, 1991. If I have not received a stipulation for settlement, I will inquire about the use of the prior record, and set the matter for hearing.

I hope the negotiation is productive.

Sincerely,

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

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

MICROFILMED

Jul 27 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 1, 1991

Blair Grover
P.O. Box 36
Rigby, ID 83442-0036

RE: Transfers filed by Birch Creek Ranches and Mac and Betty &
Wagoner; Application for Amendment by Birch Creek Ranches

Dear Mr. Grover:

The parties to the above matters have represented to me that they were productively negotiating a settlement. As a result, I have not sent a notice of hearing for the second week of November. I understand that the parties are still negotiating a settlement and that they will shortly know whether an agreement can be reached. I will defer setting the matter for hearing until December 1, 1991. If I have not received a stipulation for settlement, I will inquire about the use of the prior record, and set the matter for hearing.

I hope the negotiation is productive.

Sincerely,

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

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

MICROFILMED

NOV 27 1991



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

November 1, 1991

Kent Foster
Attorney at Law
P.O. Box 50130
Idaho Falls, ID 83405

RE: Transfers filed by Birch Creek Ranches and Mac and Betty &
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Dear Mr. Foster:

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Sincerely,

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GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

MICROFILMED

JUN 27 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

July 18, 1991

Kent Foster
Attorney at Law
P.O. Box 50130
Idaho Falls, ID 83405

RE: Transfers Filed by Birch Creek Ranches and Mac and Betty
Wagoner

Dear Mr. Foster:

I have checked the tapes recorded during the prior hearing for Birch Creek Ranches' application for transfer. The speed of the tapes is 1.2 revolutions per minute. The tapes cannot be recorded and played back in a normal cassette recorder.

The tapes and the exhibits are now at our Eastern Regional office in Idaho Falls. The tapes and exhibits will remain in our Eastern regional office until September 5, 1991, for your review.

The Department will transcribe the record for \$2.00 a page. Any requests for transcription should be received by August 1, 1991.

Pursuant to our conversations at the conference, I will expect a written agreement or disagreement to use the prior record created at the earlier hearing.

Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

MICROFILMED

JUL 27 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

July 18, 1991

Breck Barton
Attorney at Law
P.O. Box 100
Rexburg, ID 83440

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Sincerely,

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

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

MICROFILMED

JUL 27 1991



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 18, 1991

Blair Grover
Attorney at Law
P.O. Box 36
Rigby, ID 83442-0036

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Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

MICROFILMED

JUL 27 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

July 18, 1991

George Petersen
Attorney at Law
485 "E" Street
Idaho Falls, ID 83402

RE: Transfers Filed by Birch Creek Ranches and Mac and Betty
Wagoner

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Pursuant to our conversations at the conference, I will expect a written agreement or disagreement to use the prior record created at the earlier hearing.

Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

MICROFILMED

JUL 27 1991

MEMO TO FILE:

SEE FILE # 32-0061C FOR TRANSFERS FILED ON THE FOLLOWING WATER RIGHTS:

32-0068
32-0069
32-0089
32-0090
32-0091
32-0092
32-0093
32-0101

Trans #3828

MICROFILMED

FBI 27 1999

FROM Sharla

DATE 10/11/89

TO Files 32-0067/0068/0069/0089/0090/0091/0092/0093

SUBJECT Trans. 3553

See file 32-0061 for all correspondence regarding the above referenced transfer.

SIGNATURE

MICROFILMED

SEP 27 1999

INTER-DEPARTMENT MEMO — 1

FROM Kay Walker

DATE 2/11/1983

TO Files 32-0067, 32-0068, 32-0069, 32-0089, 32-0090, 32-0091, 32-0092 and 32-0093

SUBJECT Transfer No. 2165

See Water Right File No. 32-0061 for all correspondence regarding the above referenced transfer.

MICROFILMED

SIGNATURE