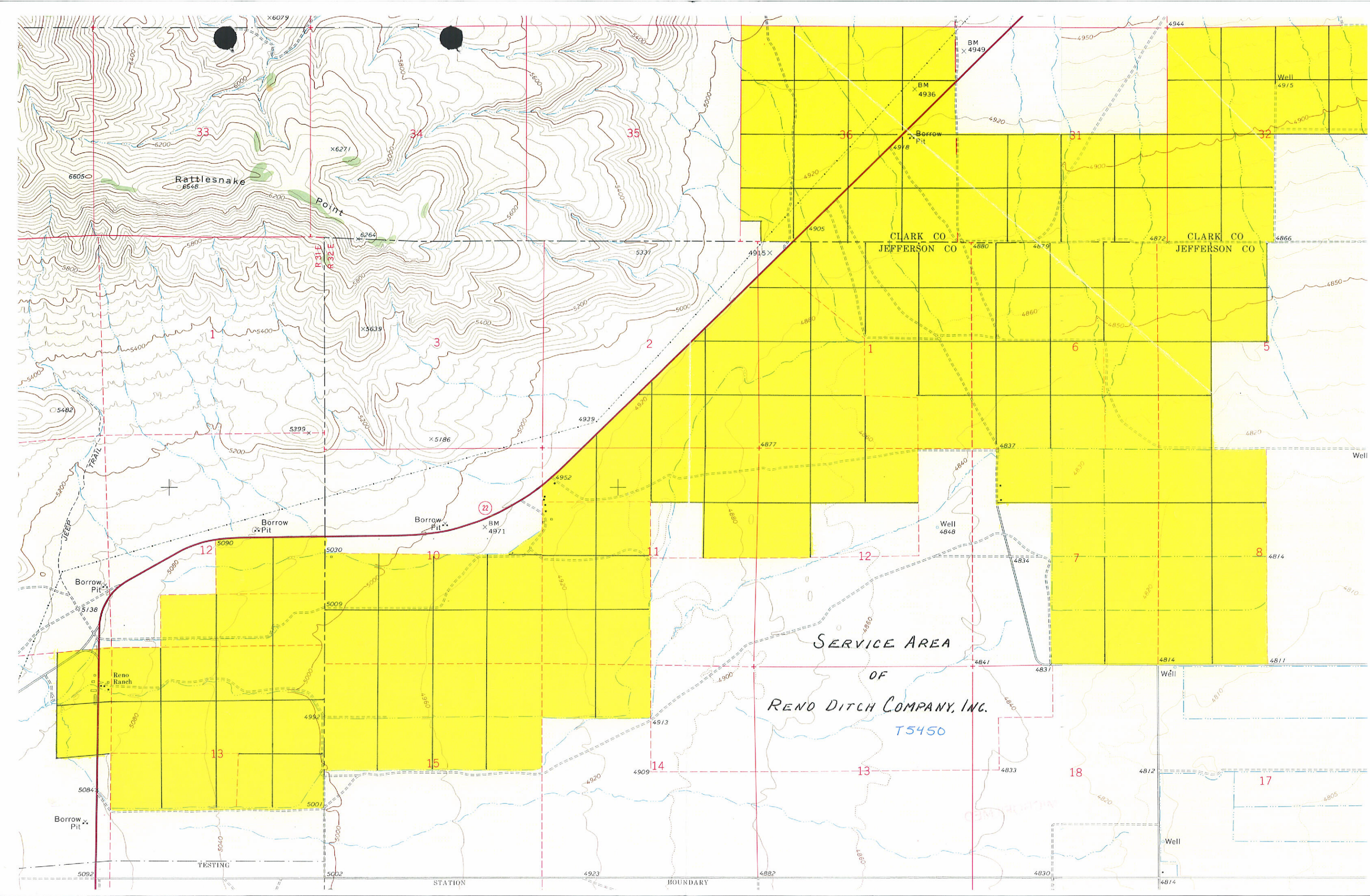
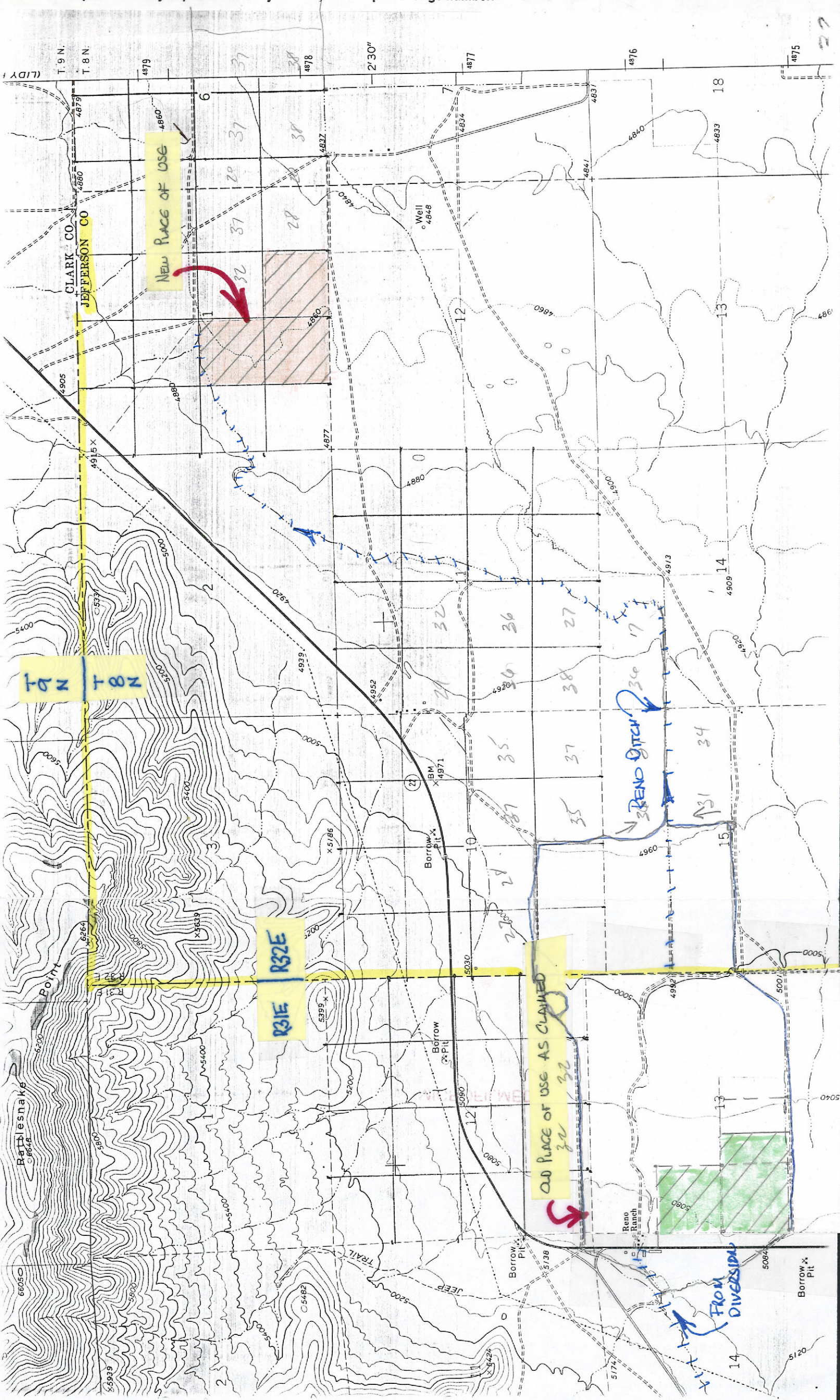




STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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.



owned or formerly owned by D & D Enterprises, Inc., and the South boundary of the property owned by Ben Wilding, said point also being described as S. 85° 24' 30" W. 1335.5 feet more or less along the Section line, and South 1027.7 feet more or less, along the West line of said East half of the Northeast Quarter (E1/2, N.E.1/4) from the Northeast Corner of said Section 14, and running thence South along said West line 200.00 feet; thence N. 86° 01' E. 150.00 feet parallel to said common boundary line; thence North 200.00 feet to said common boundary line; thence S. 86° 01' W. 150.00 feet along said common boundary line, to the point of beginning.

FURTHER EXCEPTING THEREFROM: The existing county road commonly known as State Highway No. 22 and further subject to all conditions, restrictions, reservations, easements, rights, rights-of-way, road rights-of-way, zoning ordinances and governmental regulations of record.

FURTHER SUBJECT TO: General taxes for year 1992 and subsequent years.

The parties, upon execution of this agreement, acknowledge that they have agreed that any and all waters of Birch Creek currently dedicated to any of the above described real property, the subject of this sale, are not being purchased by Buyer as part of the consideration of this agreement. Buyer further acknowledges that he is aware that Seller intends to transfer said dedicated waters to other owned properties of Seller. It is further understood and agreed that Buyer shall assist Seller in transferring the above described waters of Birch Creek to other designated owned property of Seller, either by executing an application to transfer and/or to participate in any hearing required of the Department of Water Resources and to offer testimony either oral and/or in writing as required by said department.

MICROFILMED

JUL 27 1999

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

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

vs.

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

Defendants.

JUDGMENT.

BE IT REMEMBERED, That:

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

MICROFILMED

JUL 27 1999

1894, in an action therein pending, wherein J. R. Richards is named as plaintiff and Frank Reno, S. Kuharski, William Goddard, W. A. Tyler, Samuel Goddard, M. Kaufman, W. A. Scott, W. W. Johnson, Thomas Miller, David Miller, Edward Kaufman and Henry Kaufman, are named as defendants, be and the same is hereby approved and confirmed, and the rights to the use of said waters of Birch Creek therein adjudicated, ^{shall be?} are herein distributed to the parties of said action, and to their grantees and successors in interest, as of the dates mentioned in said judgment. 2 → 1894

32 0058 It is further ordered, adjudged and decreed, that Agnes B. Reno have at all times the use of one cubic foot per second of time (fifty miners' inches) of the waters of said Birch Creek, her right to the use of the same to date, from the first day of April, 1910, all of which waters shall be used upon and become appurtenant to the following described lands:

The South Half of the North-east Quarter of Section Fourteen, In Township Eight North of Range Thirty-one, and East of the Boise Meridian in Clark County, State of Idaho, containing eighty acres;

32 0059 That the said Agnes B. Reno, have at all times the use of six and four-tenths (6.4) cubic feet per second of time, (three hundred and twenty miners' inches) of the waters of said Birch Creek, her right to the use of the same to date, from the 10th day of May, 1884, as the successor in interest of W. A. Tyler, to be used upon and become appurtenant to the following described lands:

The North Half of Section Thirteen (13), in Township Eight (8) North of Range Thirty-one (31) East of the Boise Meridian, in Clark County, State of Idaho, containing three hundred and twenty acres:

32 0060 That Jerome F. Reno, 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, his right to the use of the same to date, from May 10th, 1883,

32 0080 and 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, his right to the use of same to date from May 10th, 1886, to be used upon and become appurtenant to the following described lands;

The South Half of the South-east Quarter, the South-east Quarter of the South-west Quarter, and Lot Numbered Four of Section Ten (10), and the North-east Quarter of the North-west Quarter, the North Half of the North-east Quarter, and Lot

MICROFILMED

JUL 27 1999

R29E

R30E

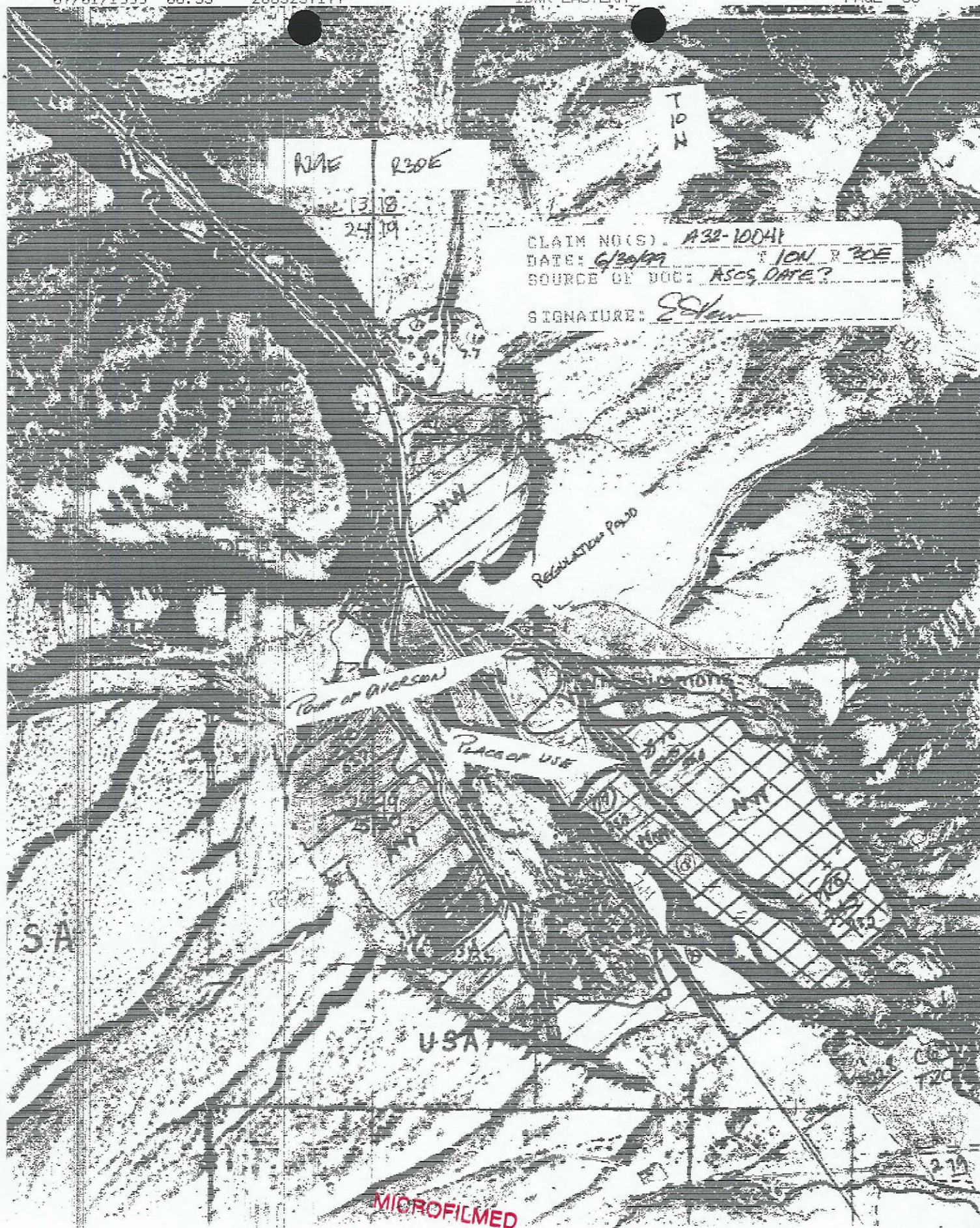
13 18

24 19

CLAIM NO(S): A32-10041

DATE: 6/30/99 T 10N R 30E

SOURCE OF DOC: ASCS DATE?

SIGNATURE: *ESKew*

MICROFILMED

JUL 27 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

4-20-1999
T5450

INITIAL REVIEW BY: HWT

1. Right number 32-0058 etc Applicant Reno Ditch Company
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 _____
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? WD 32 Greg Shenton
4/22/99

Copy to ID
Fish & Game
ID Falls 4/22/99

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on May 25th, 1999
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* Watermaster control
4. By [Signature] for Ron D. Carlson Date 6-14-99

WR0749NP
No. T32-00058

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/01/95
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	D & D ENTERPRISES INC C/O PETERSEN MOSS & OLSEN 485 E ST IDAHO FALLS ID 83402 (208) 523-4650	04/01/1910	IRRIGATION	04-15 10-15	1.000 CFS	234.50 AFA
				TOTAL DIVERSION:	1.000 CFS	234.50 AFA

Water Source: BIRCH CREEK

Tributary to: SINKS

Stage: DECREED

Point(s) of Diversion: T08N R30E S03

NENW

CLARK County

Point of Diversion Name(s):

T08N	R30E	S03	NE NW	Name	Rate	Number
				SORENSEN HYDROPOWER PLANT		

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE																
T	R	S	:	Lt	Ac	NENE	NWNE	SWNE	SENE	:	Lt	Ac	NWNW	SWNW	SENW	:	Lt	Ac	NESW	NWSW	SWSW	SESW	:	Lt	Ac	NENE	NWSE	SWSE	SESE	:	SUM	
08N	32E	1	:	---	---	---	---	---	---	:	---	---	---	---	---	:	---	---	---	---	---	---	---	:	---	---	---	---	---	---	:	---
																			27								40				67.0	
																TOTAL ACRES										67.0						

Pou County: JEFFERSON

Other Water Rights with Same Point(s) of Diversion and Source:
32-04062 32-07128 32-07136

Other Water Rights Listing Overlapping Place(s) of use:
32-02139 32-07041

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 32D.
- R43 - A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
- R30 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
- T04 - Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
- T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 - Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

WR0749NP
No. T32-00058

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/01/95
PAGE: 2

Conditions of Approval:

- T09 - 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.

Remarks: Right No. 32-00059 and associated SRBA Claim A32-00059A are
unchanged by this transfer approval.

Dates: App. Received: Priority Date: 04/01/1910
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 32D Field Exam Fee:

Comments: Date: 10/27/1994 User-ID: PSKAGGS Subject: TRANSFER NO. 4124
Transfer No. 4124 was filed to change the place of use under all
of Right No. 32-00058 and a portion of Right No. 32-00059,
splitting the right into parts A and B. The applicant has sold
the property, but retained the water right to be used on other
land.
Transfer recommended in part/Right No. 32-00058 only.

Audit: 11/09/94 PSKAGGS 11/10/94 PSKAGGS

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. 32-00059

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	6.40 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIRCH CREEK	SINKS

Priority: 05/10/1884

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08N 31E 13	NENE	NWNE	SWNE	
	SENE	NENW	NWNW	
	SWNW	SENE		

CONDITIONS/REMARKS:

Acres = 320

16.7 IRR Acres
Per 1988 Appraisal

This right historically used in combination with multiple rights to serve entire P/U 900+ acres.

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM	
		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac			
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac				
T08N R31E S14		6 Traditional P/U																	
3200058	BIRCH CREE :					I		I											
A3200059B	BIRCH CREE :	20																	20
A3200060B	BIRCH CREE :	20																	20
A3200062	BIRCH CREE :	20																	20
A3200070B	BIRCH CREE :	20																	20
A3200080B	BIRCH CREE :	20																	20
3207239	BIRCH CREE :	20																	20
A3210128	BIRCH CREE :	40						40											80
	C33Q-V 87 :	35		03				23									04		65

T08N R32E S 1																		
Proposed New P/U																		
3200063	BIRCH CREE :													I	I			
A3200063	BIRCH CREE :													37	32			97
3200065	BIRCH CREE :													I	I			
A3200065	BIRCH CREE :													37	32			97
A3200074	BIRCH CREE :													40	40			120
A3200076	BIRCH CREE :													40	40			120
A3200083	BIRCH CREE :													40	40			120
3202139	WASTE WATE :																	
A3202139	WASTE WATE :																	
3207025	GROUNDWATE :	40		40		40		40										160
A3207025	GROUNDWATE :	40		40		40		40										160
3207041	GROUNDWATE :							40		40		40		40				320
3207238	BIRCH CREE :																	
C51Q-V 87 :				37		36				30		16				37	32	97
NO QTRS	MAPPING															39	37	234
Lot01-28 Lot02-33 Lot03-25																		

No Overlaps same source - will supplement existing rights.

IDAHO DEPARTMENT OF WATER RESOURCES
T-R-S PLACE OF USE 1/4 1/4 COMPARISON REPORT

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				NE				NW				SW				SE				SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
T08N R31E S13	Traditional P/O 32-00058																																	61
A3200058	BIRCH CREE : As Claimed SRBA :																																	82
3200059	BIRCH CREE :	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	
A3200059A	BIRCH CREE :																																	46
A3200059B	BIRCH CREE :	38	38	40	40	38	36	32	40	38	36	32	40	38	36	32	40	38	36	32	40	38	36	32	40	38	36	32	40	38	36	32	40	402
A3200060B	BIRCH CREE :	38	38	40	40	38	36	32	40	38	36	32	40	38	36	32	40	38	36	32	40	38	36	32	40	38	36	32	40	38	36	32	40	402
A3200062	BIRCH CREE :	38	38	40	40	38	36	32	40	38	36	32	40	38	36	32	40	38	36	32	40	38	36	32	40	38	36	32	40	38	36	32	40	402
A3200070B	BIRCH CREE :	38	38	40	40	38	36	32	40	38	36	32	40	38	36	32	40	38	36	32	40	38	36	32	40	38	36	32	40	38	36	32	40	402
A3200080B	BIRCH CREE :	38	38	40	40	38	36	32	40	38	36	32	40	38	36	32	40	38	36	32	40	38	36	32	40	38	36	32	40	38	36	32	40	402
3207239	BIRCH CREE :	38	38	40	40	38	36	32	40	38	36	32	40	38	36	32	40	38	36	32	40	38	36	32	40	38	36	32	40	38	36	32	40	402
C33Q-V 87	:	45	42	43	40	42	41	40	43	28	01																							383

or minor encroachment

AJ0749NP
No. A32-00058

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

DATE: 11/09/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	AGNES B. RENO N/A ID N/A	04/01/1910	IRRIGATION	04-01 11-01	1.00 CFS	
C	D & D ENTERPRIZES, INC. C/O PETERSEN, MOSS & OLSEN 485 E STREET IDAHO FALLS ID 83402 (208) 523-4650			TOTAL DIVERSION: CONSUMPTIVE USE:	1.00 CFS	205.00 AFA

Water Source: BIRCH CREEK

Tributary to: SINKS

Stage: DECREED

Point(s) of Diversion: T08N R30E S03 NENENW

CLARK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
08N	31E	13	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	82.0
																			82.0	
																			TOTAL ACRES	

POU County: CLARK

Non-Irrigation Uses: NONE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion and Source:

A32-00059	A32-00059A	A32-00059B	A32-00060A	A32-00060B	A32-00062	A32-00063	A32-00064	A32-00065	A32-00066A
A32-00066B	A32-00070A	A32-00070B	A32-00074	A32-00076	A32-00080A	A32-00080B	A32-00083	A32-02043	R32-00059

Other Water Rights Listing Overlapping Place(s) of use:

A32-00059	A32-00059A	A32-00059B	A32-00060B	A32-00062	A32-00070B	A32-00080B	R32-00059
-----------	------------	------------	------------	-----------	------------	------------	-----------

Remarks: P/D INCOMPLETE IN DECREE. SEE A32-00060A

Dates: Exam Made Date: Verified Date: 06/24/1985

Misc: Water District Number: 32D Field Inspection Flag:
Presumption Flag:

AJ5809NP

No. A32-00059A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 02/01/95

PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	D & D ENTERPRISES, INC.	05/10/1884	IRRIGATION	04-01 11-01	0.88 CFS	
TOTAL DIVERSION:					0.88 CFS	
CONSUMPTIVE USE:						115.00 AFA

Water Source: BIRCH CREEK

Tributary to: SINKS

Stage: DECREED

Point(s) of Diversion: T08N R30E S03

NENENW

CLARK County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE						
T	R S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
08N	31E 13	:		:		:		:		:		:		:		:		:		
		:		:		:		:		:		:		:		:		:		
TOTAL ACRES																			46.0	

POU County: CLARK

Non-Irrigation Uses: NONE

Other Rights: 32-00058

Remarks: SEE A32-00060A

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

AJ5809NP
No. A32-00059B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 02/01/95
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	L. LA VAR NEWMAN	05/10/1884	IRRIGATION	01-01 12-21	5.52 CFS	
TOTAL DIVERSION:					5.52 CFS	
CONSUMPTIVE USE:						3150.00 AFA

Water Source: BIRCH CREEK

Tributary to: SINKS

Stage: DECREED

Point(s) of Diversion:

T08N R30E S03

NENENW

CLARK County

Place of use Legal Description for: IRRIGATION

T	R	S	NE				NW				SW				SE				SUM															
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE																
			Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac														
08N	31E	13	38		38		40		40		38		36		32		40		20		40		40		40		20		81.0					
08N	31E	14	20																										20.0					
08N	32E	10																											81.0					
08N	32E	15									38		01-40																78.0					
08N	33E	7	40		40		40		40		40								40		40		40		40		40		360.0					
08N	33E	8									40		40		40		40		40		40		40		40		40		320.0					
TOTAL ACRES																																		1261.0

POU County: CLARK, JEFFERSON

Other Rights: 32-00080B, 00062, 02100, 00070B, 02045, 00060

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number: 32D

Field Inspection Flag:

Presumption Flag: D

water rights were retained by D & D Enterprises.

- Don Shenton stated that water right 32-00059 is delivered throughout the irrigation season while water right 32-00058 is normally available early in the irrigation season and again toward the end of the irrigation season after the crops have been harvested.

- Steve Philips stated the N1/2SW1/4 Section 13 was traditional irrigated late in the irrigation season when there was sufficient water to fill 32-00058. The property was utilized as fall pasture.

- Subsequent to purchasing the property the applicant began to use 0.88 cfs of 32-00059 in combination with its other water rights. These rights are identified in the SRBA as A32-00061D, A32-00063, A32-00064, A32-00065, A32-00066A, A32-00070A, A32-00074, A32-00076, A32-00080A, A32-00083 and A32-02043. The total irrigated acreage under these SRBA notices is 939 acres.

> Changes implemented by the applicant, some 25 years ago, regarding the use of water right 32-00058 and the portion of 32-00059 were not recorded with IDWR.

> Right 32-00058 was decreed at a rate of diversion of 1.00 cfs (50 miner inches). Using flood irrigation and an application rate of not less than 0.015 cfs/acre (3/4 miners inch/acre) this right could effectively irrigate up to 67 acres.

CONCLUSIONS:

> Historically the applicant has not used rights 32-00058 and 32-00059B for the irrigation of the same acres.

> When deliverable the applicant has used water right 32-00058 for irrigation of up to 67 acres described as follows:

T08N R31E Section 14	SENE (Decreed P/O)	6 acres
Section 13	NWNW	6 acres
	SWNW	11 acres
	NESW	4 acres
	NWSW	40 acres

This practice represents an accomplished transfer in the place of use under ID Code Section 42-1416A.

> There has also been an accomplished transfer in the place of use for 32-00059B. It has been used in combination with other rights from Birch Creek to irrigate land listed on the applicant's SRBA notices as 939 acres.

RECOMMENDATION/CONDITIONS:

> The transfer of 32-00058 should be approved with the following conditions:

- The POU for right 32-00058 being changed to 67 acres described as follows:

T08N R32E Section 1	NESW	27 acres
	SWSE	40 acres

- Delivery of right 32-00058 is subject to regulation by the Watermaster for Water District 32-D.

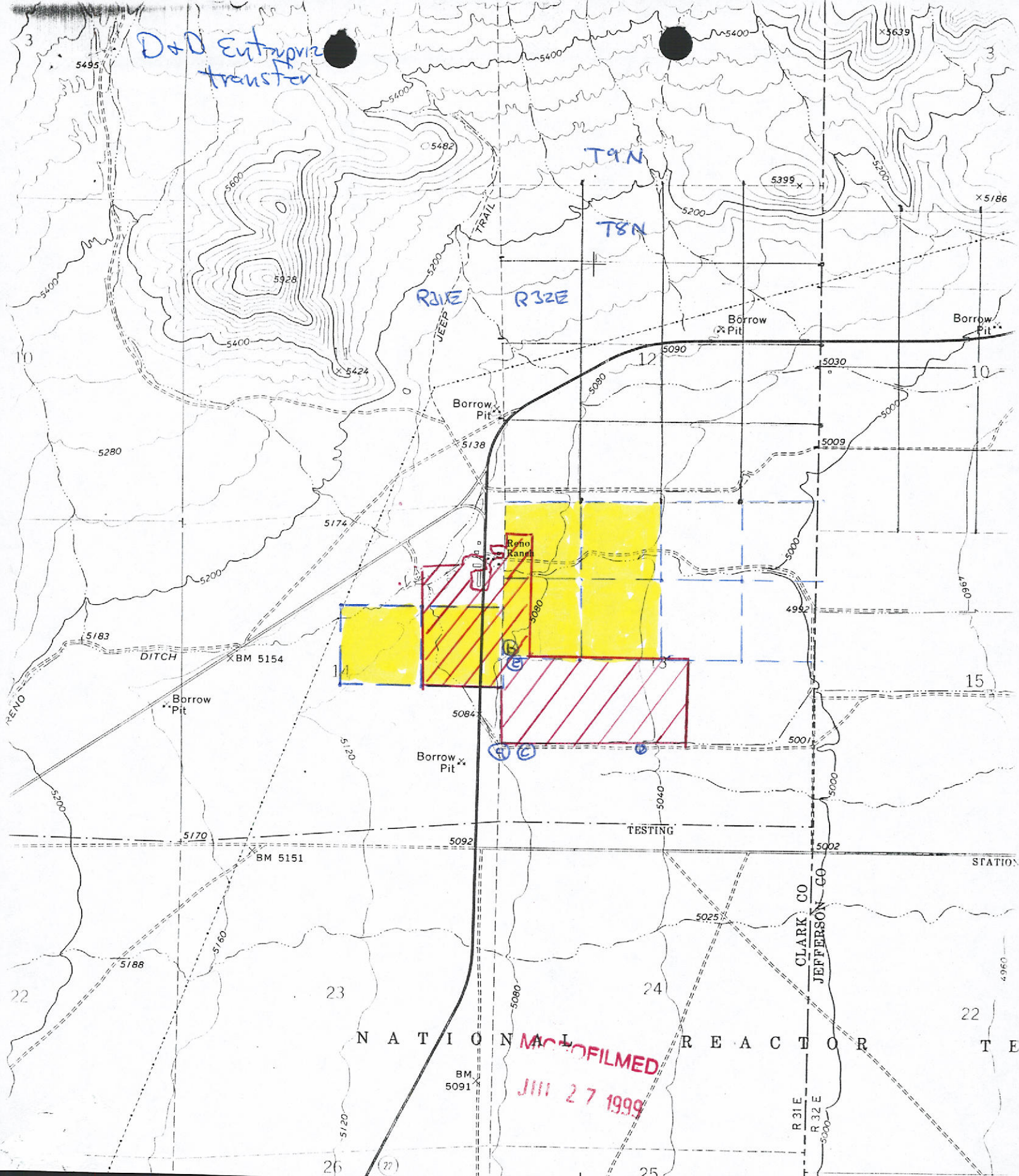
- A lockable headgate and measuring device of a type approved by this Department shall be maintained as a part of the diverting works at the point of diversion.

- Approval of this transfer does not preclude the opportunity for review of the validity of the water right in the ongoing Snake River Basin Adjudication.

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D+D Entropy transfer



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NATIONAL REACTOR TESTING STATION

Pictures 16, 18



Pictures 19-21



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Pictures 1,2,3



Pictures 4,5,6



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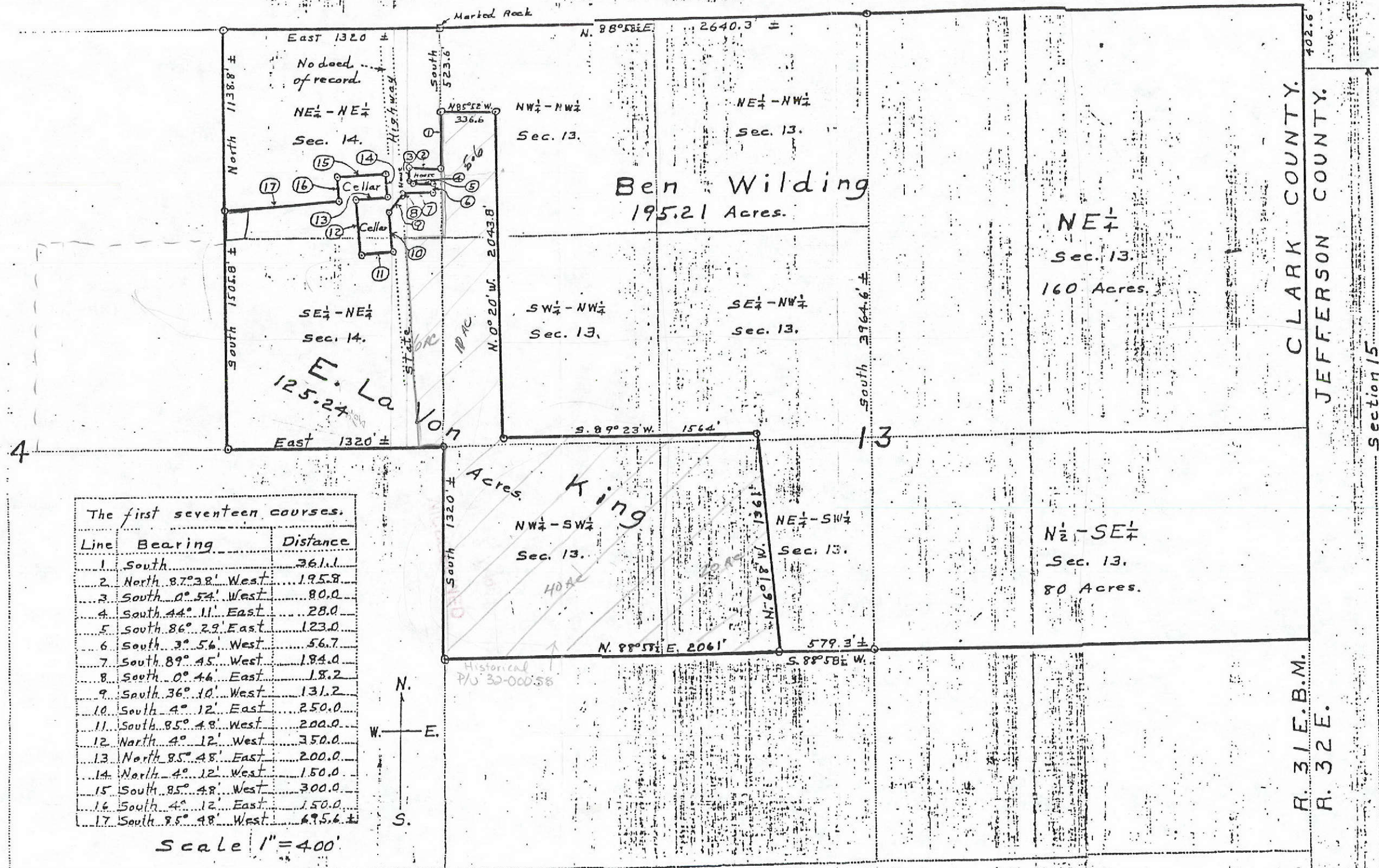
Pictures 7-10



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Pictures 11-15





MAP OF
PROPERTY OWNED
BY E. LA VON KING
AND BEN WILDING;
THAT PART OF THE
FARM IN CLARK
COUNTY, IDAHO.

Note:

Descriptions will be given on typewritten sheets, describing the two properties as shown on the accompanying map.

The sign ± represents plus or minus, or more or less.

This map covers only that part of the farm which lies in Clark County.

This farm is commonly known as the Reno Ranch.

There is no deed of record to the State Highway running through the farm in the E 1/2 - NE 1/4, Sec. 14.

Engineer's Certificate:

I hereby certify that the accompanying map was prepared by me from an actual survey as made by me on June 28, 1951, and it truly and accurately represents the lines, bearings and distances as measured on the ground.

E. Milton Christensen
Licensed Civil Engr,
Idaho Falls, Idaho.
April 9, 1952.

T. 8 N., R. 31 E.

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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TRANSFER NO. 5450

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

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
08N	31E	12	SESW 40	NESE 40	NWSE 40	
			SWSE 40	SESE 40		200
		13	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	NESE 40	NWSE 40	480
		14	NENE 40	SENE 40		80
32E	1	Lot 1 (NENE)	34	Lot 2 (NWNE)	34	SWNE 40
			SENE 40	Lot 3 (NENW)	34	Lot 4 (NWNW) 20
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			602
	2	Lot 1 (NENE)	2	SWNE 3	SENE 30	
			NESW 3	SWSW 3	SESW 30	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			231
	10		SENE 15	NESW 40	Lot 3 (NWSW) 41	
		Lot 4 (SWSW)	42	SESW 40	NESE 40	
			NWSE 40	SWSE 40	SESE 40	338
	11		NENE 40	NWNE 40	SENE 40	
			NENW 40	NWNW 20	SWNW 40	
			SENW 40	NESW 40	NWSW 40	
			SWSW 40	SESW 40		420
	12		NWNE 40	NENW 40	NWNW 40	
			SWNW 40			160
	14		NENW 40	NWNW 40		80
	15		NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	Lot 1 (NWNW) 42	
		Lot 2 (SWNW)	42	SENW 40		324
33E	5	Lot 3 (NENW)	34	Lot 4 (NWNW)	34	SWNW 40
			SENW 40	NWSW 40	SWSW 40	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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JUL 27 1993

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

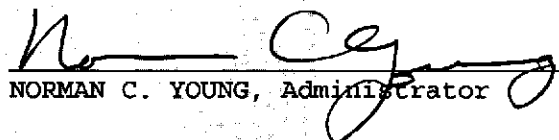
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JUL 27 1989

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, 19 99.


NORMAN C. YOUNG, Administrator

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JUL 27 1999

JUN 17 1999

Page 1 of 51Transfer Number 5450

State of Idaho Department of Water Resources

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF A WATER RIGHT

PART 1

Name of applicant: Reno Ditch Company, c/o Kent Foster Phone: (208)523-0620
Holden, Kidwell, Hahn and Crapo
 Mailing address: 330 Shoup Avenue, Post Office Box 50130, Idaho Falls, ID 83405

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add point of diversion(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other: Create permissible place of use

2. Describe the reason for the proposed changes: This Application for Transfer comes as a result of a resolution of disputes of lower Birch Creek water users. Reno Ditch Company, Inc. has been formed and shares issued. This transfer will establish the service area (permissible place of use) for the company and recognize one common point of diversion for delivery of water to the water users.

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

1.	Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
					to
					to
					to
					to
					to

Please see Attachment "A"

2. Total amount of water being transferred: 77.08 cfs and/or ac-ft 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	Hydropower pond

5. Land irrigated or place of use:

			NE				NW				SW				SE				Totals
Twp.	Rge.	Sec.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Please see Attachment "B"

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Total acres:

5798

JUL 27 1999

6. General information:

a. Description of diversion system: An earthen dam with a buried PVC liner has been placed in Birch Creek at the point of diversion to divert water into the lined pond and channel to the power plant which discharges water into the old Reno Ditch in the NENE, 14-08N-31E.

b. Are the lands from which you propose to transfer the water right(s) 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 to 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: Former Simmons lands and Woodie lands will no longer be irrigated. All D&D, Newman and Birch Creek Ranches lands will be within the service area of the new ditch company and will be irrigated with a combination of all rights listed herein and some privately owned groundwater rights.

d. Remarks: Please note that this transfer proposes to create a permissible place of use of approximately 3588 (Possibly over 3700) within a service area of 5798 total acres. Actual acreage to be determined by pending SRBA review.

Officers of Reno Ditch Company, Inc.: President -- Lavar Newman

Vice President -- Ted Sorenson

Secretary -- Jim DeMordaunt

ACTION OF THE DIRECTOR, IDAHO DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights Number _____

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

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

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JUL 27 1999

3 & 51

T 5450

ATTACHMENT "B"
PROPOSED PERMISSIBLE PLACE OF USE
(SERVICE AREA OF RENO DITCH COMPANY)

5. Lands irrigated or place of use:

TWP	RGE	SEC	NE				NW				SW				SE				ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8N	31E	12												40	40	40	40	40	200
		13	40	40	40	40	40	40	40	40	40	40			40	40			480
		14	40			40													80
8N	32E	1	34 L1	34 L2	40	40	34 L3	20 L4	40	40	40	40	40	40	40	40	40	40	602
		2	2 L1		3	30					3		3	30	40	40	40	40	231
		10				15					40	41 L3	42 L4	40	40	40	40	40	338
		11	40	40		40	40	20	40	40	40	40	40	40					420
		12		40			40	40	40										160
		14					40	40											80
		15	40	40	40	40	40	42 L1	42 L2	40									324
8N	33E	5					34 L3	34 L4	40	40		40	40						228
		6	34 L1	34 L2	40	40	34 L3	17 L4	20 L5	40	40	20 L6	20 L7	40	40	40	40	40	539
		7	40	40	40	40	40								40	40	40	40	360
		8					40	40	40	40	40	40	40	40					320
9N	32E	36	40	40	40	40	40	40	40	40	40	40	35 L4	41 L3	40	40	40 L2	40 L1	636
9N	31E	31									40	40 L3	40 L4	40	40	40	40	40	320
		32	40	40	40	40	40	40	40	40	40	40	40	40					480

TOTAL ACRES = 5798

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JUL 27 1999

4 of 51

T5450

ATTACHMENT "A"

LISTING OF WATER RIGHTS TO BE AFFECTED BY THIS APPLICATION FOR TRANSFER

1.	Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use		
	32-00058	04/01/1910	1.00	Irrigation	15-Apr	to	15-Oct
	32-00059	05/10/1884	6.40	Irrigation		to	
	32-00060	05/10/1883	3.20	Irrigation		to	
	32-00061C	05/10/1888	0.40	Irrigation		to	
	32-00061D	05/10/1888	2.80	Irrigation		to	
	32-00062	04/01/1904	3.20	Irrigation	1-Apr	to	1-Nov
	32-00063	04/01/1904	3.20	Irrigation		to	
	32-00064	04/01/1907	3.20	Irrigation		to	
	32-00065	05/10/1884	3.20	Irrigation		to	
	32-00066	01/05/1910	6.40	Irrigation		to	
	32-00068	05/10/1887	3.20	Irrigation	1-Apr	to	1-Nov
	32-00069	05/10/1888	3.20	Irrigation	1-Apr	to	1-Nov
	32-00070A	08/19/1886	2.40	Irrigation	1-Apr	to	1-Nov
	32-00070B	08/19/1886	0.80	Irrigation	1-Apr	to	1-Nov
	32-00073	05/15/1909	0.22	Irrigation		to	
	32-00074	10/01/1910	0.14	Irrigation		to	
	32-00075	05/15/1911	0.26	Irrigation		to	
	32-00076	05/15/1912	0.80	Irrigation		to	
	32-00077	05/15/1910	0.20	Irrigation		to	
	32-00078	05/15/1911	0.20	Irrigation		to	
	32-00079	05/15/1913	0.80	Irrigation		to	
	32-00080	05/10/1886	3.20	Irrigation		to	
	32-00083	05/15/1912	0.46	Irrigation		to	
	32-00085	05/10/1910	0.20	Irrigation		to	
	32-00086	05/01/1911	0.20	Irrigation	1-Apr	to	1-Nov
	32-00087	05/01/1912	0.20	Irrigation		to	
	32-00089	05/10/1888	2.50	Irrigation	1-Apr	to	1-Nov
	32-00090A	05/10/1886	0.80	Irrigation	1-Apr	to	1-Nov
	32-00091	05/01/1901	0.50	Irrigation	1-Apr	to	1-Nov
	32-00092	05/10/1888	2.50	Irrigation	1-Apr	to	1-Nov
	32-00093	05/10/1886	1.60	Irrigation	1-Apr	to	1-Nov
	32-00101	06/04/1909	2.90	Irrigation		to	
	32-00102	05/10/1889	4.00	Irrigation		to	
	32-02043	09/19/1912	6.40	Irrigation		to	
	32-02045	11/16/1912	6.40	Irrigation		to	

2. Total amount of water being transferred: 77.08 cubic feet per second.

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JUL 27 1999

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 32-00058

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	1.00 CFS	234.5 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIRCH CREEK	SINKS

Priority: 04/01/1910

LOCATION OF POINT(S) OF DIVERSION: NENW , Sec. 3, Township 08N, Range 30E
CLARK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08N	32E	1	NESW 27	SWSE 40		67
Total number of acres irrigated:						67

CONDITIONS/REMARKS:

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 .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.
4. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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.
8. Right No. 32-00059 and associated SRBA Claim A32-00059A are

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JUL 27 1999

Page 6 of 51

TRANS NO.

5450

Water Right No. 32-00058

unchanged by this transfer approval.

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JUL 27 1999

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. **32-00059**

STAGE: **DECREED**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	6.40 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIRCH CREEK	SINKS

Priority: 05/10/1884

CLARK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08N	31E	13	NENE	NWNE	SWNE	
			SENE	NENW	NWNW	
			SWNW	SENE		

CONDITIONS/REMARKS:

MICROFILMED
JUL 27 1999

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 32-00060

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	3.20 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIRCH CREEK	SINKS

Priority: 05/10/1883

CLARK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08N	32E	10	Lot 4 (SWSW)	SESW	SWSE	
			SESE			
		15	NENE	NWNE	NENW	
			Lot 1 (NWNW)			

CONDITIONS/REMARKS:

1. P/D INCOMPLETE - ACRES LISTED 320.

MICROFILMED
JUL 27 1999

PART 2

TRANS NO. 5450

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 32-00061C

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	0.40 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIRCH CREEK	SINKS

Priority: 05/10/1888

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 11, Township 10N, Range 29E
 NENE , Sec. 14, Township 10N, Range 29E
 NWNE , Sec. 24, Township 10N, Range 29E
 SENE , Sec. 24, Township 10N, Range 29E
 NESE , Sec. 24, Township 10N, Range 29E
 SWSW , Sec. 29, Township 10N, Range 30E
 NWNW , Sec. 32, Township 10N, Range 30E
 CLARK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10N	29E	11	NWNW 30	SWNW 35	SENE 35	
			NESW 30	NWSE 35	SWSE 10	
			SESE 40			215
		12	SWSW 35			35
		13	NWNW 35	SWNW 40	NWSW 15	90
		14	NENE 35	SENE 20		55
		24	SESE 25			25
		25	NENE 10			10
30E	19		SWNW 30	NWSW 10	SWSW 15	
			SESW 35	SWSE 20		110
		29	SWSW 20			20
		30	NENE 10	NWNE 20	SWNE 30	
			SENE 20	NENW 20	NWNW 35	
			SENE 35			170
		32	NWNE 5	SWNE 15	NENW 35	
			NWNW 20	SENE 40	NESW 35	
			NWSE 40	SWSE 40		230
Total number of acres irrigated:						960

CONDITIONS/REMARKS:

MICROFILMED

JUL 27 1999

Page 10 of 51

TRANS NO. 5450

Water Right No. 32-00061C

CONDITIONS/REMARKS:

1. P/D COMBINED BY TRANS. 2165.

MICROFILMED

JUL 27 1999

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 32-00061D

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	2.80 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIRCH CREEK	SINKS

Priority: 05/10/1888

LOCATION OF POINT(S) OF DIVERSION:NWSE , Sec. 3, Township 08N, 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	32E	11	SWNW 40	SEnw 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	240
		14	NENW 40	NWNW 40		80
Total number of acres irrigated:						320

CONDITIONS/REMARKS:

1. P/D & P/U COMBINED BY TRANS. 2443.
2. 1.2 CFS WILL REMAIN IN BIRCH CK. TO MAKE UP FOR THE TRANSMISSION LOSSES IN CONVEYING THE TRANSFERRED WATER.

MICROFILMED

JUL 27 1999

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 32-00062

STAGE: DECREEED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 11/01	3.20 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIRCH CREEK	SINKS

Priority: 04/01/1904

CLARK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08N	33E	7	NESE 40	NWSE 40	SWSE 40	
			SESE 40			160
		8	NESW 40	NWSW 40	SWSW 40	
			SESW 40			160
Total number of acres irrigated:						320

CONDITIONS/REMARKS:

1. P/D NOT STATED IN DECREE.
2. TRANS. #257.

MICROFILMED

JUL 27 1999

PART 2

TRANS NO. 5450

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 32-00063

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	3.20 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIRCH CREEK	SINKS

Priority: 04/01/1904

CLARK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08N	32E	1	NESE	NWSE	SESE	
	33E	6	Lot 6 (NWSW)	Lot 7 (SWSW)		

CONDITIONS/REMARKS:

1. P/D INCOMPLETE - ACRES LISTED 159.24.

MICROFILMED
JUL 27 1999

PART 2

TRANS NO. 5450

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 32-00064

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	3.20 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIRCH CREEK	SINKS

Priority: 04/01/1907

CLARK County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08N 31E 12	SESW	NWSE	SWSE	
	SESE			

CONDITIONS/REMARKS:

1. P/D INCOMPLETE - ACRES LISTED 160.

MICROFILMED

JUL 27 1999

PART 2

TRANS NO. 5450

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 32-00065

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	3.20 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIRCH CREEK	SINKS

Priority: 05/10/1884

LOCATION OF POINT(S) OF DIVERSION:SESE , Sec. 3, Township 08N, 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	32E	1	NESE	NWSE	SESE	
	33E	6	2.67 (SWSW)			
09N	33E	6	NWSW			

CONDITIONS/REMARKS:

1. P/D NOT STATED IN DECREE.
2. TRANS. # 429.

MICROFILMED

JUL 27 1999

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 32-00066

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	6.40 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIRCH CREEK	SINKS

Priority: 01/05/1910

CLARK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08N	32E	10	NESW	NWSW	NESE	
		15	NWSE	SENE	SWNW	
			SWNE			
			SENE			

CONDITIONS/REMARKS:

1. P/D INCOMPLETE - ACRES LISTED 321.6.

MICROFILMED

JUL 27 1999

PART 2

TRANS NO. 5450

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 32-00068

STAGE: DECREEED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 11/01	3.20 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIRCH CREEK	SINKS
MILLERS SPRINGS	BIRCH CREEK

Priority: 05/10/1887

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 11, Township 10N, Range 29E
 NENE , Sec. 14, Township 10N, Range 29E
 NWNE , Sec. 24, Township 10N, Range 29E
 SENE , Sec. 24, Township 10N, Range 29E
 NESE , Sec. 24, Township 10N, Range 29E
 SWSW , Sec. 29, Township 10N, Range 30E
 NWNW , Sec. 32, Township 10N, Range 30E
 CLARK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10N	29E	11	NWNW 30	SWNW 35	SENW 35	
			NESW 30	NWSE 35	SWSE 10	
			SESE 40			215
		12	SWSW 35			35
		13	NWNW 35	SWNW 40	NWSW 15	90
		14	NENE 35	SENE 20		55
		24	SESE 25			25
		25	NENE 10			10
30E	19		SWNW 30	NWSW 10	SWSW 15	
			SESW 35	SWSE 20		110
		29	SWSW 20			20
		30	NENE 10	NWNE 20	SWNE 30	
			SENE 20	NENW 20	NWNW 35	
			SENW 35			170
		32	NWNE 5	SWNE 15	NENW 35	
			NWNW 20	SENW 40	NESW 35	
			NWSE 40	SWSE 40		230
Total number of acres irrigated:						960

MICROFILMED

JUL 27 1999

Page 18 of 51

TRANS NO.

5450

Water Right No. 32-00068

CONDITIONS/REMARKS:

1. AS PER TRANS #2165.

MICROFILMED

JUL 27 1993

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 32-00069

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 11/01	3.20 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIRCH CREEK	SINKS

Priority: 05/10/1888

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 11, Township 10N, Range 29E
 NENE , Sec. 14, Township 10N, Range 29E
 NWNW , Sec. 24, Township 10N, Range 29E
 SENE , Sec. 24, Township 10N, Range 29E
 NESE , Sec. 24, Township 10N, Range 29E
 SWSW , Sec. 29, Township 10N, Range 30E
 NWNW , Sec. 32, Township 10N, Range 30E
 CLARK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10N	29E	11	NWNW 30	SWNW 35	SENE 35	
			NESW 30	NWSE 35	SWSE 10	
			SESE 40			215
		12	SWSW 35			35
		13	NWNW 35	SWNW 40	NWSW 15	90
		14	NENE 35	SENE 20		55
		24	SESE 25			25
		25	NENE 10			10
30E	19		SWNW 30	NWSW 10	SWSW 15	
			SESW 35	SWSE 20		110
		29	SWSW 20			20
		30	NENE 10	NWNE 20	SWNE 30	
			SENE 20	NENW 20	NWNW 35	
			SENE 35			170
		32	NWNE 5	SWNE 15	NENW 35	
			NWNW 20	SENE 40	NESW 35	
			NWSE 40	SWSE 40		230
Total number of acres irrigated:						960

CONDITIONS/REMARKS:

MICROFILMED

JUL 27 1999

Page 20 of 51

TRANS NO.

5450

Water Right No. 32-00069

CONDITIONS/REMARKS:

1. AS PER TRANS # 2165.

MICROFILMED

JUL 27 1993

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 32-00070A

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 11/01	2.40 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIRCH CREEK	SINKS

Priority: 08/19/1886

LOCATION OF POINT(S) OF DIVERSION: NWSE , Sec. 3, Township 08N, Range 30E
CLARK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08N	32E	11	SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	240
		14	NENW 40	NWNW 40		80
Total number of acres irrigated:						320

CONDITIONS/REMARKS:

1. AS PER TRANS. #2443.

MICROFILMED
JUL 27 1999

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 32-00070B

STAGE: DECREEED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 11/01	0.80 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIRCH CREEK	SINKS

Priority: 09/19/1886

CLARK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08N	32E	7	NESE 40	NWSE 40	SWSE 40	
			SESE 40			160
		8	NESW 40			40
33E		8	NWSW 40	SWSW 40	SESW 40	120
Total number of acres irrigated:						320

CONDITIONS/REMARKS:

1. P/D NOT STATED IN DECREE.
2. TRANS. #257.

MICROFILMED
JUL 27 1999

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 32-00073

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	0.20 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIRCH CREEK	SINKS

Priority: 05/15/1909

CLARK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09N	30E	9	NWNE	SWNE	SENE	
			NENW			

CONDITIONS/REMARKS:

1. P/D INCOMPLETE - ACRES LISTED 160.

MICROFILMED

JUL 27 1999

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 32-00074

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	0.14 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIRCH CREEK	SINKS

Priority: 10/01/1910

CLARK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08N	31E	5	NWSW	SWSW		
		8	NWNW	SWNW		

CONDITIONS/REMARKS:

1. P/D INCOMPLETE - ACRES LISTED 160.

MICROFILMED

JUL 27 1999

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 32-00075

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	0.26 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIRCH CREEK	SINKS

Priority: 05/15/1911

CLARK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08N	31E	5	NWSW	SWSW		
		8	NWNW	SWNW		

CONDITIONS/REMARKS:

1. P/D INCOMPLETE - ACRES LISTED 160.

MICROFILMED

JUL 27 1999

PART 2

TRANS NO. 5450

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 32-00076

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	0.80 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIRCH CREEK	SINKS

Priority: 05/15/1912

CLARK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08N	31E	5	NWSW	SWSW		
		8	NWNW	SWNW		

CONDITIONS/REMARKS:

1. P/D INCOMPLETE - ACRES LISTED 160.

MICROFILMED

JUL 27 1993

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 32-00077

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	0.20 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIRCH CREEK	SINKS

Priority: 05/15/1910

CLARK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09N	30E	9	NWNE	SWNE	SENE	
			NENW			

CONDITIONS/REMARKS:

1. P/D INCOMPLETE - ACRES LISTED 160.

MICROFILMED

JUL 27 1999

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 32-00078

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	0.20 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIRCH CREEK	SINKS

Priority: 05/15/1911

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09N	30E	9	NWNE	SWNE	SENE	
			NENW			

CONDITIONS/REMARKS:

1. P/D INCOMPLETE - ACRES LISTED 160.

MICROFILMED

JUL 27 1999

PART 2

TRANS NO. 5450

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 32-00079

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	0.80 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIRCH CREEK	SINKS

Priority: 05/15/1913

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09N	30E	9	NWNE	SWNE	SENE	
			NENW			

CONDITIONS/REMARKS:

1. P/D INCOMPLETE - ACRES LISTED 160.

MICROFILMED

JUL 27 1999

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 32-00080

STAGE: DECREEED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	3.20 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIRCH CREEK	SINKS

Priority: 05/10/1886

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08N	32E	10	Lot 4 (SWSW)	SESW	SWSE	
			SESE			
		15	NENE	NWNE	NENW	
			Lot 1 (NWNW)			

CONDITIONS/REMARKS:

1. P/D INCOMPLETE.

MICROFILMED

JUL 27 1999

PART 2

TRANS NO. 5450

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 32-00083

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	0.46 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIRCH CREEK	SINKS

Priority: 05/15/1912

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08N	31E	6	NESE	SESE		
		7	NENE	SENE		

CONDITIONS/REMARKS:

1. P/D INCOMPLETE - ACRES LISTED 160.

MICROFILMED

JUL 27 1999

PART 2

TRANS NO. 5450

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 32-00085

STAGE: DECREEED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	0.20 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIRCH CREEK	SINKS

Priority: 05/10/1910

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09N	30E	9	SENE	NESW	NWSE	

CONDITIONS/REMARKS:

1. P/D INCOMPLETE - ACRES LISTED 120.

MICROFILMED

JUL 27 1999

PART 2

TRANS NO. 5450

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 32-00086

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 11/01	0.20 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIRCH CREEK	SINKS

Priority: 05/01/1911

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09N	30E	9	SENW	NESW	NWSE	

CONDITIONS/REMARKS:

1. P/D INCOMPLETE - ACRES LISTED 120.

MICROFILMED

JUL 27 1999

PART 2

TRANS NO. 5480

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 32-00087

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	0.20 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIRCH CREEK	SINKS

Priority: 05/01/1912

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09N	30E	9	SEnw	NESw	NWSE	

CONDITIONS/REMARKS:

1. P/D INCOMPLETE - ACRES LISTED 120.

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JUL 27 1999

PART 2

TRANS NO. 5450

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 32-00089

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 11/01	2.50 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIRCH CREEK	SINKS

Priority: 05/10/1888

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 11, Township 10N, Range 29E
 NENE , Sec. 14, Township 10N, Range 29E
 NWNW , Sec. 24, Township 10N, Range 29E
 SENE , Sec. 24, Township 10N, Range 29E
 NESE , Sec. 24, Township 10N, Range 29E
 SWSW , Sec. 29, Township 10N, Range 30E
 NWNW , Sec. 32, Township 10N, Range 30E
 CLARK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10N	29E	11	NWNW 30	SWNW 35	SENW 35	
			NESW 30	NWSE 35	SWSE 10	
			SESE 40			215
		12	SWSW 35			35
		13	NWNW 35	SWNW 40	NWSW 15	90
		14	NENE 35	SENE 20		55
		24	SESE 25			25
		25	NENE 10			10
30E	19		SWNW 30	NWSW 10	SWSW 15	
			SESW 35	SWSE 20		110
		29	SWSW 20			20
		30	NENE 10	NWNE 20	SWNE 30	
			SENE 20	NENW 20	NWNW 35	
			SENW 35			170
		32	NWNE 5	SWNE 15	NENW 35	
			NWNW 20	SENW 40	NESW 35	
			NWSE 40	SWSE 40		230
Total number of acres irrigated:						960

CONDITIONS/REMARKS:

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JUL 27 1999

Page 36 of 51

TRANS NO.

5450

Water Right No. 32-00089

CONDITIONS/REMARKS:

1. AS PER TRANS. #2165.

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JUL 27 1999

PART 2

TRANS NO. 5450

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 32-00090A

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 11/01	1.60 ²⁰ 0' CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIRCH CREEK	SINKS

Priority: 05/10/1886

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 11, Township 10N, Range 29E
 NENE , Sec. 14, Township 10N, Range 29E
 NWNW , Sec. 24, Township 10N, Range 29E
 NESE , Sec. 24, Township 10N, Range 29E
 SENE , Sec. 24, Township 10N, Range 30E
 SWSW , Sec. 29, Township 10N, Range 30E
 NWNW , Sec. 32, Township 10N, Range 30E
 CLARK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10N	29E	11	NWNW 30	SWNW 35	SENW 35	
			NESW 30	NWSE 35	SWSE 10	
			SESE 40			215
	12		SWSW 35			35
	13		NWNW 35	SWNW 40	NWSW 15	90
	14		NENE 35	SENE 20		55
	24		SESE 25			25
	25		NENE 10			10
30E	19		SWNW 30	NWSW 10	SWSW 15	
			SESW 35	SWSE 20		110
	29		SWSW 20			20
	30		NENE 10	NWNE 20	SWNE 30	
			SENE 20	NENW 20	NWNW 35	
			SENW 35			170
	32		NWNE 5	SWNE 15	NENW 35	
			NWNW 20	SENW 40	NESW 35	
			NWSE 40	SWSE 40		230
Total number of acres irrigated:						960

CONDITIONS/REMARKS:

* PER TRANSFER T3827 (PENDING)
 Approved 3-21-97
 MICROFILMED
 JUL 27 1999

Page 38 of 51

TRANS NO. 5450

Water Right No. 32-00090

CONDITIONS/REMARKS:

1. AS PER TRANS. #2165.

MICROFILMED

JUL 27 1999

PART 2

TRANS NO. 5450

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 32-00091

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 11/01	0.50 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
PASS CREEK	BIRCH CREEK

Priority: 05/01/1901

LOCATION OF POINT(S) OF DIVERSION:

NESW	, Sec. 11, Township 10N, Range 29E
NENE	, Sec. 14, Township 10N, Range 29E
NWNE	, Sec. 24, Township 10N, Range 29E
SENE	, Sec. 24, Township 10N, Range 29E
NESE	, Sec. 24, Township 10N, Range 29E
SWSW	, Sec. 29, Township 10N, Range 30E
NWNW	, Sec. 32, Township 10N, Range 30E
CLARK County	

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10N	29E	11	NWNW 30	SWNW 35	SENE 35	
			NESW 30	NWSE 35	SWSE 10	
			SESE 40			215
		12	SWSW 35			35
		13	NWNW 35	SWNW 40	NWSW 15	90
		14	NENE 35	SENE 20		55
		24	SESE 25			25
		25	NENE 10			10
30E	19		SWNW 30	NWSW 10	SWSW 15	
			SESW 35	SWSE 20		110
		29	SWSW 20			20
		30	NENE 10	NWNE 20	SWNE 30	
			SENE 20	NENW 20	NWNW 35	
			SENE 35			170
		32	NWNE 5	SWNE 15	NENW 35	
			NWNW 20	SENE 40	NESW 35	
			NWSE 40	SWSE 40		230
Total number of acres irrigated:						960

CONDITIONS/REMARKS:

MICROFILMED

JUL 27 1999

Page 40 of 51

TRANS NO. 5450

Water Right No. 32-00091

CONDITIONS/REMARKS:

1. AS PER TRANS # 2165.

MICROFILMED

JUL 27 1999

PART 2

TRANS NO. 5450

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 32-00092

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 11/01	2.50 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIRCH CREEK	SINKS

Priority: 05/10/1888

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 11, Township 10N, Range 29E
 NENE , Sec. 14, Township 10N, Range 29E
 NWNW , Sec. 24, Township 10N, Range 29E
 SENE , Sec. 24, Township 10N, Range 29E
 NESE , Sec. 24, Township 10N, Range 29E
 SWSW , Sec. 29, Township 10N, Range 30E
 NWNW , Sec. 32, Township 10N, Range 30E
 CLARK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10N	29E	11	NWNW 30	SWNW 35	SENE 35	
			NESW 30	NWSE 35	SWSE 10	
			SESE 40			215
	12		SWSW 35			35
	13		NWNW 35	SWNW 40	NWSW 15	90
	14		NENE 35	SENE 20		55
	24		SESE 25			25
	25		NENE 10			10
30E	19		SWNW 30	NWSW 10	SWSW 15	
			SESW 35	SWSE 20		110
	29		SWSW 20			20
	30		NENE 10	NWNE 20	SWNE 30	
			SENE 20	NENW 20	NWNW 35	
			SENE 35			170
	32		NWNE 5	SWNE 15	NENW 35	
			NWNW 20	SENE 40	NESW 35	
			NWSE 40	SWSE 40		230
Total number of acres irrigated:						960

CONDITIONS/REMARKS:

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JUL 27 1993

Page 42 of 51

TRANS NO.

5450

Water Right No. 32-00092

CONDITIONS/REMARKS:

1. AS PER TRANS # 2165.

MICROFILMED

JUL 27 1999

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 32-00093

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 11/01	1.60 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIRCH CREEK	SINKS

Priority: 05/10/1886

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 11, Township 10N, Range 29E
 NENE , Sec. 14, Township 10N, Range 29E
 NWNW , Sec. 24, Township 10N, Range 29E
 SENE , Sec. 24, Township 10N, Range 29E
 NESE , Sec. 24, Township 10N, Range 29E
 SWSW , Sec. 29, Township 10N, Range 30E
 NWNW , Sec. 32, Township 10N, Range 30E
 CLARK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10N	29E	11	NWNW 30	SWNW 35	SENW 35	
			NESW 30	NWSE 35	SWSE 10	
			SESE 40			215
		12	SWSW 35			35
		13	NWNW 35	SWNW 40	NWSW 15	90
		14	NENE 35	SENE 20		55
		24	SESE 25			25
		25	NENE 10			10
30E	19		SWNW 30	NWSW 10	SWSW 15	
			SESW 35	SWSE 20		110
		29	SWSW 20			20
		30	NENE 10	NWNE 20	SWNE 30	
			SENE 20	NENW 20	NWNW 35	
			SENW 35			170
		32	NWNE 5	SWNE 15	NENW 35	
			NWNW 20	SENW 40	NESW 35	
			NWSE 40	SWSE 40		230
Total number of acres irrigated:						960

CONDITIONS/REMARKS:

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JUL 27 1999

Page 44 of 51

TRANS NO. 5450

Water Right No. 32-00093

CONDITIONS/REMARKS:

1. AS PER TRANS #2165.

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JUL 27 1999

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 32-00101

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	2.90 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIRCH CREEK	SINKS

Priority: 06/04/1909

CLARK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10N	29E	2	SWSW			
		3	SENE	NESE	SESE	

CONDITIONS/REMARKS:

1. P/D INCOMPLETE - ACRES LISTED 160.
2. RIGHT IS LIMITED TO 1 MINER'S INCH PER ACRE.

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JUL 27 1999

PART 2

TRANS NO. 5450

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 32-00102

STAGE: DECREEED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	4.00 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIRCH CREEK	SINKS

Priority: 05/10/1889

CLARK County

PLACE OF USE: See Remarks

CONDITIONS/REMARKS:

1. P/D & P/U INCOMPLETE.
2. ADDITIONAL RIGHTS ON CREEK LISTED IN LATER DECREE.

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JUL 27 1999

PART 2

TRANS NO. 5450

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 32-02043

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	6.40 CFS
DOMESTIC	to	
	Totals	6.40 CFS

SOURCE

BIRCH CREEK

TRIBUTARY OF

SINKS

Priority: 09/19/1912

LOCATION OF POINT(S) OF DIVERSION:NWSE , Sec. 3, Township 08N, 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	32E	11	SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	240
		14	NENW 40	NWNW 40		80
			Total number of acres irrigated:			320

PLACE OF USE: DOMESTIC, same as IRRIGATION useCONDITIONS/REMARKS:

1. LICENSE INCORRECTLY INDICATES FREMONT CO.
2. BIRCH CK. FLOW DIVERTED INTO RENO DITCH.

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JUN 27 1989

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 32-02045

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	6.40 CFS
DOMESTIC	to	
	Totals	6.40 CFS

SOURCE

BIRCH CREEK

TRIBUTARY OF

SINKS

Priority: 11/16/1912

LOCATION OF POINT(S) OF DIVERSION:NWSE , Sec. 3, Township 08N, 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	33E	7	NESE	40	NWSE	40	SWSE	40	
			SESE	40					160
		8	NESW	40	NWSW	40	SWSW	40	
			SESW	40					160
									320

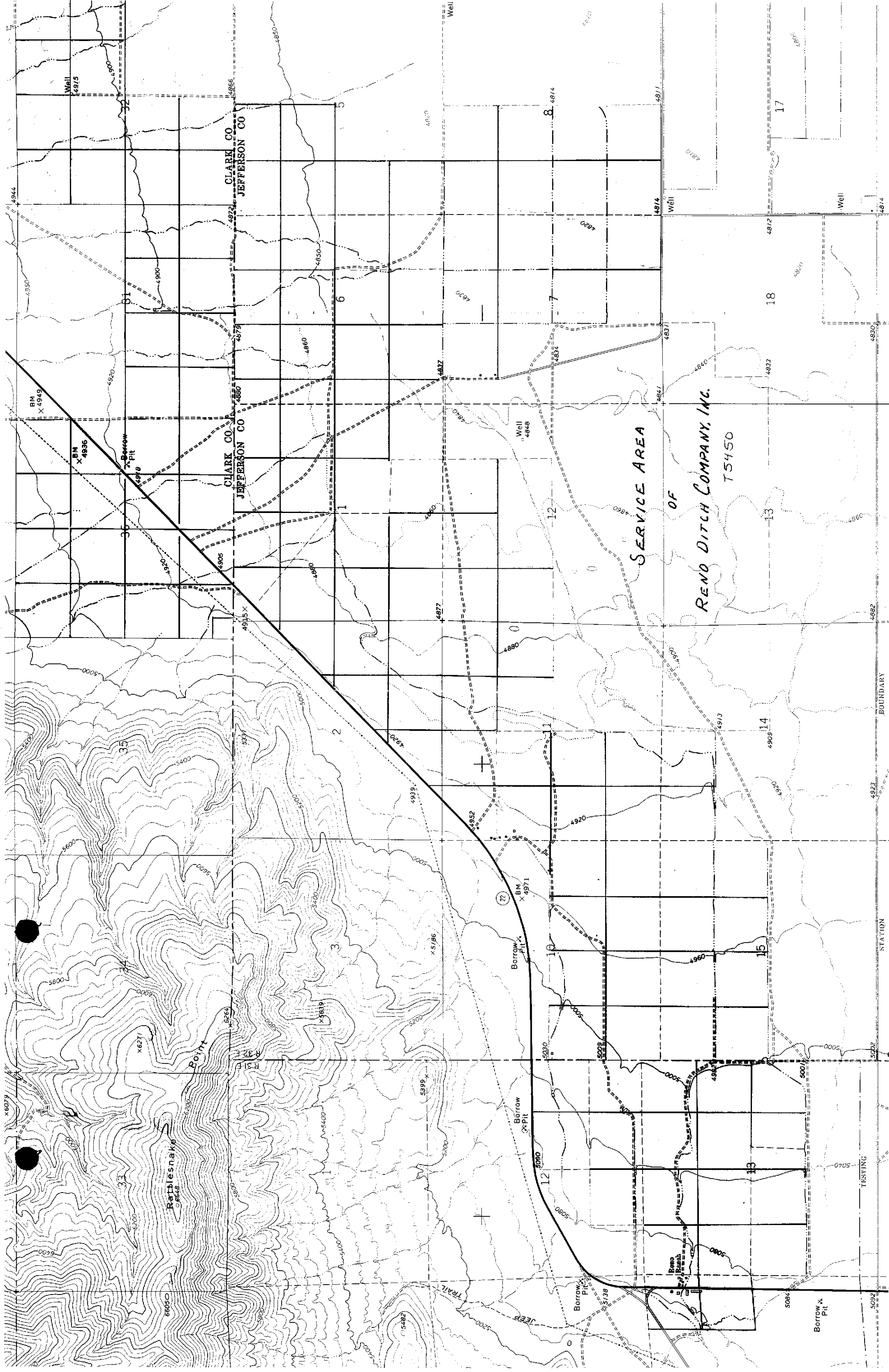
Total number of acres irrigated: 320

PLACE OF USE: DOMESTIC, same as IRRIGATION useCONDITIONS/REMARKS:

1. LICENSE INCORRECTLY INDICATES FREMONT CO.
2. BIRCH CK. FLOW DIVERTED INTO RENO DITCH.

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JUL 27 1999



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF A 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.

The form consists of a large grid for drawing a map. The grid is composed of 20 columns and 20 rows of squares. A faint circular stamp is visible on the right side of the grid, and a 'MICROFILMED' stamp is at the bottom.

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PART 3

B. CHANGES IN NATURE OF USE

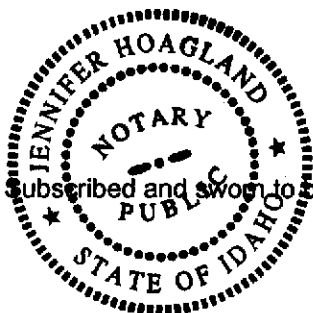
1.	New Nature of Use	Amount (cfs/ac-ft)	Hours/day/yr.	Period of Use
				to
				to

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 willfull misrepresentations made in this application may result in voiding its approval.



Jim DeWalt
(Signature of Applicant)

Subscribed and sworn to before me this 16th day of April, 1999.

Jennifer Hoagland
(Notary Public)

My commision expires 9-20-03

FOR DEPARTMENT USE ONLY

Transfer contains:	_____ pages and _____ attachments	Protest filed by: _____
Received by:	<u>DN</u> Date: <u>4/16/99</u>	_____
Prelim. check by:	Fee: <u>100⁰⁰</u>	_____
Received by:	<u>DN</u> Date: <u>4/16/99</u>	_____
Receipt Number:	<u>EO 24911</u>	_____
Published in:	<u>Statewide</u>	Copies of protest forwarded by: _____
Published dates:	<u>4/29 & 5/6/99</u>	Hearing held by: _____ Date: _____
Watermaster recommendation requested on:	_____	Recommended for: _____ approval _____ denial
_____ rec'd: _____		by: _____
Copy of transfer sent to lien holder on:	_____	

MICROFILMED

JUL 27 1999

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
GAYLE A. SORENSON, P.A.
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. POLLETT
FREDERICK J. HAHN, III
SHAN B. PERRY
AMELIA A. CANEGALY

U.S. BANK OF IDAHO BUILDING
530 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 58130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert W. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

FACSIMILE TRANSMITTAL SHEET

DATE: June 24, 1999
TO: Pam Skaggs
FAX #: (208) 327-7866
FROM: Kent W. Foster
FAX #: (208) 523-9518

NO. OF PAGES INCLUDING TRANSMITTAL SHEET: 3

ITEMS SENT: Deed

ORIGINALS: Sent by Mail () Kept on File (x)

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL BACK AS SOON AS POSSIBLE (208) 523-0620.

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Telecopier Operator

Kjerstin M. Cook

MICROFILMED

2001 6/27/2001

COPY

QUITCLAIM DEED
FOR
WATER RIGHTS

THIS INDENTURE is made this 3rd day of April, 1999, between D&D Enterprises, Inc., referred to herein as the "GRANTOR" and Reno Ditch Company, Inc., whose principle place of business is in Clark County, Idaho and whose mailing address is P.O. Box 5, Rexburg, Idaho 83440, herein referred to as the "GRANTEE",

WITNESSETH, that the GRANTOR, for an in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to GRANTOR, in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM unto the GRANTEE, and to GRANTEE's successors and assigns forever, all right, title and interest now owned or hereafter acquired by the Grantor in all of the following described water rights or portions thereof used on lands in the Counties of Clark and Jefferson, State of Idaho, to-wit:

RIGHT NO.	PRIORITY	AMOUNT	NATURE OF USE	PERIOD OF USE
32-00075	May 15, 1911	.26 cfs	Irrigation	04/01 to 11/01

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, remainders, or rents, issues and profits therefrom.

TO HAVE AND TO HOLD the said water rights unto the GRANTEE, and to GRANTEE's successors and assigns forever.

In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

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JUN 21 1999

IN WITNESS WHEREOF, the GRANTOR has executed the within instrument the day and year first above written.

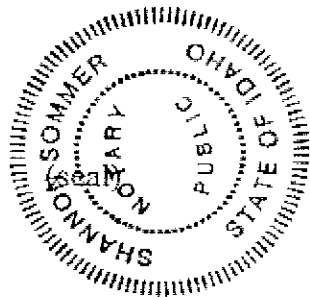
Don D Enterprises, Inc. by
D&D Enterprises, Inc. by Jim DeMordaunt,
its President

Jim DeMordaunt

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 3rd day of April, 1999 before me, the undersigned, a notary public in and for said State, personally appeared Jim DeMordaunt, known or identified to me to be the President of the corporation that executed the instrument, or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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



G:\WPDATA\AKW\F55682\QUITCLA D&D.doc

Shannon Sommer

Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 4-25-03

Microfilm No. 048303

6 Day May 19 99
At 1:41 O'Clock PM

CONNIE S. OWEN
Clark Co. Recorder

Fee \$ 6.00

Marcia Belcher Deputy

Recorded at Request of

Holden, Kidwell, Holden & Crapo

MICROFILMED

APR 27 1999

**QUITCLAIM DEED
FOR
WATER RIGHTS**

Microfilm No. 048235
30 Day March 19 99
At 1:35 O'Clock PM
CONNIS OWEN
Clark Co. Recorder
Fee \$ 9.00
Marcia Belcher Deputy
Recorded at Request of
H.K. H & Co.

THIS INDENTURE is made this 10 day of March, 1999, between L2 Limited Partnership, Lewis Newman, General Partner, and L3 Limited Partnership, Lane Newman, General Partner, referred to herein as the "GRANTOR" and Reno Ditch Company, Inc., whose principle place of business is in Clark County, Idaho and whose mailing address is P.O. Box 5, Rexburg, Idaho 83440, herein referred to as the "GRANTEE",

WITNESSETH, that the GRANTOR, for an in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to GRANTOR, in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM unto the GRANTEE, and to GRANTEE's successors and assigns forever, all right, title and interest now owned or hereafter acquired by the Grantor in all of the following described water rights or portions thereof used on lands in the Counties of Clark and Jefferson, State of Idaho, to-wit:

RIGHT NO.	PRIORITY	AMOUNT	NATURE OF USE	PERIOD OF USE
32-00060 B	10 May, 1883	1.60	Irrigation	04/01 to 11/01
32-00059 B	10 May, 1884	5.52	Irrigation	04/01 to 11/01
32-00080B	10 May, 1886	1.60	Irrigation	04/01 to 11/01
32-00070B	19 August, 1886	0.80	Irrigation	04/01 to 11/01
32-00062	1 April, 1904	3.20	Irrigation	04/01 to 11/01
32-02045	16 November, 1912	6.40	Irrigation	04/01 to 11/01

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APR 2 1999

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, remainders, or rents, issues and profits therefrom.

TO HAVE AND TO HOLD the said water rights unto the GRANTEE, and to GRANTEE's successors and assigns forever.

In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the GRANTOR has executed the within instrument the day and year first above written.

Lewis Newman

L2 Limited Partnership by, Lewis Newman,
General Partner

Lane Newman

L3 Limited Partnership, by Lane Newman,
General Partner

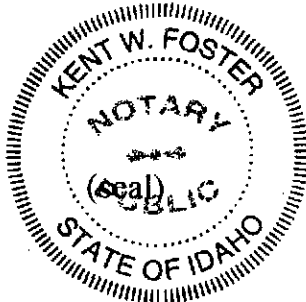
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JUL 27 1999

STATE OF IDAHO)
)ss.
 County of Bonneville)

On the 10th day of March, 1999, before me the undersigned, a notary public in and for said State, personally appeared Lewis Newman, known or identified to me to be the general partner of L2 Limited Partnership who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

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

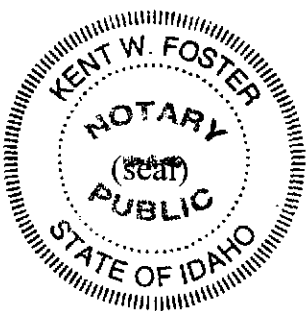


Kent W. Foster
 Notary Public for Idaho
 Residing at Idaho Falls, Idaho
 My Commission Expires: 11/20/2004

STATE OF IDAHO)
)ss.
 County of Bonneville)

On the 10 day of March, 1999, before me the undersigned, a notary public in and for said State, personally appeared Lane Newman, known or identified to me to be the general partner of L3 Limited Partnership who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

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



Kent W. Foster
 Notary Public for Idaho
 Residing at Idaho Falls, Idaho
 My Commission Expires: 11/20/2004

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MICROFILMED

101 1 1 800

**QUITCLAIM DEED
FOR
WATER RIGHTS**

Microfilm No. **048237**
30 Day March 19 99
 At 1:37 O'Clock PM
CONNIE S. OWEN
 Clark Co. Recorder
 Fee \$ 9.00
Marcia Belcher Deputy
 Recorded at Request of
H, K, H & Co.

THIS INDENTURE is made this 12 day of March, 1999, between D&D Enterprises, Inc., referred to herein as the "GRANTOR" and Reno Ditch Company, Inc., whose principle place of business is in Clark County, Idaho and whose mailing address is P.O. Box 5, Rexburg, Idaho 83440, herein referred to as the "GRANTEE",

WITNESSETH, that the GRANTOR, for an in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to GRANTOR, in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM unto the GRANTEE, and to GRANTEE's successors and assigns forever, all right, title and interest now owned or hereafter acquired by the Grantor in all of the following described water rights or portions thereof used on lands in the Counties of Clark and Jefferson, State of Idaho, to-wit:

RIGHT NO.	PRIORITY	AMOUNT	NATURE OF USE	PERIOD OF USE
32-00060A	10 May, 1883	1.60	Irrigation	04/01 to 11/01
32-00059A	10 May, 1884	0.88	Irrigation	04/01 to 11/01
32-00065	10 May, 1884	3.20	Irrigation	04/01 to 11/01
32-00080A	10 May, 1886	1.60	Irrigation	04/01 to 11/01
32-00070A	19 August, 1886	2.40	Irrigation	04/01 to 11/01
32-00061D	10 May, 1888	2.80	Irrigation	04/01 to 11/01
32-00063	1 April, 1904	3.20	Irrigation	04/01 to 11/01
32-00064	1 April, 1907	3.20	Irrigation	04/01 to 11/01

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APR 27 1999

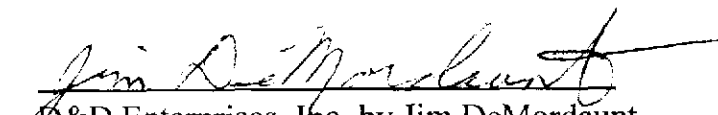
32-00058	1 April, 1910	1.00	Irrigation	04/01 to 11/01
32-00066A&B	5 January, 1910	6.40	Irrigation	04/01 to 11/01
32-00074	1 October, 1910	0.14	Irrigation	04/01 to 11/01
32-00076	15 May, 1912	0.80	Irrigation	04/01 to 11/01
32-00083	15 May, 1912	0.46	Irrigation	04/01 to 11/01
32-02043	19 September, 1912	6.40	Irrigation	04/01 to 11/01

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, remainders, or rents, issues and profits therefrom.

TO HAVE AND TO HOLD the said water rights unto the GRANTEE, and to GRANTEE's successors and assigns forever.

In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the GRANTOR has executed the within instrument the day and year first above written.

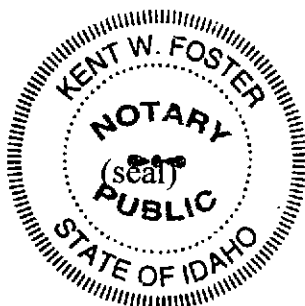

D&D Enterprises, Inc. by Jim DeMordaunt,
its President

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STATE OF IDAHO)
)ss.
 County of Bonneville)

On the 11th day of March, 1999 before me, the undersigned, a notary public in and for said State, personally appeared Jim DeMordaunt, known or identified to me to be the President of the corporation that executed the instrument, or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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



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Kent W. Foster
 Notary Public for Idaho
 Residing at Idaho Falls, Idaho
 My Commission Expires: 11/20/2004

**QUITCLAIM DEED
FOR
WATER RIGHTS**

Microfilm No. **048238**
30 Day March 19 99
At 1:40 O'Clock PM
CONNIE S. OWEN
Clark Co. Recorder
Fee \$ 9.00
Marcia Belcher Deputy
Recorded at Request of
H, K, H & Chap

THIS INDENTURE is made this 10 day of March, 1999, between Birch Creek Ranches, L.L.C., referred to herein as the "GRANTOR" and Reno Ditch Company, Inc., whose principle place of business is in Clark County, Idaho and whose mailing address is P.O. Box 5, Rexburg, Idaho 83440, herein referred to as the "GRANTEE",

WITNESSETH, that the GRANTOR, for an in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to GRANTOR, in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM unto the GRANTEE, and to GRANTEE's successors and assigns forever, all right, title and interest now owned or hereafter acquired by the Grantor in all of the following described water rights or portions thereof used on lands in the Counties of Clark and Jefferson, State of Idaho, to-wit:

RIGHT NO.	PRIORITY	AMOUNT	NATURE OF USE	PERIOD OF USE
32-00090A	10 May, 1886	0.80	Irrigation	04/01 to 11/01
32-00093	10 May, 1886	1.60	Irrigation	04/01 to 11/01
32-00068	10 May, 1887	3.20	Irrigation	04/01 to 11/01
32-00061C	10 May, 1888	0.40	Irrigation	04/01 to 11/01
32-00069	10 May, 1888	3.20	Irrigation	04/01 to 11/01
32-00089	10 May, 1888	2.50	Irrigation	04/01 to 11/01
32-00092	10 May, 1888	2.50	Irrigation	04/01 to 11/01
32-00102	10 May, 1889	4.00	Irrigation	04/01 to 11/01

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32-00091	1 May, 1901	0.50	Irrigation	04/01 to 11/01
32-00073	15 May, 1909	0.20	Irrigation	04/01 to 11/01
32-00101	4 June, 1909	2.90	Irrigation	04/01 to 11/01
32-00085	10 May, 1910	0.20	Irrigation	04/01 to 11/01
32-00077	15 May, 1910	0.20	Irrigation	04/01 to 11/01
32-00086	1 May, 1911	0.20	Irrigation	04/01 to 11/01
32-00078	15 May, 1911	0.20	Irrigation	04/01 to 11/01
32-00087	1 May, 1912	0.20	Irrigation	04/01 to 11/01
32-00079	15 May, 1913	0.80	Irrigation	04/01 to 11/01

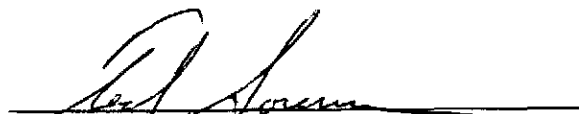
TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, remainders, or rents, issues and profits therefrom.

TO HAVE AND TO HOLD said water rights unto the GRANTEE, and to GRANTEE's successors and assigns forever.

In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the GRANTOR has executed the within instrument the day and year first above written.

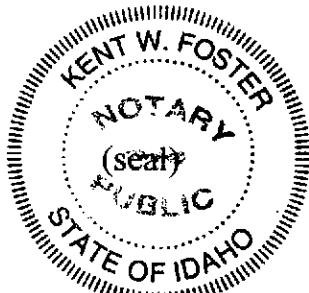
BIRCH CREEK RANCHES, L.L.C.


by Ted Sorenson, Managing Member

STATE OF IDAHO)
)ss.
 County of Bonneville)

On the 12th day of March, 1999, before me, the undersigned, a notary public in and for said State, personally appeared Ted Sorenson, known or identified to me to be the managing member of the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

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



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Kent W. Foster
 Notary Public for Idaho
 Residing at Idaho Falls, Idaho
 My Commission Expires: 11/20/2004

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

IN THE MATTER OF THE AMENDED)
APPLICATION FOR TRANSFER NO. 3553)
OF WATER RIGHTS NOS. 32-00090, 32-00093)
32-00068, 32-00061C, 32-00091, 32-00101,)
32-00102, 32-00073, 32-00085, 32-00077)
32-00086, 32-00078, 32-00087, and 32-00079 IN)
THE NAME OF BIRCH CREEK RANCHES,)
L.L.C.,)

**ORDER FOR
MEDIATION**

IN THE MATTER OF APPLICATION FOR)
EXTENSION OF TIME TO AVOID)
FORFEITURE OF WATER RIGHT NO.)
32-00101 IN THE NAME OF BIRCH)
CREEK RANCHES, L.L.C.,)

IN THE MATTER OF THE APPLICATION FOR)
AMENDMENT OF WATER RIGHT PERMITS)
NOS. 32-07128 AND 32-07136 IN THE NAME)
OF TED SORENSON d/b/a SORENSON)
ENGINEERING,)

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 32-07252 IN THE NAME OF)
BIRCH CREEK RANCHES, L.L.C.)
(FORMERLY NO. 31-07646),)

and)

IN THE MATTER OF APPLICATION FOR)
DELIVERY OF CERTAIN WATER RIGHTS)
AT THEIR CURRENT ASSIGNED POINT OF)
DIVERSION, TOGETHER WITH AN ORDER)
DIRECTING WATERMASTER FOR)
DELIVERY OF SAME; AND/OR IN THE)
ALTERNATIVE TO AN ALTERNATE)

POINT OF DIVERSION SUBJECT TO)
 CERTAIN TERMS AND CONDITIONS TO)
 BE AGREED TO BY BIRCH CREEK)
 RANCHES, L.L.C.; AND FURTHER)
 APPLICANTS' CLAIM TO ALLEGED)
 SAVED WATERS CLAIMED BY BIRCH)
 CREEK RANCHES, L.L.C.L, ON THE)
 GROUNDS AND FOR THE REASONS)
 THAT APPLICANTS HAVE USED SAID)
 CLAIMED WATER RIGHTS FOR A)
 BENEFICIAL PURPOSE CONTINUOUSLY)
 FOR AND IN EXCESS OF THE PAST FIVE)
 (5) YEARS; SAID WATER RIGHTS THE)
 SUBJECT OF THE APPLICATION)
 PERTAIN TO WATER RIGHT NOS.)
 32-00060A, 32-00059A, 32-00065,)
 32-00080A, 32-00070A, 32-00061D,)
 32-00063, 32-00064, 32-00066A&B,)
 32-00058 IN THE NAME OF D&D)
 ENTERPRISES, INC., WATER RIGHTS)
 NOS. 32-00060B, 32-00059B, 32-00080B,)
 32-00070B, 32-00062, IN THE NAME OF)
 LAVAR NEWMAN.)
 _____)

FINDINGS

The Director of the Idaho Department of Water Resources (IDWR) finds as follows:

1. There are currently five applications pending before IDWR relating to rights to the use of water in Birch Creek, located in Clark and Lemhi Counties. Those applications are as follows:

a. Amended Application for Transfer No. 3553 of Water Right Nos. 32-00090, 32-00093, 32-00068, 32-00061C, 32-00091, 32-00101, 32-00102, 32-00073 32-00085 32-00077, 32-00086, 32-00078, 32-00087, and 32-00079 in the name of Birch Creek Ranches, L.L.C.;

b. Application for Extension of Time to Avoid Forfeiture of Water Right No. 32-00101;

c. Application for Amendment of Water Right Permits Nos. 32-07128 and 32-07136 in the name of Ted Sorenson d/b/a Sorenson Engineering;

d. Application for Permit No. 32-07252 in the name of Birch Creek Ranches L.L.C.;

e. Application for Delivery of Certain Water Rights at their Current Assigned Point of Diversion, together with an Order Directing Watermaster for Delivery of Same.

2. The Application described in sub-paragraphs 1.a-d have all been protested and are in the contested hearing process before IDWR.

3. The Application described in sub-paragraph 1.e has not yet been advertised nor protests received. The Applicant for the approvals requested in sub-paragraph 1.e is a protestant of the Applications described in sub-paragraphs 1.a-d.

4. Birch Creek is a small stream that flows generally north to south. At the southern end of the stream all waters of Birch Creek generally have been diverted into a hydropower canal called the New Reno Ditch that takes the water approximately nine miles to the east, where it flows through a hydroelectric generator. Below the hydroelectric generator the water is put to irrigation use, or diverted back to the west where it sinks into the ground.

5. The earliest priority use of water on Birch Creek occurs above the diversion into the New Reno Ditch. The Applications described in paragraph 1 either attempt to transfer all other uses of Birch Creek water to lands below the hydroelectric plant or in some fashion attempt to affect the distribution of the water of Birch Creek at the bottom end of the stream.

6. Resolving the dispute over the Applications described in paragraph 1 will be expensive to the taxpayers in terms of IDWR funds and time. The contested case process likely will not fully resolve the underlying dispute between the parties to these Applications. Appeals of any of IDWR's decisions will engender further costs for the parties and IDWR.

7. It is not in the best interest of the parties, the State, IDWR or the taxpayers that multiple hearings be conducted by IDWR when the dispute centers solely around the use and distribution of the water that flows to the southern end of Birch Creek. A negotiated solution to this conflict would be the preferred method of resolving the dispute.

8. The parties to the matters described in paragraphs 1.a-b have agreed to participate in mediation before a mediator appointed by IDWR.

ORDER

In light of the foregoing findings the Director of IDWR hereby ORDERS pursuant to IDAPA 37.01.01.101 that:

1. The parties to the matters described in paragraph 1 of the findings shall participate in mediation conducted by a mediator appointed by IDWR, at the time and place set by the mediator.

2. Terry Uhling is appointed mediator for IDWR. Mr. Uhling shall be reimbursed for his travel expenses for such mediation at the rates established for IDWR employees.

3. The mediation of this matter shall be completed no later than December 17, 1997. The mediator will report to the Director when mediation is complete, whether successful or not.

4. The matters described in paragraph 1 of the findings shall be stayed until the mediation is completed.

5. The parties shall comply with the mediator's instructions regarding submission of position papers, hiring and locations for the mediation.

DATED this 10th day of November, 1997.



KARL J. DREHER
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of November, 1997, I mailed a true and correct copy of the foregoing **ORDER FOR MEDIATION** on the following persons listed below by U.S. mail, postage prepaid and addressed as follows:

Norman C. Young
Idaho Department of Water
Resources
1301 N. Orchard St.
Boise, Idaho 83706

Ronald D. Carlson
Idaho Dept. of Water Resources
Eastern Regional Manager
900 N. Skyline Dr.
Idaho Falls, ID 83402

Kent W. Foster, Esq.
HOLDEN KIDWELL HAHN &
CRAPO PLLC
P.O. Box 50130
Idaho Falls, ID 83405

Blair J. Grover, Esq.
GROVER & ARCHIBALD
P.O. Box 36
Rigby, ID 83442

George C. Petersen, Jr., Esq.
PETERSEN MOSS OLSEN
MEACHAM & CARR
485 "E" Street
Idaho Falls, ID 83402

Breck H. Barton, Esq.
BRECK BARTON & ASSOC., PA
P.O. Box 100
Rexburg, ID 83440

Jerry R. Rigby, Esq.
RIGBY THATCHER ANDRUS
RIGBY KAM & MOELLER
P.O. Box 250
Rexburg, ID 83440-0250

Andy Dobson
Independent Canal Co.
Terreton, ID 83450

Garth Soderquist
Owsley Canal Co.
Terreton, ID 83450


DEBORAH DREW-ELLIS
Legal Secretary

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF TRANSFER NO.)
4124 OF WATER RIGHT NOS. 32-00058)
AND 32-00059 IN THE NAME OF D & D)
ENTERPRISES)

ORDER FOR
PREHEARING STATEMENTS

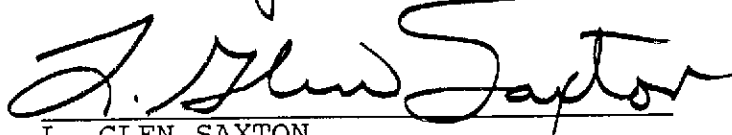
In order to prepare and schedule the above captioned contested matter for hearing before the department of Water Resources,

IT IS HEREBY ORDERED, pursuant to Rule of Procedure IDAPA 37.01.01510 (Rule 510) that you file with the Hearing Officer a Prehearing Statement responding to the following items:

1. The issues to be resolved, and the statutes, rules, and legal precedent involved;
2. A brief statement of the facts and reasons supporting your position on each matter in dispute;
3. A list of proposed witnesses together with a request for any requested subpoenas to be issued as authorized in IDAPA Rule 37.01.01525 (Rule of Procedure 525).
4. Whether you wish to pursue discovery as authorized in IDAPA Rule 37.01.01521 (Rule of Procedure 521) and, if so, the estimated length of time required;
5. Requested location of hearing;
6. Estimated length of hearing;
7. The date by which you will be ready to have a hearing in this matter; and
8. Other related matters.

IT IS FURTHER ORDERED that you must file the Prehearing Statement with the hearing officer within fourteen (14) days of receipt of this order. Failure to comply with this order is cause for the director to dismiss the request for hearing with prejudice.

Dated this 4th day of August, 1995.


L. GLEN SAXTON
Hearing Officer

MICROFILMED

11-27-95

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 4th day of August, 1995, I mailed a true and correct copy, postage prepaid, of the foregoing ORDER FOR PREHEARING STATEMENTS to the following:

George C. Peterson
PETERSON MOSS ET AL
485 E St.
Idaho Falls, ID 83402


JULIE L. YARBROUGH
Senior Secretary

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4124
WATER RIGHT NO. 32-00058

This is to certify that: **D & D ENTERPRISES INC**
C/O PETERSEN MOSS & OLSEN
485 E ST
IDAHO FALLS ID 83402

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	1.00 CFS	234.5 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIRCH CREEK	SINKS

Priority: 04/01/1910

LOCATION OF POINT(S) OF DIVERSION: NENW , Sec. 3, Township 08N, Range 30E
CLARK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08N	32E	1	NESW 27	SWSE 40		67
Total number of acres irrigated:						67

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 32D.
2. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works 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 .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

APPROVED

TRANSFER NO. 4124
WATER RIGHT NO. 32-00058

CONDITIONS/REMARKS:

4. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
6. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
7. 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.
8. Right No. 32-00059 and associated SRBA Claim A32-00059A are unchanged by this transfer approval.

Dated this 1st day of February, 1995.


Chief, Water Alloc. Bureau

UNRECORDED

12 7 1995

D&D ENTERPRISES, INC. OFFICES -

JAMES D. MORDANT, PRES., RENO, NEVADA

ROGER MORDANT, VICE PRES., IDAHO FALLS, ID.

GEORGE PETERSEN, ATTORNEY - 528-4650

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JAN 22 1992

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4124

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

D3D ENTERPRISES, INC.

Name of applicant C/O PETERSEN, MOSS & OLSEN Phone 523-4650
Post Office address 485 E STREET, IDAHO FALLS, ID. 83402

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 APPLICANT IS SELLING PLACE OF USE UNDER ORIGINAL RIGHT, BUT IS RETAINING OWNERSHIP OF THE WATER. THIS TRANSFER IS FILED TO MOVE THE 2 RIGHTS TO OTHER LANDS OWNED BY THE APPLICANT. THE OLD PLACE OF USE WILL NO LONGER BE WATERED.

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

- | 1. Right Number | Priority | Amount
(cfs/ae-ft) | Nature
of Use | Period of Use |
|---|-------------------------|-----------------------|-----------------------|--------------------------|
| 32-00058 | APRIL 1, 1910 | 1.00 | IRRIGATION | 4/15 to 10/15 |
| 32-00059 | MAY 10, 1884 | 0.88 | IRRIGATION | 4/15 to 10/15 |
| | | | | to |
| | | | | to |
| 2. Total amount of water being transferred <u>1.88</u> cubic feet per second and/or _____ acre-feet per annum | | | | |
| 3. Source of water <u>BIRCH CREEK</u> tributary to <u>SILKS</u> | | | | |
| 4. Point(s) of Diversion: | | | | |

[illegible]

5. Lands irrigated or place of use:

[illegible]

Total acres 120

a. Description of diversion system HEADWORKS OF SOUTHERN IRRIGATION HYDRO POWER

PROJECT. WATER IS DIVERTED OUT OF BIG CREEK, TRAVELS THROUGH

POWER PLANT AND THEN IS DELIVERED TO THE RACE OF USE VIA RENO DITCH.

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 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:

IT WILL NO LONGER BE IRRIGATED

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 27 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. 32-00058 Decreed to AGNES B. RENO
in case of J.R. RICHARDS, ET. AL. vs. AGNES B. RENO, ET. AL.
dated 9-6-1922 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 APRIL 1, 1910

5. Water is used for the following purpose:

amount 1.00 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 _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: NOT LISTED

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

8. 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	
<u>8N</u>	<u>3E</u>	<u>14</u>			<u>X</u>	<u>X</u>													

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JUL 27 1999 Total acres NOT LISTED

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

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) | | | |

[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]

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JUL 27 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. 32-00059 Decreed to AGNES B. RENO
in case of J.R. RICHARDS, ET AL. vs. AGNES B. RENO, ET AL.
dated 9-6-1922 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 10, 1884

5. Water is used for the following purpose:

amount 6.40 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 6.40 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: NOT LISTED

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

8. 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	13	X	X	X	X	X	X	X	X									

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JUL 27 1998

Total acres NOT GIVEN

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

~~NO~~ If yes, describe _____

०५

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

—amount

—ប្រកាស
(1997/៩០)

(cfs/ac-ft)

(CFS/ac-ft)

2. Point(s) of Diversion:

3. Lands irrigated or place of use:**Total acres**

5.52

—knows

44-38861-517

(cfs/ac-ft)

(cfs/ac-ft)

2. Point(s) of Diversion:

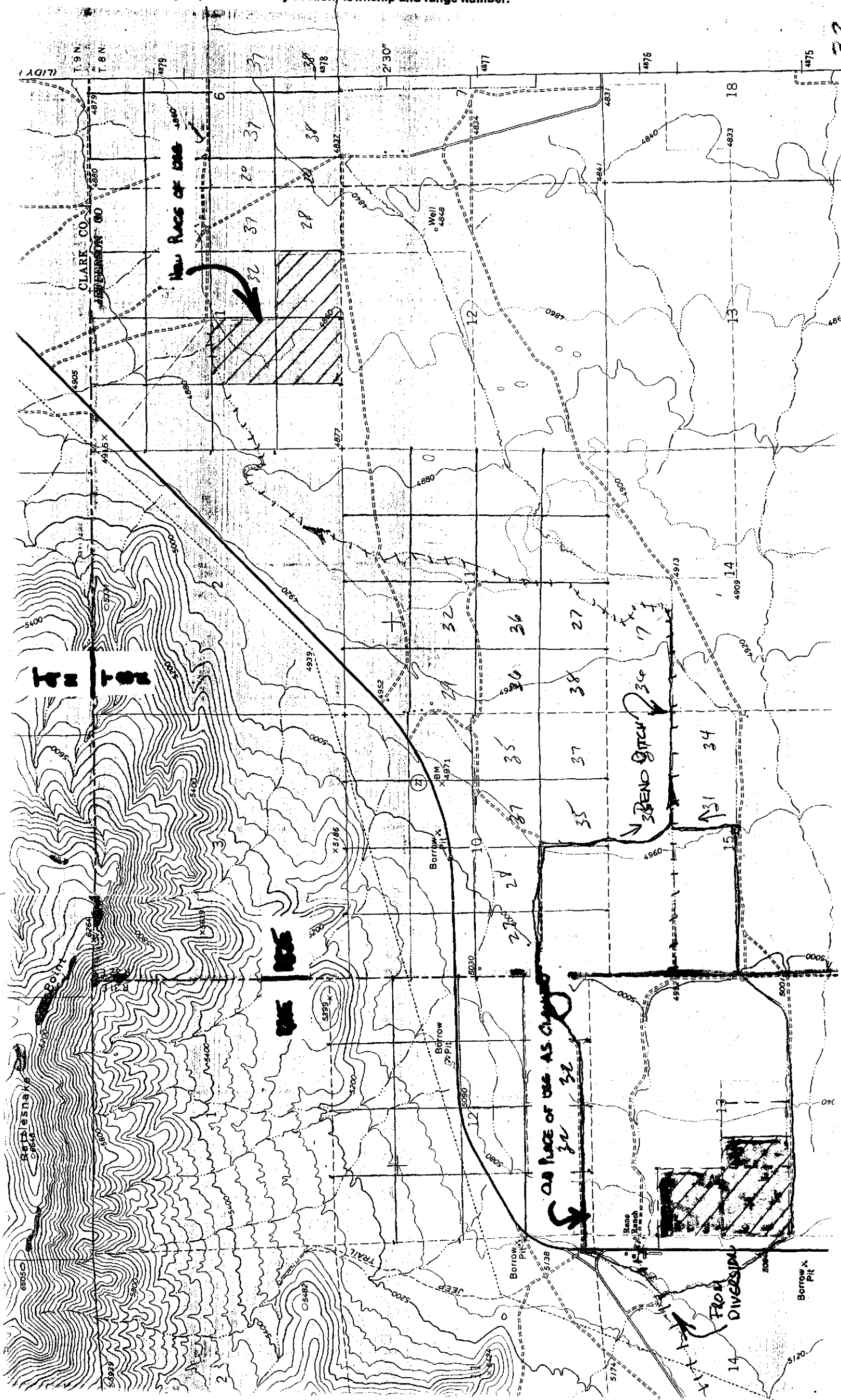
3. Lands irrigated or place of use:

Total acres

100-127100
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JUL 27 1999

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.**



JUL 27 1999
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Page _____ of _____
Transfer No. _____

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

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 11 day of January, 19 92.

(Signature of Applicant)

1671
H.L.

[Signature]
(Notary Public)

(Notary Public)

66-68-07

My commission expires

26-11-1 193

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee \$0.00

Received by 2015010858 Date 1-22-92

Published in East-Register _____
Copies of protest forwarded by _____

Pub. dates 4-8, 15-93 Hearing held by _____ Date _____

Watermaster recommendation requested on _____

☒ Recommended for approval ☐ denial

_____ copy of transcript sent to him under

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JUL 27 1999

JUL 27 1999

FEB 08 1992
gt

CONTRACT OF SALE

COPY

THIS AGREEMENT, made and entered into this 10th day of January, 1992, by and between D & D ENTERPRISES, INC., an Idaho corporation, with its corporate office situate in the City of Rexburg, County of Madison, State of Idaho, the Party of the First Part, hereinafter called the "Seller", and LEWIS JOHN NEWMAN, a married man, of the County of Jefferson, State of Idaho, the Party of the Second Part, hereinafter called the "Buyer".

WITNESSETH:

The Seller hereby agrees to sell to the Buyer, on the performance of the agreements of the Buyer, as hereinafter mentioned, and convey by good and sufficient warranty deed, free of liens and encumbrances, excepting any that may have attached by reason of any act or deed of said Buyer, and excepting any lien to which this agreement is expressly made subject, the following described real property, situate in Clark County, State of Idaho, to-wit:

Beginning at a point on the section line, South 523.6 feet from the Northeast Corner of Section Fourteen (14), Township Eight (8) North, Range Thirty-one (31) East of the Boise Meridian, County of Clark, State of Idaho, thence South along the Section Line, 361.1 feet; thence North 87°38' West 195.8 feet; thence South 0°54' West, 80 feet; thence South 44°11' East, 28 feet; thence South 86°29' East, 123 feet; thence South 3°56' West, 56.7 feet; thence South 89°45' West, 184 feet; thence South 0°46' East, 18.2 feet; thence South 36°10' West, 131.2 feet; thence

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101 27 1991

South 4°12' East, 250 feet; thence South 85°48' West, 200 feet; thence North 4°12' West, 350 feet; thence North 85°48' East, 200 feet; thence North 4°12' West, 150 feet; thence South 85°48' West 300 feet; thence South 4°12' East, 150 feet; thence South 85°48' West, 695.6 feet, more or less to the West line of the East One-half of the Northeast Quarter (E1/2 NE1/4) of said Section Fourteen (14); thence South along said West line of the East One-half of the Northeast Quarter (E1/2 NE1/4), 1505.8 feet, more or less, to the Southwest corner of the Southeast Quarter of the Northeast Quarter of said Section Fourteen (14); thence East 1320 feet more or less, to the East Quarter Corner of said Section Fourteen (14); thence South, 1320 feet, more or less, to the Southwest corner of the Northwest Quarter of the Southwest Quarter (NW1/4 SW1/4) of Section Thirteen (13), above Township and range; thence North 88°58 1/2' East, along the South line of the North One-half of the Southwest Quarter (N1/2 SW1/4) of said Section Thirteen (13), for 2061 feet; thence North 6°18' West 1361 feet; thence South 89°23' West, 1564 feet; thence North 0°20' West, 2043.8 feet; thence North 85°52' West, 336.6 feet to the point of beginning. Containing 125.24 acres, more or less. Being parts of the West One-half of the Northwest Quarter (W1/2 NW1/4), the Southeast Quarter of the Northwest Quarter (SE1/4 NW1/4), and the North One-half of the Southwest Quarter (N1/2 SW1/4) of Section Thirteen (13), and the East One-half of the Northwest Quarter (E1/2 NW1/4) of Section Fourteen (14), above township and range, all being located in the County of Clark, State of Idaho.

EXCEPTING FROM the above described real property tract, that certain tract hereinafter described, situate in Clark County, State of Idaho, and particularly described as follows, to-wit:

Beginning at a point on the West line of the East half of the Northeast Quarter, (E1/2, NE1/4) of Section 14, Township 8 North, Range 31 East of the Boise Meridian, said point being common to the North boundary of the property

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JUL 27 1988

owned or formerly owned by D & D Enterprises, Inc., and the South boundary of the property owned by Ben Wilding, said point also being described as S. 85° 24' 30" W. 1335.5 feet more or less along the Section line, and South 1027.7 feet more or less, along the West line of said East half of the Northeast Quarter (E1/2, N.E.1/4) from the Northeast Corner of said Section 14, and running thence South along said West line 200.00 feet; thence N. 86° 01' E. 150.00 feet parallel to said common boundary line; thence North 200.00 feet to said common boundary line; thence S. 86° 01' W. 150.00 feet along said common boundary line, to the point of beginning.

FURTHER EXCEPTING THEREFROM: The existing county road commonly known as State Highway No. 22 and further subject to all conditions, restrictions, reservations, easements, rights, rights-of-way, road rights-of-way, zoning ordinances and governmental regulations of record.

FURTHER SUBJECT TO: General taxes for year 1992 and subsequent years.

The parties, upon execution of this agreement, acknowledge that they have agreed that any and all waters of Birch Creek currently dedicated to any of the above described real property, the subject of this sale, are not being purchased by Buyer as part of the consideration of this agreement. Buyer further acknowledges that he is aware that Seller intends to transfer said dedicated waters to other owned properties of Seller. It is further understood and agreed that Buyer shall assist Seller in transferring the above described waters of Birch Creek to other designated owned property of Seller, either by executing an application to transfer and/or to participate in any hearing required of the Department of Water Resources and to offer testimony either oral and/or in writing as required by said department.

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The Buyer agrees to buy the above described real property and to pay to Seller therefore, the sum of Thirty Thousand and No/100 Dollars (\$30,000.00), in lawful money of the United States of America, and in manner as follows, to-wit:

Ten Thousand and No/100 Dollars (\$10,000.00) on delivery of this Contract, the receipt of which is hereby acknowledged, and the balance of Twenty Thousand and No/100 Dollars (\$20,000.00), as follows:

Ten Thousand and No/100 Dollars (\$10,000.00) plus accrued interest as hereinafter provided on the 10th day of January, 1993, and the balance of Ten Thousand and No/100 Dollars (\$10,000.00) as follows:

Ten Thousand and No/100 Dollars (\$10,000.00) plus accrued interest as hereinafter provided on the 10th day of January, 1994.

Said deferred principal balance shall bear interest at the rate of nine percent (9%) per annum from January 10, 1992, said payments heretofore set out shall include the principal amount above described together with accrued interest, and upon payment thereof, said payment shall be applied first to accrued interest, and the balance to the reduction of the principal balance.

Buyer is given the right of making additional payments of principal at any time, provided, however, that any such additional principal payment shall be applied to the last payment falling due under this contract, and the making of such additional payments shall not in any way waive or excuse the Buyer from making the next ensuing regular payment promptly as the same becomes due. Interest shall cease on additional payments of principal on the date of payment.

Seller shall pay all taxes and assessments levied and assessed against said real property heretofore described up to and

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JUL 27 1993

including the taxes due for the entire year 1991. Buyer shall pay all taxes levied and assessed for year 1992, and thereafter shall pay all taxes and assessments levied and assessed against said real property heretofore described, promptly as the same become due and before delinquency thereof.

Title to said real property shall be and remain in the possession of the Seller until this Contract is paid in full, and in the event Buyer defaults under the terms of this Contract, Seller shall have the right to take immediate possession of said real property.

The parties have discussed the removal of those certain old irrigation headgates, previously used as part of the irrigation system servicing D & D's ranch properties, which removal is hereby consented to by Buyer, the removal thereof to occur as soon as the change in weather will permit, and the ground disturbed by the removal thereof will be appropriately leveled and restored to an appropriate level condition after the removal of same.

Buyer acknowledges that they have made a personal inspection of the property herein described, and have otherwise informed themselves concerning the true condition of said property and its appurtenances, and thus in execution of this Contract, Buyer has relied solely upon the information and knowledge obtained from a personal inspection and investigation of said property.

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JUL 27 1999

Buyer also acknowledges that no agent or employee of Seller has any power or authority to make any warranties, agreements, or representations as to said property, which are not contained in this agreement. Buyer agrees that this Contract constitutes the whole agreement between the parties hereto, and that no warranties, agreements, or representations have been made, or shall be binding upon Seller, unless the same are set forth herein.

It is agreed that time and punctuality of payments are of the essence, and a material part of this contract, and that if any default is made in the payment of any installment for a period of thirty (30) days after posting of notice by certified mail to Buyer as herein provided, or of any taxes and assessments promptly at the time herein limited, or before any taxes or assessments shall become delinquent, or if the Buyer shall fail to comply with any of the stipulations of this agreement within thirty (30) days after posting of a certified letter advising of said default as hereinafter provided, this contract shall, at the option of Seller, become null and void, and all payments under this contract shall be retained by Seller and applied as liquidated damages, and Seller may take immediate possession of said property. But if the Buyer shall promptly make the payments herein stipulated and shall pay all accrued interest as the same becomes due, and shall also pay all taxes and assessments levied and assessed against said property, the Seller, on receiving the sums due under the terms of

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JUL 27 1999

this contract, will execute and deliver, or cause to be executed and delivered by the legal owners thereof, to the Buyer or their assigns, a warranty deed conveying the above-described property, subject only to the liens or encumbrances placed thereon by the act or omissions of the Buyer, together with any lien or encumbrance, the subject of this agreement. This remedy shall be construed an optional remedy, and not as a waiver of any right or remedy that the Seller would otherwise have at law or in equity to enforce the performance of this agreement, or to recover damages for breach thereof.

In case of a default of this agreement occurring and a forfeiture being declared as heretofore provided, Buyer agrees to immediately surrender possession of the real property, the subject of this agreement, to Seller in as good condition as they received the same, depreciation from the reasonable occupancy excepted. It is further understood and agreed by the parties hereto that Seller shall have the right of reasonable inspection at all reasonable times and places for the purpose of determining if the provisions of this agreement have been met by Buyer.

Seller and Buyer each agree should they default in any of the covenants and agreements contained herein, to pay all costs and expenses that may arise from enforcing this agreement, either by suit or otherwise, including a reasonable attorney's fee.

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JUL 27 1999

For the purpose of this agreement, notice shall be sent to each party at the following address:

NAME	ADDRESS
D & D Enterprises, Inc.	P.O. Box 5 Rexburg, Idaho 83440
Lewis John Newman	2978 North 800 East Monteview, Idaho 83453

Such address for receiving notice may be changed by any party at any time by written notice to the other parties to this agreement.

Notice of cancellation or otherwise as herein provided, shall be deemed to be given at the time of its deposit in the United States mail, post paid, certified mail, return receipt requested.

Buyer and Seller, upon execution of this agreement, acknowledge that the meets and bounds description used in describing the real property the subject of this sale, was taken from an old plot plan developed by E. Milton Christensen, surveyor, and further that the property was staked at the time of said survey. The parties hereto further acknowledge that many of the stakes have been removed and thus, Buyer has agreed to take the property "AS IS", not with the understanding that a resurvey will match with the original survey and the original staking thereof, but merely that whatever land lies between the U.S. Government land bordering part of the above described real property tract, Buyer's owned acreage bordering part of said described tract and further, Seller's bordering part of said tract, is the land the subject of this sale and if by a resurvey there is developed an overlap on any

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JUL 27 1993

of the adjacent ownerships, this sale only includes the ground within the boundaries above described and is not intended to overlap on any of the adjacent and contiguous owners.

Possession of the above-described real property shall be delivered to Buyer immediately following execution of this agreement.

The term "Seller" and "Buyer", and the language of this agreement, where there is more than one seller or buyer, shall be construed as plural, and if any of the parties are feminine, or are firms or corporations, the masculine shall include the feminine and the neuter.

It is understood and agreed that this Contract is intended to extend to and bind the heirs, personal representatives, executors, administrators, successors and assigns, of the respective parties hereto.

IN WITNESS WHEREOF, the above parties have hereunto set their hands and seals the day and year in this agreement first above written.

D & D ENTERPRISES, INC.

By

James DeMordaunt
James DeMordaunt
Title: President

"SELLER"

Lewis John Newman
Lewis John Newman

"BUYER"

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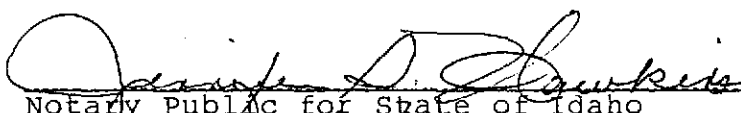
JUN 27 1999

STATE OF IDAHO)
) ss.
County of Bonneville)

On this 23 day of January, 1992, before me the undersigned, a Notary Public in and for the State of Idaho, personally appeared JAMES DEMORDAUNT, known to me to be the President of the corporation that executed the instrument or the person(s) who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

(SEAL)


Notary Public for State of Idaho
Residing at: Shelley
My Commission Expires: 6-27-94

STATE OF IDAHO)
) ss.
County of Bonneville)

On this 23 day of January, 1992, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared LEWIS JOHN NEWMAN, a married man, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me he has executed the same.

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

(SEAL)


Notary Public for State of Idaho
Residing at: Shelley
My Commission Expires: 6-27-94

2501G

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JUL 27 1993

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

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

vs.

JUDGMENT.

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

Defendants.

BE IT REMEMBERED, That:

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

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JUL 27 1999

1894, in an action therein pending, wherein J. R. Richards is named as plaintiff and Frank Reno, S. Kuharski, William Goddard, W. A. Tyler, Samuel Goddard, M. Kaufman, W. A. Scott, W. W. Johnson, Thomas Miller, David Miller, Edward Kaufman and Henry Kaufman, are named as defendants, be and the same is hereby approved and confirmed, and the rights to the use of said waters of Birch Creek therein adjudicated, ^{shall be} are herein distributed to the parties of said action, and to their grantees and successors in interest, as of the dates mentioned in said judgment.

It is further ordered, adjudged and decreed, that Agnes B. Reno have at all times the use of ~~six~~ cubic feet per second of time (fifty miners' inches) of the waters of said ~~Birch~~ Creek, her right to the use of the same to date, from the ~~10th day of May, 1884~~, 1910, all of which waters shall be used upon and become appurtenant to the following described lands:

The ~~North~~ Half of the ~~South-east~~ Quarter of Section Fourteen, In ~~Township Eight~~, ~~North~~ of ~~Range~~ Thirty-one and East of the Boise Meridian in Clark County, State of Idaho, containing ~~eighty~~ acres;

32 0058 That the said Agnes B. Reno, have at all times the use of six and four-tenths (6.4) cubic feet per second of time, (three hundred and twenty miners' inches) of the waters of said Birch Creek, her right to the use of the same to date, from the 10th day of May, 1884, as the successor in interest of W. A. Tyler, to be used upon and become appurtenant to the following described lands:

The North Half of Section Thirteen (13), in Township Eight (8) North of Range Thirty-one (31) East of the Boise Meridian, in Clark County, State of Idaho, containing three hundred and twenty acres:

32 0060 That Jerome F. Reno, 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, his right to the use of the same to date, from May 10th, 1883, and 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, his right to the use of same to date from May 10th, 1886, to be used upon and become appurtenant to the following described lands;

The South Half of the South-east Quarter, the South-east Quarter of the South-west Quarter, and Lot Numbered Four of Section Ten (10), and the North-east Quarter of the North-west Quarter, the North Half of the North-east Quarter, and Lot

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JUL 27 1999

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

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

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

Dated this 6th day of September, 1922.

James G. Gwinn,

District Judge.

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

S. D. FARNSWORTH,

Recorder.

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JUL 27 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

July 26, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RENO DITCH COMPANY
C/O KENT FOSTER
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

RE: TRANSFER OF WATER RIGHTS 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/
32-02043/02045 (Transfer 5450)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water rights (Transfer 5450). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

Karl J. Dreher
for L. GLEN SAXTON, Chief
Water Allocations Bureau

LGS:klt

Enclosures

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JUL 27 1999

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of July, 1999 I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

**RE: TRANSFER OF WATER RIGHTS 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/
32-02043/02045 (Transfer 5450)**

**TERRENCE V DONAHUE
CAROL J DONAHUE
STAR RT
MACKAY ID 83251**


Kari Lynn Townsend
Secretary

**MICROFILMED
JUL 27 1999**



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

July 26, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DON SHENTON
WATERMASTER
BOX 33
DUBOIS ID 83423

RE: TRANSFER OF WATER RIGHTS 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/
32-02043/02045 (Transfer 5450)

Dear Don:

Enclosed is a copy of the recently approved Transfer of Water Right for the above referenced water rights (Transfer 5450) in the name of Reno Ditch Company, c/o Kent Foster.

Also enclosed is a copy of the reviewer's notes.

If you have any questions, please call me at 208-327-7947.

Sincerely,

for L. GLEN SAXTON, Chief
Water Allocations Bureau

LGS:klt

Enclosures

MICROFILMED

JUL 27 1999

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

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JUL 27 1995

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION
IDAHO FALLS, ID
ph. (208) 525-7161

FAX NO. (208) 525-7177

TRANSMITTAL COVER SHEET

OMNIFAX

TO: PAM SKAGGS FROM: H.W. JonesDOCUMENT DESCRIPTION: Re: Ditch transf infoTOTAL NUMBER OF PAGES (Including this page): 5

*
* BILLING ADDRESS: _____ *
* _____ *
* _____ *
* NO. OF PAGES _____ COST/PAGE _____ TOTAL CHARGE _____ *
*

MICROFILMED

JUL 27 1999

MEMO

TO: PAM SKAGGS
FROM: H W JONES
RE: RENO DITCH COMP TRANSF.

I RECENTLY BROUGHT OVER MORE INFO ON THE RENO DITCH TRANSFER TO DOUG ECK WHO IS THE LOAN OFFICER FOR EASTERN IDAHO AG CREDIT ASSOC. (SEE HIS LETTER OF APRIL 28, 1999) HE REVIEWED THE DATA YESTERDAY, JULY 7, 1999 AND CONFIRMED THAT HIS ORGANIZATION DOES NOT HAVE ANY OBJECTION TO THE TRANSFER AS IT RELATES TO LA VAR NEWMAN.

IVE ALSO INCLUDED FOR THE FILE THE RENO DITCH COMP. SHARES THAT ARE PART OF THE NEWMAN PACKAGE.

H W Jones
H W JONES

MICROFILMED

JUL 27 1999

INCORPORATED UNDER THE LAWS OF
THE STATE OF IDAHO
MARCH 9 1999

RENO DITCH COMPANY, INC.

COMMON CAPITAL STOCK, NO PAR VALUE

THIS CERTIFIES THAT L3 Limited Partnership, Jane Newman, General Partner
is the owner of 13,125 shares of the common stock of the Reno Ditch Company, Inc., transferable on the books of the corporation by the holder hereof in person or by attorney upon surrender of this certificate properly endorsed on the reverse side. Each share entitles the owner to a proportionate share of the water received by the corporation during each irrigation season, and to a proportionate interest in the irrigation system and all assets of the corporation, as provided in the By-laws.

NOTICE: Pursuant to the provisions of the Articles and By-laws this stock is:
(1) ASSESSABLE for payment of the expenses of the corporation, and
(2) ITS TRANSFER IS RESTRICTED to transfers of land irrigation from water rights represented by this stock, all in the manner and to the extent provided in the By-laws. A copy of the By-laws will be provided upon request.

IN WITNESS WHEREOF, the RENO DITCH COMPANY, INC. has caused this certificate to be sealed with its corporate seal and signed by its duly authorized officers this 4 day of April, 1999

Attest:

Secretary

RENO DITCH COMPANY, INC.

President

MICROFILMED

201 27 1999

INCORPORATED UNDER THE LAWS OF
THE STATE OF IDAHO
MARCH 9 1999



THIS CERTIFIES THAT L2 Limited Partnership, Lewis Newman, General Partner is the owner of 13,125 shares of the common stock of the Reno Ditch Company, Inc., transferable on the books of the corporation by the holder hereof in person or by attorney upon surrender of this certificate properly endorsed on the reverse side. Each share entitles the owner to a proportionate share of the water received by the corporation during each irrigation season, and to a proportionate interest in the irrigation system and all assets of the corporation, as provided in the By-laws.

NOTICE: Pursuant to the provisions of the Articles and By-laws this stock is:

(1) ASSESSABLE for payment of the expenses of the corporation, and

(2) ITS TRANSFER IS RESTRICTED to transfers of land irrigation from water rights represented by this stock, all in the manner and to the extent provided in the By-laws. A copy of the By-laws will be provided upon request.

IN WITNESS WHEREOF, the RENO DITCH COMPANY, INC. has caused this certificate to be sealed with its corporate seal and signed by its duly authorized officers this 7 day of April, 1999

Attest: John D. McDonald Secretary

By: [Signature] President

MICROFILMED

APR 27 1999



Eastern Idaho Agricultural Credit Association

Idaho Falls Office
P.O. Box 50618 - 455 Constitution Way
Idaho Falls, Idaho 83405-0618
208/522-1547
1-800-632-8816

April 28, 1999

Ron Carlson
Department of Water Resources
900 North Skyline Dr.
Idaho Falls, Idaho 83402

RECEIVED

APR 29 1999

Department of Water Resources
Eastern Region

RE: L. LaVar Newman et al

This is to advise you that Eastern Idaho Agricultural Credit Association does not object to the formation of the Reno Ditch Company, as long as, our water is commensurate with the supply we already hold.

If you have any questions or require further information, please let me know.

Sincerely,

Doug Eck

Doug Eck
Loan Officer
ELACA, Idaho Falls Office

STATE OF IDAHO)

County of Bonneville) ss.

On this 28th day of April, 1999, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Doug Eck, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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



Jim Chase
Notary Public for the State of Idaho

Residing at Idaho Falls

My Commission Expires: 9/14/2001

The Farm Credit System

MICROFILMED

101 27 1999

Post-It® Fax Note	7871	Date	6-29-99	# of pages	1
To	Skip@Eastern		From	Pam@S.O	
Co./Dept.			Co.		
Phone #			Phone #		
Fax #			Fax #		

Reno Ditch Co Transfer

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION
IDAHO FALLS, ID
ph. (208) 525-7161

FAX NO. (208) 525-7177

TRANSMITTAL COVER SHEET

OMNIFAX

TO: PamFROM: Eric Verwer, EasternDOCUMENT DESCRIPTION: Revo Ditch Co. TransferTOTAL NUMBER OF PAGES (Including this page): 3

*
* BILLING ADDRESS: _____
*
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*
* NO. OF PAGES _____ COST/PAGE _____ TOTAL CHARGE _____
*

MICROFILMED

JUL 27 1998

2 (11) 17 The said Wood Live Stock Company, a corporation, aforesaid, as successor
rans-
2165 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, 1888, 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.

2 (11) 18 That the said Wood Live Stock Company, as the successor in interest of Thomas
rans-
2165 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.

2 0069 That the said Wood Live Stock Company, a corporation, as the successor in
rans-
2165 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

MICROFILMED

JUL 27 1995

NAME

R30E

13 18

24 19

CLAIM NO(S) A32-10041

DATE: 6/30/99

T 10 N

R 30 E

SOURCE OF DOC: ASCS DATE?

SIGNATURE: E. V. V.



MICROFILMED

JUL 27 1999

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/^{PS}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.

MICROFILMED

JUN 27 1999

TRANSFER REVIEW SHEET

(07-98)

Transfer # 5450

Date Reviewed 06-18-99

Right(s) 32-00058 - etal - see Attachment A of Application.

(35 rights)

☒ WRQ/Split Summary ☒ SRBA Status ^{Recommended per Region A J} ☐ Run POU Comparison Report

B:Change P/D C:Add P/D D:Change P/U E:Change Nature of Use

F:Change Period of Use G:Other H:Change P/D & Add P/D

☒ I:Change P/D & P/U J:Add P/D & Change P/U

Proof of Ownership Quitclaim Deed for WRS

D+D Enterprises, Birch Creek Ranches, L2 & L3 Limited Partnerships - to

Reno Ditch Co. } Eastern ID Ag. Credit Assoc. agreement letter. 4-28-99

All Except 32-00075 First Security Bank agreement

Transfer ☒ All of Right ☐ Portion of Right

Resulting Split(s) None

Check Transfer Against Recorded Right

Season/Vol. B/3.5 ^{C per Jeff Peppersack}

(1) ☒ Priority (2) ☒ Use (3) ☐ Season (4) ☒ Rate (5) ☐ Volume

(6) ☒ Source (7) ☐ P/D (8) ☐ P/U (9) ☒ Proof/Owner (10) ☒ Map

(11) 32B Water District (12) Yes Pertinent Conditions (13) ☐ Expansion

Use 4-1 to 11-1 per NCY to be consistent w/previous transfers. (214 days)

(3) Recommended with 4-1 to 10-31 as standard per Jeff Peppersack.

(4) 32-00075 is .20 cfs instead of .22 cfs per decree + Eric @ Eastern.

(5) Standard Vol - V1R when $\leq$ V02 - Combined Limits

(7) Change to single P/D - Hydropower Pond (Sorenson)

(8) Create 5798 acre PP/U - 3407 total IRR Acres

3407 - Less 40 acres from 32-00063 + 65 = 3427

Transfer Remarks Modified to 34 PP/U per NCY + combined Limits. W57

Conditions R04, R43, R59, T07, T08, T09

Database/Processing Notes

Standard ☒ Non-Standard ☐

T files all.

"T" Files Update Complete ☒ Approval Form ☒ Transfer Memo ☒

Database Updated Following Approval ☒ Memo/Form Files Deleted ☒

BS 7-26-99

ACTION REQUIRED

FROM: H.W. Jones - Eastern

TO: Pam Skaggs - Bove

RECEIVED

JUN 17 1989

Department of Water Resources

I still need the ok from the Bank on some of this. As we discussed, I am forwarding this so preliminary work can start. The summary sheets enclosed are the adjudication proposals on acres allowed (3467). These are being discussed by applicant attorneys. Naturally, the adjudication would be way ahead if we can approve this transfer prior to the directors report for Basin 32.

Hyd 6-14-89



RECEIVED

JUN 14 1999

Department of Water Resources
Eastern Region

RECEIVED

JUN 17 1999

Department of Water Resources

June 3, 1999

Idaho Department of Water Resources
Attn: Harold Jones
900 North Skyline Drive
Idaho Falls, ID 83402

Re: D & D Enterprises, Inc. Water Transfer

Dear Harold:

This letter is to acknowledge that First Security Bank, its successors, and assigns, agree to the proposed substitution in the water rights that we hold as collateral as described in the Articles of Incorporation and Bylaws of the Reno Ditch Company, Inc.

This transfer affects the following water rights which we currently hold as collateral:

32-00060A	32-00063
32-00059A	32-00064
32-00065	32-00066A
32-00080A	32-00066B
32-00070A	32-00058
32-00061D	32-00074
32-00076	32-00083
32-02043	32-02139

In return for releasing these water rights, we will be taking Certificate No. 1 of the Reno Ditch Company for 36.75 shares as collateral.

Thank you for your assistance with this matter!

Sincerely,

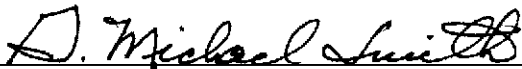
Kim M. Huetting
Assistant Vice President

MICROFILMED

JUN 21 1999

Acknowledged By: U.S. Bank Trust National Association, as Custodian/Trustee
f/k/a First Trust National Association
by Lend Lease Agri-Business, Inc. Attorney in Fact,





G. Michael Smith, Senior Vice President

MICROFILMED

JUL 27 1984

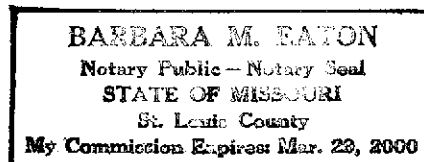
STATE OF MISSOURI)
) SS:
COUNTY OF ST. LOUIS)

BE IT REMEMBERED, that on this 4th day of June, 1999, before me, a Notary Public in and for the County and State aforesaid, personally appeared G. MICHAEL SMITH, Sr. Vice President, of Lend Lease Agri-Business, Inc., a Delaware corporation, as Attorney-in-Fact for U.S. Bank Trust National Association, (f/k/a First Trust National Association) who is personally known to me to be the said officer of said corporation, and the same person who executed the foregoing instrument, and he duly acknowledged the execution of the same for and on behalf of and as the act and deed of said corporation as Attorney-in-Fact for U.S. Bank Trust National Association, (f/k/a First Trust National Association), and that the seal affixed to the foregoing instrument of the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto subscribed my name affixed my official seal, on the day and year last above written.

Barbara M. Eaton, Notary Public

My commission expires:



MICROFILMED

JUL 27 1998

SUMMARY RENO RANCH CANAL CO.

<i>Number</i>	<i>Priority</i>	<i>CFS</i>	<i>Acres*</i>	<i>Overlap</i>	<i>Owner</i>
32-00079	05/15/1913	0.8	160	D	BCR
32-00089	05/10/1888	2.5	960	D	BCR
32-00093	05/10/1886	1.6	960	D	BCR
32-00092	05/10/1888	2.5	960	D	BCR
32-00091	05/01/1901	0.5	960	D	BCR
32-00077	05/15/1910	0.2	160	D	BCR
32-00078	05/15/1911	0.2	160	D	BCR
32-00101	06/04/1909	2.9	160	N	BCR
32-00090A	05/10/1886	0.8	960	D	BCR
32-00061C	05/10/1888	0.4	960	D	BCR
32-00068	05/10/1887	3.2	960	D	BCR
32-00069	05/10/1888	3.2	960	D	BCR
32-00085	05/10/1910	0.2	120	D	BCR
32-00086	05/01/1911	0.2	120	D	BCR
32-00087	05/01/1912	0.2	120	D	BCR
32-00102	05/10/1889	4	120	D	BCR
32-00073	05/15/1909	0.22	160	D	BCR
32-00070A	08/19/1886	2.4	320	E	DD
32-00061D	05/10/1888	2.8	320	E	DD
32-02043	09/19/1912	6.4	320	E	DD
32-00058	04/01/1910	1	67	A	DD
32-00065	05/10/1884	3.2	200	G	DD
32-00063	04/01/1904	3.2	200	G	DD
32-00064	04/01/1907	3.2	160	H	DD
32-00066	01/05/1910	6.4	320	I	DD
32-00075	05/15/1911	0.26	160	K	DD
32-00076	05/15/1912	0.8	160	K	DD
32-00074	10/01/1910	0.14	160	K	DD

Tuesday, June 08, 1999

Page 1 of 2

MICROFILMED

JUL 27 1999

<i>Number</i>	<i>Priority</i>	<i>CFS</i>	<i>Acres*</i>	<i>Overlap</i>	<i>Owner</i>
32-00083	05/15/1912	0.46	160	L	DD
32-00060	05/10/1883	3.2	320	C	DD/LN
32-00080	05/10/1886	3.2	320	C	DD/LN
32-00059	05/10/1884	6.4	320	B	DD/LN
32-02045	11/16/1912	6.4	320	F	LN
32-00062	04/01/1904	3.2	320	F	LN
32-00070B	08/19/1886	0.8	80	F	LN

Tuesday, June 08, 1999

MICROFILMED

JUL 27 1999

Page 2 of 2

Reno Ranch Canal Co. Water Right Summary

	<i>Number</i>	<i>Priority</i>	<i>CFS</i>	<i>Acres*</i>
<i>A</i>	32-00058	04/01/1910	1	67
<i>B</i>	32-00059	05/10/1884	6.4	320
<i>C</i>	32-00060	05/10/1883	3.2	320
	32-00080	05/10/1886	3.2	320
<i>D</i>	32-00061C	05/10/1888	0.4	960
	32-00068	05/10/1887	3.2	960
	32-00069	05/10/1888	3.2	960
	32-00073	05/15/1909	0.22	160
	32-00077	05/15/1910	0.2	160
	32-00078	05/15/1911	0.2	160
	32-00079	05/15/1913	0.8	160
	32-00085	05/10/1910	0.2	120
	32-00086	05/01/1911	0.2	120
	32-00087	05/01/1912	0.2	120
	32-00089	05/10/1888	2.5	960
	32-00090A	05/10/1886	0.8	960
	32-00091	05/01/1901	0.5	960
	32-00092	05/10/1888	2.5	960
	32-00093	05/10/1886	1.6	960
	32-00102	05/10/1889	4	120
<i>E</i>	32-00061D	05/10/1888	2.8	320
	32-00070A	08/19/1886	2.4	320
	32-02043	09/19/1912	6.4	320
<i>F</i>	32-00062	04/01/1904	3.2	320
	32-00070B	08/19/1886	0.8	80
	32-02045	11/16/1912	6.4	320

<i>Overlap</i>	<i>Number</i>	<i>Priority</i>	<i>CFS</i>	<i>Acres*</i>
<i>G</i>				
	32-00063	04/01/1904	3.2	200
	32-00065	05/10/1884	3.2	200
<i>H</i>				
	32-00064	04/01/1907	3.2	160
<i>I</i>				
	32-00066	01/05/1910	6.4	320
<i>K</i>				
	32-00074	10/01/1910	0.14	160
	32-00075	05/15/1911	0.26	160
	32-00076	05/15/1912	0.8	160
<i>L</i>				
	32-00083	05/15/1912	0.46	160
<i>N</i>				
	32-00101	06/04/1909	2.9	160

** Acres Decreed, Licensed or Transferred*

Reno Ditch Company Permissible Place of use

Summary (proposed total acres to be irrigated within APN) 7247

<u><i>Overlap</i></u>	<u><i>Sum Of CFS</i></u>	<u><i>Total Acres</i></u>
<i>Summary for 'Overlap' = A (1 detail record)</i>	1	67
<i>Summary for 'Overlap' = B (1 detail record)</i>	6.4	320
<i>Summary for 'Overlap' = C (2 detail records)</i>	6.4	320
<i>Summary for 'Overlap' = D (16 detail records)</i>	20.72	960
<i>Summary for 'Overlap' = E (3 detail records)</i>	11.6	320
<i>Summary for 'Overlap' = F (3 detail records)</i>	10.4	320
<i>Summary for 'Overlap' = G (2 detail records)</i>	6.4	200
<i>Summary for 'Overlap' = H (1 detail record)</i>	3.2	160
<i>Summary for 'Overlap' = I (1 detail record)</i>	6.4	320
<i>Summary for 'Overlap' = K (3 detail records)</i>	1.2	160
<i>Summary for 'Overlap' = L (1 detail record)</i>	0.46	160
<i>Summary for 'Overlap' = N (1 detail record)</i>	2.9	160
<i>Grand Total</i>	<i>77.08 cfs</i>	<i>3467 acres</i>

Wednesday, June 02, 1999

Page 1 of 1

MICROFILMED

JUN 27 1999

From: DWR06::"EVerneer@idwr.state.id.us" 26-MAY-1999 4:54:45.85
To: 'Kent Foster' <kfoster@holdenlegal.com>
CC: "Jones, Skip (vax)" <dwr06::hjones>,
"Carlsen, Ernie"
<ECarlsen@idwr.state.id.us>,
"Meyer, Paul" <PMeyer@idwr.state.id.us>
Subj: Reno Ditch Co. and Mac Wagoner Claims, Birch Creek

Kent,

Thought email would be the best way to handle this request. Before we can finish processing the adjudication claims under the Reno Ditch Co. transfer (#5450), we will need Birch Creek Ranches to file changes of ownership for the claims traded with Mac Wagoner pursuant to the Memorandum of Agreement (Case No. 2-462). The water right numbers are:

A32-00073
A32-00077
A32-00078
A32-00078
A32-00079
A32-00085
A32-00086
A32-00087
A32-00102

These claims are still in the name of Mac and Betty Wagoner. Our plans are to allow the approved transfer to amend the claims to the new place of use, so we don't believe you will need to send in amended claims. I believe the Memorandum of Agreement will be adequate evidence of ownership for us to process the changes in ownership. We have a copy here that we can photocopy, so all you should need to do is fill out a change of ownership and have Birch Creek Ranches sign it (I don't have a problem with processing one form with all the water right numbers on it). Unless you want to wait until the transfer is approved, you can send the change asap to my attention.

I will also need to have the Wagoner's file a change of ownership for claims A32-00067 and A32-00090B. The transfer was just approved with Birch Creek Ranches as the owners. I will follow up with the Wagoner's to get this done.

Let me know if you need more information or have other questions regarding this matter.

Thanks in advance,

Eric Verner, IDWR

RECEIVED

MAY 25 1999

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF
WATER RIGHT TRANSFER NO. 5450

WATER DISTRICT: 32-D

WATERMASTER: GREGORY A. SHENTON

DATE: MAY 20th, 1999

HAS THIS WATER RIGHT(S) BEEN DELIVERED WITHIN THE LAST FIVE YEARS?

YES _____ NO _____

COMMENTS: WATER RIGHT #32-0101 HAS NOT BEEN DIVERTED SINCE 1990 AND WAS ONLY DIVERTED AT A RATE OF 1.37 c.f.s. FOR 15 DAYS. WATER RIGHT #32-0073, 32-0085, 32-0077, 32-0086, 32-0078, 32-0087, AND 32-0079 HAVE NOT BEEN DIVERTED SINCE EARLY 1990.

WATER RIGHT #32-0091 HAS NOT BEEN DELIVERED OR DIVERTED TO MR. SIMMONS, OR MR. SORENSON, OR BIRCH CREEK RANCHES AT ANY TIME.

WATER RIGHT #32-0081, 32-0082, 32-0084 HAVE NOT BEEN DELIVERED FOR SOME PERIOD OF TIME.

WATER DIST. RECORDS INDICATED WATER RIGHT #32-0091 BELONGS TO BLANCHE WAGONER AT ALL TIMES THAT IT IS AVAILABLE.

THE MILLER SPRING WATERS UNDER WATER RIGHT #32-0068 BELONG TO MR. BILL SIMMON AND SHOULD NOT BE PART OF THIS TRANSFER. MILLER SPRINGS WATERS HAVE NOT BEEN DIVERTED OR DELIVERED TO EITHER MR. SORENSON OR MR. SIMMONS BY THE WATERMASTER.

WATER RIGHT #32-0073 SHOULD BE .20 c.f.s. INSTEAD OF .22 c.f.s. ✓

OUR RECORDS SHOW THAT WATER RIGHT #32-0061D SHOULD BE 1.60 c.f.s. INSTEAD OF 2.80 c.f.s.

(1.20 c.f.s. divergence)

X I DO ENDORSE APPROVAL OF THIS CHANGE.

_____ I DO NOT ENDORSE APPROVAL OF THIS CHANGE.

I RECOMMEND THE FOLLOWING CONDITIONS OF APPROVAL:

THAT APPROPRIATE STREAM BED LOSSES BE ASSESSED TO ALL UP STREAM RIGHTS BEING TRANSFERRED THIS GREAT DISTANCE DOWN STREAM.

BUT SEEING NO INJURY TO ANY USER UP STREAM FROM THIS TRANSFER, MAYBEE NO LOSS WILL NEED BE ASSESSED.


WATERMASTER

MICROFILMED

JUL 27 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

4-20-1999
T5450

INITIAL REVIEW BY: HWT

1. Right number 32-0058 etc Applicant Reno Ditch Company
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 _____
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
 - j. ☒ Is this right in a Watermaster District? ☒ Yes ☐ No
If yes, what district? WD 32 Greg Shanton
4/22/99

Copy to ID
Fish & Game
ID Falls 4/22/99

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on May 25th, 1999
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* Watermaster control

4. By [Signature] for Ren D. Carlson Date 6-14-99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

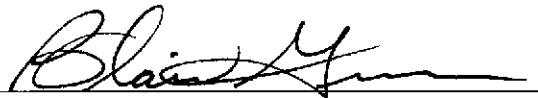
RECEIVED
MAY 17 1999
Department of Water Resources
Eastern Region

MOTION TO WITHDRAW PROTEST FOR EXTENSION OF TIME
WATER RIGHT NO. 32-00101

COMES NOW the undersigned, LaVar Newman and Louise J. Newman, by and through their undersigned attorney of record, and moves to withdraw their Protest to Application For Extension of Time To Avoid Forfeiture of the above-entitled Water Right. This motion is for the reason that the undersigned and others have resolved their litigation over rights to the waters of Birch Creek, and this Protest is therefore no longer needed.

DATED this 14 day of May, 1999.

GROVER & ARCHIBALD


BLAIR GROVER

MICROFILMED
MAY 27 1999

Affidavit of Publication

STATE OF IDAHO
COUNTY OF TWIN FALLS } SS.

I, Carol Williams being first duly sworn upon oath, depose and say that I am principal clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated April 29, 19 99, and ending with the issue dated May 6, 19 99.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 13th day of May in the year of 1999, before me, a Notary Public, personally appeared Carol Williams, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

RECEIVED

MAY 14 1999

Ineva R. Feltman
Notary Public for Idaho

Residing at Twin Falls, Idaho.

My commission expires: 5/19/2000

**NOTICE OF PROPOSED CHANGE
OF A WATER RIGHT NO. T5460**

Notice is hereby given that Reno Ditch Company c/o Kent Foster, Holden, Kidwell, Hahn and Crapo, PO Box 50130, Idaho Falls, ID 83405, has applied to the Department of Water Resources to change a point of diversion and to change the place of use of a surface water source. The rights sought to be changed are evidenced by decrees and licenses and recorded as follows:

Right No.: 32-00058	Amount: 1.00 cfs	Priority: 4/1/1910
Right No.: 32-00059	Amount: 6.40 cfs	Priority: 5/10/1884
Right No.: 32-00060	Amount: 3.20 cfs	Priority: 5/10/1883
Right No.: 32-00061C	Amount: 0.40 cfs	Priority: 5/10/1888
Right No.: 32-00061D	Amount: 2.80 cfs	Priority: 5/10/1888
Right No.: 32-00062	Amount: 3.20 cfs	Priority: 4/1/1904
Right No.: 32-00063	Amount: 3.20 cfs	Priority: 4/1/1904
Right No.: 32-00064	Amount: 3.20 cfs	Priority: 4/1/1907
Right No.: 32-00065	Amount: 3.20 cfs	Priority: 5/10/1884
Right No.: 32-00066	Amount: 6.40 cfs	Priority: 1/5/1910
Right No.: 32-00068	Amount: 3.20 cfs	Priority: 5/10/1887
Right No.: 32-00069	Amount: 3.20 cfs	Priority: 5/10/1888
Right No.: 32-00070A	Amount: 2.40 cfs	Priority: 8/19/1886
Right No.: 32-00070B	Amount: 0.80 cfs	Priority: 8/19/1886
Right No.: 32-00073	Amount: 0.22 cfs	Priority: 5/15/1909
Right No.: 32-00074	Amount: 0.14 cfs	Priority: 10/1/1910
Right No.: 32-00075	Amount: 0.26 cfs	Priority: 5/15/1911
Right No.: 32-00076	Amount: 0.80 cfs	Priority: 5/15/1912
Right No.: 32-00077	Amount: 0.20 cfs	Priority: 5/15/1910
Right No.: 32-00078	Amount: 0.20 cfs	Priority: 5/15/1911
Right No.: 32-00079	Amount: 0.80 cfs	Priority: 5/15/1913
Right No.: 32-00080	Amount: 3.20 cfs	Priority: 5/10/1886
Right No.: 32-00083	Amount: 0.46 cfs	Priority: 5/15/1912
Right No.: 32-00085	Amount: 0.20 cfs	Priority: 5/10/1910
Right No.: 32-00086	Amount: 0.20 cfs	Priority: 5/1/1911
Right No.: 32-00087	Amount: 0.20 cfs	Priority: 5/1/1912
Right No.: 32-00089	Amount: 2.50 cfs	Priority: 5/10/1888
Right No.: 32-00090A	Amount: 0.80 cfs	Priority: 5/10/1886
Right No.: 32-00091	Amount: 0.50 cfs	Priority: 5/1/1901
Right No.: 32-00092	Amount: 2.50 cfs	Priority: 5/10/1888
Right No.: 32-00093	Amount: 1.60 cfs	Priority: 5/10/1886
Right No.: 32-00101	Amount: 2.90 cfs	Priority: 6/4/1909
Right No.: 32-00102	Amount: 4.00 cfs	Priority: 5/10/1889
Right No.: 32-02043	Amount: 6.40 cfs	Priority: 9/19/1912
Right No.: 32-02045	Amount: 6.40 cfs	Priority: 11/16/1912

Point of Diversion(s): within SEC 3 T08N R30E, SEC 11, 14, and 24 T10N R29E, and SEC 24, 29 and 32 T10N R30E, Clark County.

The water is used for irrigation.

TO BE CHANGED AS FOLLOWS:

D & D Ranches, LaVar Newman and Ted Sorenson have assigned their water rights from Birch Creek to an entity called Reno Ditch Company. The water rights listed above will be diverted in the SESW SEC 34 T09N R30E and distributed to approximately 3588 acres within a 5798 acre service area after the water passes thru the power plant. The general places of use are acres East and North of the Reno Ranch on Highway 22.

Any protests against approval of the proposed changes must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr. Ste A, Idaho Falls, ID 83402, together with a protest fee of \$25.00 on or before May 17, 1999. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

PUBLISH: April 29 and May 6, 1999

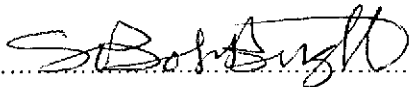
Proof of Publication

The Post Register

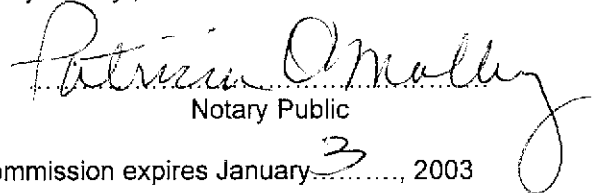
State of Idaho
County of Bonneville

I, S. Bob Bright or Robert Park, 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 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 First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months 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.

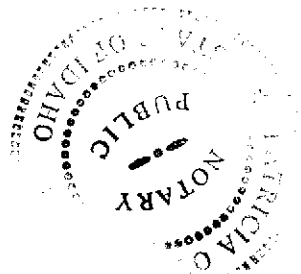
That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for two consecutive (days) weeks, first publication having been made on the 29th day of April, 1999, last publication having been made on the 6th day of May, 1999, and that the said 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 12th day of May, 1999.


Notary Public

My commission expires January 3, 2003



RECEIVED
MAY 13 1999

Department of Water Resources
Eastern Region

**NOTICE OF PROPOSED
CHANGE OF A WATER RIGHT
NO. T5450**

Notice is hereby given that Reno Ditch Company C/O Kent Foster, Holden, Kidwell, Hahn and Crapo, PO Box 50130, Idaho Falls ID 83405, has applied to the Department of Water Resources to change a point of diversion and to change the place of use of a surface water source. The rights sought to be changed are evidenced by decrees and licenses and recorded as follows:

Right No.: 32-00058; Amount: 1.00 cfs;
Priority: 4/1/1910

Right No.: 32-00059; Amount: 6.40 cfs;
Priority: 5/10/1884
Right No.: 32-00060; Amount: 3.20 cfs;
Priority: 5/10/1883
Right No.: 32-00061C; Amount: 0.40 cfs;
Priority: 5/10/1888
Right No.: 32-00061D; Amount: 2.80 cfs;
Priority: 5/10/1888
Right No.: 32-00062; Amount: 3.20 cfs;
Priority: 4/1/1904
Right No.: 32-00063; Amount: 3.20 cfs;
Priority: 4/1/1904
Right No.: 32-00064; Amount: 3.20 cfs;
Priority: 4/1/1907
Right No.: 32-00065; Amount: 3.20 cfs;
Priority: 5/10/1884
Right No.: 32-00066; Amount: 6.40 cfs;
Priority: 1/5/1910
Right No.: 32-00068; Amount: 3.20 cfs;
Priority: 5/10/1887
Right No.: 32-00069; Amount: 3.20 cfs;
Priority: 5/10/1888
Right No.: 32-00070A; Amount: 2.40 cfs;
Priority: 8/19/1886
Right No.: 32-00070B; Amount: 0.80 cfs;
Priority: 8/19/1886
Right No.: 32-00073; Amount: 0.22 cfs;
Priority: 5/15/1909
Right No.: 32-00074; Amount: 0.14 cfs;
Priority: 10/1/1910
Right No.: 32-00075; Amount: 0.26 cfs;
Priority: 5/15/1911
Right No.: 32-00076; Amount: 0.80 cfs;
Priority: 5/15/1912
Right No.: 32-00077; Amount: 0.20 cfs;
Priority: 5/15/1910
Right No.: 32-00078; Amount: 0.20 cfs;
Priority: 5/15/1911
Right No.: 32-00079; Amount: 0.80 cfs;
Priority: 5/15/1913
Right No.: 32-00080; Amount: 3.20 cfs;
Priority: 5/10/1886
Right No.: 32-00083; Amount: 0.46 cfs;
Priority: 5/15/1912
Right No.: 32-00085; Amount: 0.20 cfs;
Priority: 5/10/1910
Right No.: 32-00086; Amount: 0.20 cfs;
Priority: 5/1/1911
Right No.: 32-00087; Amount: 0.20 cfs;
Priority: 5/1/1912
Right No.: 32-00089; Amount: 2.50 cfs;
Priority: 5/10/1888
Right No.: 32-00090A; Amount: 0.80 cfs;
Priority: 5/10/1886
Right No.: 32-00091; Amount: 0.50 cfs;
Priority: 5/1/1901
Right No.: 32-00092; Amount: 2.50 cfs;
Priority: 5/10/1888
Right No.: 32-00093; Amount: 1.60 cfs;
Priority: 5/10/1886
Right No.: 32-00101; Amount: 2.90 cfs;
Priority: 6/4/1909
Right No.: 32-00102; Amount: 4.00 cfs;
Priority: 5/10/1889
Right No.: 32-02043; Amount: 6.40 cfs;
Priority: 9/19/1912
Right No.: 32-02045; Amount: 6.40 cfs;
Priority: 11/16/1912
Point of Diversion(s): within SEC 3 T08N
R30E, SEC 11, 14, and 24 T10N R29E,
and SEC 24, 29 and 32 T10N R30E,
Clark County.

The water is used for irrigation.

TO BE CHANGED AS FOLLOWS:

D & D Ranches, LaVar Newman and Ted Sorenson have assigned their water rights from Birch Creek to an entity called Reno Ditch Company. The water rights listed above will be diverted in the SESW SEC 34 T09N R30E and distributed to approximately 3588 acres within a 5798 acre service area after the water passes thru the power plant. The general places of use are acres East and North of the Reno Ranch on Highway 22.

Any protests against approval of the proposed changes must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr. Ste A, Idaho Falls, ID 83402, together with a protest fee of \$25.00 on or before May 17, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published: April 29, May 6, 1999

Post Register

MICROFILMED

1999 27 1999



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
ALAN G. LANCE

May 10, 1999

George C. Petersen, Jr.
Wm. Charles Carr
Petersen, Moss, Olsen, Carr,
Eskelson & Hall
485 "E" Street
Idaho Falls, ID 83402

Blair J. Grover
Grover & Archibald
P.O. Box 36
Rigby, ID 83442

RECEIVED

MAY 13 1999

Department of Water Resources
Eastern Region

Kent W. Foster
Holden, Kidwell, Hahn & Crapo
P.O. Box 50130
Idaho Falls, ID 83405

Re: Birch Creek Ranches Application for Extension of Time to Avoid Forfeiture of
Water Right No. 32-00101

Gentlemen:

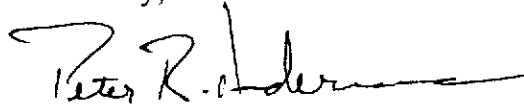
The above-referenced Application for Extension of Time to Avoid Forfeiture is still pending before me. The Protestants need to inform me whether they wish to pursue their protests in this matter or whether they wish to withdraw those protests at this time. Further, it is my understanding that the Applicant no longer has an interest in the subject water right. The Applicant needs to inform IDWR whether it wishes to withdraw this Application or to submit a change in ownership to IDWR to place the Application under the current owner of the water right in question.

As a side-matter, I remind the parties that all of the water rights in the Birch Creek Valley are currently being investigated in the Snake River Basin Adjudication. IDWR's records in the adjudication need to be updated so the current ownership of the water right claims is reflected in the IDWR Adjudication Bureau's records.

Messrs. Petersen, Grover, and Foster
May 10, 1999
Page 2

I look forward to hearing from you in the near future.

Sincerely,

A handwritten signature in dark ink, appearing to read "Peter R. Anderson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Peter R. Anderson
Deputy Attorney General

PRA/dde

cc: Norm Young
Ron Carlson, Eastern Region

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707-0040

LEGAL ADVERTISING INVOICE

Account # /Trans #	Identification			Amount:
100564 #29023	CHANGE OF WATER RIGHT - RENO DITCH COMPANY			\$189.00
Ordered by:	P.O. Number	Rate	Run Dates:	
SHARLA		TT	APRIL 29, MAY 6, 1999	
ID DEPARTMENT OF WATER RESOURCES EAST 900 N. SKYLINE DR, STE. A IDAHO FALLS, ID 83402			Estimated Inches	Real Inches
			62 X 2 LINES	
			Affidavit:	Legal Number:
			1	3907

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended for TWO

☒ consecutive weekly ☐ single
☐ consecutive daily ☐ odd skip

insertion(s) beginning with the issue of: APRIL 29, 1999
 and ending with the issue of: MAY 6, 1999

STATE OF IDAHO)
) ss.
 COUNTY OF ADA)

Janice Hildreth

On this 6 day of MAY in the year of 1999, before me, a Notary Public, personally appeared Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Paula Lee

 Notary Public for Idaho
 Residing at: Boise, Idaho
 My commission expires: 11-27-99

RECEIVED
MAY 12 1999
 Department of Water Resources
 Eastern Region

MICROFILMED

Idaho Statesman

**LEGAL NOTICE
PROPOSED CHANGE OF A WATER RIGHT
NO. T5450**

Notice is hereby given that Reno Ditch Company C/O Kent Foster, Haldon, Kidwell, Hahn and Crapo, PO Box 50130, Idaho Falls ID 83405, has applied to the Department of Water Resources to change a point of, diversion and to change the place of use of a surface water source. The right sought to be changed are evidenced by decrees and licences and recorded as follows:

Right No.: 32-09058	Amount: 1.00 cfs	Priority: 4/1/1910
Right No.: 32-06059	Amount: 6.40 cfs	Priority: 5/10/1884
Right No.: 32-00060	Amount: 3.20 cfs	Priority: 5/10/1883
Right No.: 32-06061C	Amount: 0.40 cfs	Priority: 5/10/1888
Right No.: 32-09061D	Amount: 2.80 cfs	Priority: 5/10/1888
Right No.: 32-00062	Amount: 3.20 cfs	Priority: 4/1/1904
Right No.: 32-00063	Amount: 3.20 cfs	Priority: 4/1/1904
Right No.: 32-00064	Amount: 3.20 cfs	Priority: 4/1/1907
Right No.: 32-04065	Amount: 3.20 cfs	Priority: 5/10/1884
Right No.: 32-00066	Amount: 6.40 cfs	Priority: 1/5/1910
Right No.: 32-06068	Amount: 3.20 cfs	Priority: 5/10/1887
Right No.: 32-00069	Amount: 3.20 cfs	Priority: 5/10/1888
Right No.: 32-00070A	Amount: 2.40 cfs	Priority: 8/19/1886
Right No.: 32-04070B	Amount: 0.80 cfs	Priority: 8/19/1886
Right No.: 32-06073	Amount: 0.22 cfs	Priority: 5/15/1909
Right No.: 32-00074	Amount: 0.14 cfs	Priority: 10/1/1910
Right No.: 32-00075	Amount: 0.26 cfs	Priority: 5/15/1911
Right No.: 32-00076	Amount: 0.80 cfs	Priority: 5/15/1912
Right No.: 32-00077	Amount: 0.20 cfs	Priority: 5/15/1910
Right No.: 32-00078	Amount: 0.20 cfs	Priority: 5/15/1911
Right No.: 32-00079	Amount: 0.80 cfs	Priority: 5/15/1913
Right No.: 32-00080	Amount: 3.20 cfs	Priority: 5/10/1886
Right No.: 32-00083	Amount: 0.46 cfs	Priority: 5/15/1912
Right No.: 32-00085	Amount: 0.20 cfs	Priority: 5/10/1910
Right No.: 32-00086	Amount: 0.20 cfs	Priority: 5/1/1911
Right No.: 32-00087	Amount: 0.20 cfs	Priority: 5/1/1912
Right No.: 32-00089	Amount: 2.50 cfs	Priority: 5/10/1888
Right No.: 32-00090A	Amount: 0.80 cfs	Priority: 5/10/1886
Right No.: 32-00091	Amount: 0.50 cfs	Priority: 5/1/1901
Right No.: 32-00092	Amount: 2.50 cfs	Priority: 5/10/1888
Right No.: 32-00093	Amount: 1.60 cfs	Priority: 5/10/1886
Right No.: 32-00101	Amount: 2.90 cfs	Priority: 6/4/1909
Right No.: 32-00102	Amount: 4.00 cfs	Priority: 5/10/1889
Right No.: 32-02043	Amount: 6.40 cfs	Priority: 9/19/1912
Right No.: 32-02045	Amount: 6.40 cfs	Priority: 11/16/1912

Point of Diversion(s): within SEC 3 T08N R30E, SEC 11, 14, and 24 T10N R29E, and SEC 24, 29 and 32 T10N R30E, Clark County.
The water is used for irrigation.

TO BE CHANGED AS FOLLOWS:

D & D Ranches, LaVar Newman and Ted Sorenson have assigned their water rights from Birch Creek to an entity called Reno Ditch Company. The water rights listed above will be diverted in the SESW SEC 34 T09N R30E and distributed to approximately 3588 acres within a 5798 acre service area after the water passes thru the power plant. The general places or use are acres East and North of the Reno Ranch on Highway 22.

Any protests against approval of the proposed changes must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr. Ste A, Idaho Falls, ID 83402, together with a protest fee of \$25.00 on or before May 17, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Pub. Apr. 29: May 6, 1999

3907

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

**LEGAL ADVERTISING
INVOICE**

SOLD TO: IDAHO DEPT. OF WATER RESOURCES
900 N. SKYLINE
IDAHO FALL ID 83402

Date 05/06/99 INVOICE NO. 200388

Account No. 446600

Description 200388NOTICEOFPROPOSED

Times 2 Lines 59

Tab. Lines _____

\$ 177.00

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.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 200388NOTICEOFP attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 04/29, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 04/29/99, and the last publication thereof being on the 05/06/99, and said 200388NOTICEOFP was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

RECEIVED

MAY 11 1999

Department of Water Resources
Eastern Region

SUBSCRIBED AND SWORN BEFORE ME THIS THE _____

day of _____ 1999

Notary Public

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires _____

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. T5450

Notice is hereby given: Reno Ditch Company C/O Kent Foster, Holden, Kidwell, Hahn and Crapo, Box 50130, Idaho Falls, ID 83405, has applied to the Department of Water Resources to change a point of diversion and to change the place of use of a surface water source. The rights sought to be changed are ordained by decrees and licenses and recorded as follows:

Right No.: 32-00058	Amount: 1.00 cfs	Priority: 4/1/1910
Right No.: 32-00059	Amount: 6.40 cfs	Priority: 5/10/1884
Right No.: 32-00060	Amount: 3.20 cfs	Priority: 5/10/1883
Right No.: 32-00061C	Amount: 0.40 cfs	Priority: 5/10/1888
Right No.: 32-00061D	Amount: 2.80 cfs	Priority: 5/10/1888
Right No.: 32-00062	Amount: 3.20 cfs	Priority: 4/1/1904
Right No.: 32-00063	Amount: 3.20 cfs	Priority: 4/1/1904
Right No.: 32-00064	Amount: 3.20 cfs	Priority: 4/1/1907
Right No.: 32-00065	Amount: 3.20 cfs	Priority: 5/10/1884
Right No.: 32-00066	Amount: 6.40 cfs	Priority: 1/5/1910
Right No.: 32-00068	Amount: 3.20 cfs	Priority: 5/10/1887
Right No.: 32-00069	Amount: 3.20 cfs	Priority: 5/10/1888
Right No.: 32-00070A	Amount: 2.40 cfs	Priority: 8/19/1886
Right No.: 32-00070B	Amount: 0.80 cfs	Priority: 8/19/1886
Right No.: 32-00073	Amount: 0.22 cfs	Priority: 5/15/1909
Right No.: 32-00074	Amount: 0.14 cfs	Priority: 10/1/1910
Right No.: 32-00075	Amount: 0.26 cfs	Priority: 5/15/1911
Right No.: 32-00076	Amount: 0.80 cfs	Priority: 5/15/1912
Right No.: 32-00077	Amount: 0.20 cfs	Priority: 5/15/1910
Right No.: 32-00078	Amount: 0.20 cfs	Priority: 5/15/1911
Right No.: 32-00079	Amount: 0.80 cfs	Priority: 5/15/1913
Right No.: 32-00080	Amount: 3.20 cfs	Priority: 5/10/1886
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Right No.: 32-00086	Amount: 0.20 cfs	Priority: 5/1/1911
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Right No.: 32-00102	Amount: 4.00 cfs	Priority: 5/10/1889
Right No.: 32-02043	Amount: 6.40 cfs	Priority: 9/19/1912
Right No.: 32-02045	Amount: 6.40 cfs	Priority: 11/16/1912

Point of Diversion(s): within SEC 3 T08N R30E, SEC 11, 14 and 24 T10N R29E, and SEC 24, 29 and 32 T10N R30E, Clark County.

The water is used for irrigation.

TO BE CHANGED AS FOLLOWS:

D & D Ranches, LaVar Newman and Paul Sorenson have assigned their water rights from Birch Creek to an entity called Reno Dutch Company. The water rights listed above will be diverted in the SESW SEC 34 T09N R30E and distributed on approximately 3588 acres within a 5798 acre service area after the water passes thru the power plant. The general places of use are acres East and North of the Reno Ranch on Highway 22.

Any protests against approval of the proposed changes must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Ste A, Idaho Falls, ID 83402, together with a protest fee of \$25.00 on or before May 17, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER Director

Published in the Lewiston Morning Tribune on April 29 and May 6, 1999.

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
GAYLE A. SORENSON, P.A.
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
SHAN B. PERRY
AMELIA A. CANEGALY

U.S. BANK OF IDAHO BUILDING
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

May 7, 1999

Harold Jones
IDAHO DEPARTMENT OF
WATER RESOURCES
900 North Skyline Drive
Idaho Falls, ID 83402

RECEIVED

MAY 10 1999

Department of Water Resources
Eastern Region

Re: Pass Creek Water Rights

Dear Mr. Jones:

We are writing this letter as a summary of what we understand to be the relevant history and status of water rights nos. 32-00088, 32-00091, 32-00092 and 32-00093. I personally first became acquainted with this problem in the mid 1970s when Bill Simmons owned the property on Birch Creek. Bill had purchased the property from Marshall Bare and, as he tried to become familiar with the water rights, he discovered what appeared to be numerous discrepancies. Eventually, he contacted us and we assisted him through a transfer proceeding, no. 2165.

During that process, Bill became aware of the above rights. We learned that 32-00088 was the subject of a Decree of Court dated September 6, 1922, to Frank and Jessie Worthing in the amount of 1.0 cfs from Pass Creek. The right was made appurtenant by the decree to land owned in 1977 by Bill Simmons or which was un-irrigated, and provided for Pass Creek water to be delivered into Birch Creek and for Birch Creek water to be diverted on an exchange basis for irrigation of the land listed. Rights nos. 32-00091, 32-00092 and 32-00093 were decreed to Edward Kaufman in the September 6, 1922 decree in the amounts of .5 cfs, 2.5 cfs and 1.6 cfs respectively, also from Pass Creek, for lands most of which were owned by Bill Simmons in 1977 or were un-irrigated. The description appears to include some of the Wagoner lands in the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 29, Township 10 North Range 29 East, which lies on the West side of Birch Creek.

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JUL 27 1999

In a subsequent "Judgment Correcting Clerical Error", dated September 8, 1937, the court which entered the 1922 decree stated: "NOW, upon consideration, it is further ordered, and adjudged that the words "Pass Creek" so appearing in the decree, be, and they are hereby, adjudged a clerical error and should have read "Birch Creek" and said paragraph so entered, as hereinbefore set out, is hereby changed to express the judgment of the court at the time said decree was made and entered and shall read as follows, to wit:" In the restated language of the paragraph, the words "Pass Creek" were not changed to "Birch Creek" for right no. 32-00091, just for rights nos. 32-00092 and 32-00093.

After significant review, discussions with other irrigators and the water master, Mr. Simmons became convinced that the basic facts at that time (1977), within the memory of anyone living, were essentially as follows:

1. No Pass Creek water had been delivered into Birch Creek during the irrigation season for any exchange for Birch Creek water.
2. All water available from Pass Creek during the irrigation season had been diverted into the Wagoner ditch and used for irrigation of Wagoner land on the West side of Birch Creek.
3. No Birch Creek water had been diverted for use on the Wagoner lands on the West side of Birch Creek.

On June 14, 1977, Bill and Theola Simmons entered into a letter agreement with Clifton and Blanche Wagoner (copy attached) under the terms of which the Simmonses released any claim they may have had in water right no. 32-00088 and Wagoners released any claim they may have had in rights nos. 32-00091, 32-00092 and 32-00093. Each also consented to the formal transfer by the other of the released rights.

The Simmonses did proceed with transfer no. 2165 which was approved February 22, 1983. One of the intentions of the Simmonses in the transfer proceeding and the effect of the transfer, was to clarify that rights nos. 32-00091, 32-00092 and 32-00093, are all Birch Creek rights, and even if some confusion may have remained from the 1937 "Judgment Correcting

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JUL 27 1999

Harold Jones
May 7, 1999
Page 3

Clerical Error" with respect to right no. 32-00091, it was finally resolved in approved transfer no. 2165.

The Wagoners never filed an application for transfer of right no. 32-00088. When it came time for filing of SRBA claims in the late 1980s, Clifton Waggoner was deceased. Whoever assisted Mrs. Blanche Waggoner in the preparation of her SRBA claims apparently did not review transfer 2165 and the agreement she entered into with her husband in 1977 because besides filing an SRBA claim for 32-00088, she also filed a claim for 32-00091 in violation of that agreement. Of course Mr. Simmons also claimed 32-00091 in the SRBA proceeding in reliance on the 1977 agreement and transfer no. 2165.

If we may be of any assistance in this matter, please feel free to call upon us at your convenience.

Very truly yours,



Kent W. Foster

Enclosure

G:\WPDATA\KWF\5568UONE0507.LTR.kmc

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JUL 27 1999

COPY

May 17, 1977

Department of Water Resources
Eastern District Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

Gentlemen:

It has recently come to our attention, that certain of the water rights listed in the Birch Creek Decree (that is; the decree entered in the case of Agnes B. Reno, et al vs. J. R. Richards, et al, dated September 6, 1922, in the Ninth Judicial District Court of the State of Idaho, in and for the County of Fremont) have not, to our knowledge, ever been used on the lands to which the rights were made appurtenant under the decree, but rather, to our knowledge, have always been used in the manner set forth in this letter. It is our intention by this letter to explain how the water has been used, to release any claims which we may have on the specific water rights mentioned herein, which have been used on the others' property, and to consent to any formal transfer of such rights by the other so that the records will conform to the actual practice.

The first such right has been assigned Right No. 32-0088. The right was decreed to Frank C. and Jesse Worthing, in the amount of 1 cubic feet per second, with a priority date of July 29, 1907, and was decreed to land now owned by William T. and Theola Simmons. The decree indicates that this water right is from Pass Creek, a tributary of said Birch Creek. To the knowledge of the undersigned, this water has never been used in the manner described in the decree; but, in fact, all of the waters of Pass Creek have been used on land owned by Clifton and Blanche Waggoner. The undersigned, William T. and Theola Simmons hereby release any claim which they may have in and to said right, and hereby consent to the formal transfer by the Waggoners or their heirs, assigns or successors in interest of said water right to their lands at any time they might desire to do so.

Also, under said decree, certain portions of the water rights assigned No.s 32-0093, 32-0092, and 32-0091, are shown as being appurtenant to certain acres of land now owned by the undersigned, Clifton and Blanche Waggoner. To the knowledge of the undersigned, these rights have never been used on the lands now owned by Waggoners, and have always been used on lands now owned by William T. and Theola Simmons. The undersigned, Clifton Waggoner and Blanche Waggoner hereby release any claims in or to

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JUL 27 1978

the above numbered rights which they may now have by virtue of said decree, and hereby consent to the formal transfer by William T. and Theola Simmons, their heirs, assigns or successors in interest, of all or any portion of said water rights.

In Witness Whereof, we have hereunto set our hands and seals this 14th day of ~~May~~^{June}, 1977.

William T. Simmons
William T. Simmons

Theola Simmons
Theola Simmons

Clifton Waggoner
Clifton Waggoner

Blanche Waggoner
Blanche Waggoner

STATE OF IDAHO)
County of Bonneville) ss.

On this 14th day of ~~May~~^{June}, 1977, before me, the undersigned, a Notary Public in and for said state, personally appeared William T. Simmons and Theola Simmons, his wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

Robert M. Saunders
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 3/10/79

(seal)

STATE OF IDAHO)
County of Bonneville) ss.

On this 28th day of ~~May~~^{June}, 1977, before me, the undersigned, a Notary Public in and for said state, personally appeared Clifton Waggoner and Blanche Waggoner, his wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

Robert M. Saunders
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 3/10/79

(seal)

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JUL 27 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

April 22, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RENO DITCH COMPANY
C/O KENT FOSTER
HOLDEN KIDWELL HAHN AND CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

RE: Application for Transfer #5450

Dear Applicant:

This office is currently in the process of advertising the application in the Post Register, Idaho Statesman, Times News and Lewiston Morning Tribune on April 29 and May 6, 1999. The advertisement will be published once a week 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.

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

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

MICROFILMED
JUL 27 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

April 22, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

IDAHO FISH & GAME
1515 LINCOLN RD
IDAHO FALLS ID 83401

RE: Applications for Transfer #5450

Dear Sirs:

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 17, 1999, 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: sc

Enc.

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JUL 27 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 22, 1999

GREG SHENTON
WATERMASTER # 32
PO BOX 33
DUBOIS ID 83423

RE: Application for Transfer #5450

Dear Greg:

Please find enclosed a copy of the above referenced application. Please review the application and submit any comments you may have to our Department by May 17, 1999.

If you have any questions, please feel free to contact us.
Thank you for your cooperation in this matter.

Respectfully submitted,

Harold W. Jones
Water Right Supervisor

HWJ:sc

enc.

MICROFILMED
JUL 27 1999

Cox, Sharla

From: Cox, Sharla
Sent: Thursday, April 22, 1999 11:14 AM
To: 'Janice Hildreth (E-mail)'
Cc: Cox, Sharla
Subject: legal ad

Hi Janice:

Please see the enclosed attachments.



COVER



JANICE

Thanks
Sharla

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JUL 27 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 22, 1999

LEWISTON MORNING TRIBUNE
PO BOX 957
LEWISTON ID 83501

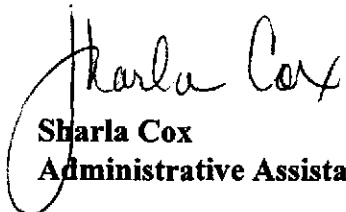
Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the dates indicated 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 17, 1999.

Respectfully submitted,


Sharla Cox
Administrative Assistant

Enc.

MICROFILMED

JUL 27 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 22, 1999

POST REGISTER
PO BOX 1800
IDAHO FALLS ID 83403

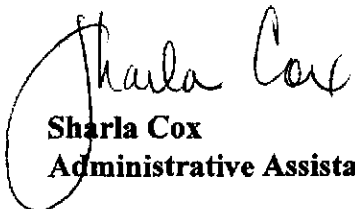
Dear Cathy VonBorstel:

Enclosed you will find a legal notice which we wish to have published on the dates indicated 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.

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Respectfully submitted,


Sharla Cox
Administrative Assistant

Enc.

MICROFILMED

111 27 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 22, 1999

TIMES NEWS
PO BOX 548
TWIN FALLS ID 83303

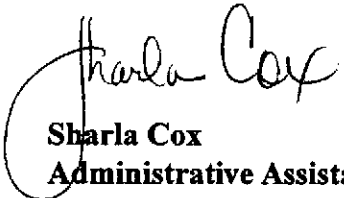
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Respectfully submitted,


Sharla Cox
Administrative Assistant

Enc.

MICROFILMED
JUL 27 1999

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5450

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Right No.:	32-00061C	Amount:	0.40 cfs	Priority:	5/10/1888
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Right No.:	32-00070A	Amount:	2.40 cfs	Priority:	8/19/1886
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Right No.:	32-02045	Amount:	6.40 cfs	Priority:	11/16/1912

Point of Diversion(s): within SEC 3 T08N R30E, SEC 11, 14, and 24 T10N R29E, and SEC 24, 29 and 32 T10N R30E, Clatsop County, Oregon

The water is used for irrigation.

TO BE CHANGED AS FOLLOWS:

D & D Ranches, LaVar Newman and Ted Sorenson have assigned their water rights from Birch Creek to an entity called Reno Ditch Company. The water rights listed above will be diverted in

JUL 27 1995

the SESW SEC 34 T0 R30E and distributed to approximately 3588 acres within a 5798 acre service area after the water passes thru the power plant. The general places of use are acres East and North of the Reno Ranch on Highway 22.

Any protests against approval of the proposed changes must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr. Ste A, Idaho Falls, ID 83402, together with a protest fee of \$25.00 on or before May 17, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Post Register, Times News, Lewiston Morning Tribune and the Idaho Statesman on April 29 and May 6, 1999.

MICROFILMED
JUL 27 1999

Law Offices
HOLDN, KIDWELL, HAHN & CRAPPO, L.L.C.

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
GAYLE A. SORENSON, P.A.
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
SHAN B. PERRY

U.S. BANK OF IDAHO BUILDING
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
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E-MAIL HOLDNLAW@SRV.NET

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

April 19, 1999

RECEIVED
APR 21 1999
Department of Water Resources
Eastern Region

Mr. Peter R. Anderson, Hearing Officer
Deputy Attorney General
IDAHO DEPARTMENT OF
WATER RESOURCES
1301 North Orchard
Boise, ID 83706-2231

Dear Mr. Anderson:

This letter is to report to you that matters regarding the settlement between Birch Creek Ranches, D&D Enterprises and Lavar Newman are preceding quite well. The new corporation, The Reno Ditch Company, Inc., has been organized, stock has been issued, board members and officers have been elected, and all water rights of the three parties have been deeded to the new canal company. We met last week with Harold Jones, Eric Verner and Paul Meyer of the Idaho Falls office who have kindly sorted through the details of the new transfer application and are correlating the transfer with the SRBA processing. They have been very helpful, and it appears that matters are progressing very well on those items too. Last Friday, Jim DeMordaunt, the secretary of the new canal company, signed the new application for transfer on behalf of the Reno Ditch Company, Inc.

We therefore hereby formally withdraw, on behalf of Birch Creek Ranches, Inc., Application for Transfer No. 3553 and Application for Permit No. 32-07252 (formerly 31-07646). It is our understanding that Chuck Carr and Blair Grover already have or will be formally withdrawing applications 32-7238, 32-7239 and 32-7249 on behalf of D&D Enterprises and Lavar Newman as well. If there are any other loose ends that need to be taken care of, we hope someone will let us know, and we will try to conclude all of these matter?

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APR 27 1999

COPY

Mr. Peter R. Anderson
April 19, 1999
Page 2

We certainly thank you for all of your assistance and patience throughout this complex matter.

Very truly yours,



Kent W. Foster

c. Harold Jones
Eric Verner
Chuck Carr
Blair Grover

G:\WPDATA\KWF\5568\ANDR0419.LTR.kmc

MICROFILMED
JUL 27 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

21 August 1995

GEORGE PETERSON
PETERSON MOSS OLSON CARR ESKELSON & HALL
485 E STREET
IDAHO FALLS, IDAHO 83402

RECEIVED

AUG 24 1995

Department of Water Resources

RE: In the matter of Transfer No. 4124 of Water Right Nos.
32-00058 and 32-00059 in the name of D & D Enterprises

Dear George:

Summarizing our conversation of 8 August 1995, it is my understanding we agreed to the items below:

1. Your clients will drop their appeal of the Director's decision concerning Transfer No. 4124.
2. A representative of IDWR will conduct a field investigation to determine the land historically irrigated by D & D Enterprises with water for Birch Creek.
3. A new transfer application will be submitted for right 32-00059 relocating it to lands identified as historically irrigated by the above investigation.

Regarding a time table for Item 1, Steve Ball from this office has indicated he will be able to conduct the field work prior to 1 September 1995. A land list should be available within a couple of weeks following the field work.

If your understanding of future actions concerning the above matter is different, please contact me.

Respectfully submitted

Ernest Carlsen
WR Supervisor

cc: Glen Saxton

MICROFILMED

JUL 27 1995

GEORGE C. PETERSEN, JR.
REED L. MOSS
WM. CHARLES CARR
SCOTT P. ESKELSON
STEPHEN D. HALL

PETERSEN, MOSS, OLSEN, CARR,
ESKELSON & HALL

Attorneys at Law
485 "E" Street
Idaho Falls, Idaho 83402
(208) 523-4650

DENNIS M. OLSEN
(1930-1985)
FAX NO.
(208) 524-3391

August 8, 1995

RECEIVED

AUG 10 1995

Department of Water Resources


L. Glen Saxton
Hearing Officer
Dept. of Water Resources
1301 N. Orchard Street
Statehouse Mail
Boise, ID 83720-9000

RE: In the Matter of Transfer No. 4124 of Water Right Nos. 32-00058 and 32-00059
in the Name of D & D Enterprises

Dear Glen:

For the purpose of supporting your file and in response to my commitment to you this date, please be advised as follows:

In my discussion with Ernie Carlsen, this date, he suggested that where his personnel will be inspecting the D & D property within the next few days and the requested transfer, the subject of the above captioned, can be appropriately handled at that time, that the appeal, the subject of the above captioned, be set off in that he feels certain that the transfer can be approved following the department's review of D & D's properties.

As you indicated, this would be much cheaper for all parties concerned and thus, I appreciate your suggestion and willingness to set aside and/or delay the hearing on the above appeal for the purpose of seeing if the transfer cannot be made based upon the findings of the local department which, in effect, would make the matters the subject of the pending appeal moot.

In view of our telephone discussion this date, I will not be responding to the queries posed in your Order for Prehearing Statements at this time, unless you advise otherwise.

I will continue to make contact with the local office for the purpose of making sure that you are informed and kept abreast of the findings of the Idaho Falls Office relative to D & D's request for transfer.

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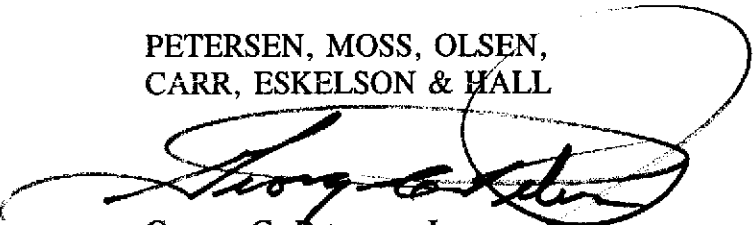
AUG 27 1995

L. Glen Saxton
Dept. of Water Resources
August 8, 1995
Page - 2

If you have any questions and/or I can be of any further assist, please advise. Best regards.

Very truly yours,

PETERSEN, MOSS, OLSEN,
CARR, ESKELSON & HALL



George C. Petersen, Jr.

GCP/jih

cc: Ernie Carlsen
Jim DeMordaunt

\\D&D\Saxton.ltr\

MICROFILMED

JUL 27 1995



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 4, 1995

RE: In the Matter of Transfer No. 4124 of Water Right
Nos. 32-00058 and 32-00059 in the name of D & D
Enterprises

Dear Interested Parties:

I have enclosed a copy of the ORDER FOR PREHEARING
STATEMENTS.

If you have any questions regarding the enclosed
order, please feel free to contact me at (208)327-7900.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

cc: IDWR - Region

MICROFILMED

JUL 27 1995



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 23, 1995

George C. Peterson
Peterson, Moss et al.
485 "E" Street
Idaho Falls, ID 83402

RE: TRANSFER NO. 4124 OF WATER RIGHT NOS. 32-00058 AND 32-00059
IN THE NAME OF D & D ENTERPRISES

Dear Mr. Peterson:

On March 22, 1995, I acknowledged your request for hearing in connection with the department's partial approval on February 1, 1995 of Transfer No. 4124.

Please advise me of tentative dates for which you are available to attend a hearing in Idaho Falls during August 1995.

If you have questions or would like to discuss hearing dates with me over the phone, my direct phone number is (208) 327-7955.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - E. Region
Harold Jones

MICROFILMED
JUL 27 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 22, 1995

George C. Peterson
Peterson, Moss et al.
485 "E" Street
Idaho Falls, ID 83402

RE: TRANSFER NO. 4124 IN THE NAME OF D & D ENTERPRISES

Dear Mr. Peterson:

This office acknowledges receipt of your letter dated March 13, 1995 in connection with the above referenced matter.

The department's partial approval of Transfer No. 4124 was mailed to you on February 10, 1995.

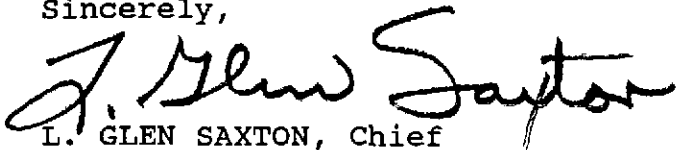
Section 42-1701A, Idaho Code, provides in pertinent part as follows:

... any applicant ... aggrieved by a denial or conditional approval ordered by the director ... shall be entitled to a hearing before the director ... upon filing with the director, within fifteen (15) days after receipt of the denial or conditional approval, a written petition stating the grounds for contesting the action by the director and requesting a hearing.

Although your request for hearing was not timely filed, the department will treat your letter as a request for hearing as provided in Section 42-1701A(3), Idaho Code.

The department did not approve the change in place of use of 0.88 cfs of right no. 32-00059, since the right would be "unstacked" from the existing place of use potentially enlarging the right. You must be prepared to clearly demonstrate there will be no enlargement in use together with making a suitable showing in connection with the other pertinent factors described in Section 42-222, Idaho Code.

Sincerely,


L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - E. Region

MICROFILMED

JUL 27 1999

GEORGE C. PETERSEN, JR.
REED L. MOSS
WM. CHARLES CARR
SCOTT P. ESKELSON
STEPHEN D. HALL

PETERSEN, MOSS, OLSEN, CARR,
ESKELSON & HALL

Attorneys at Law
485 "E" Street
Idaho Falls, Idaho 83402
(208) 523-4650

DENNIS M. OLSEN
(1930-1985)
FAX NO.
(208) 524-3391

March 13, 1995

RECEIVED
MAR 17 1995

Department of Water Resources

Mr. Glen Saxton
Chief, Water Allocation Bureau
State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000

RE: Appeal from Department of Water Resources' ("Department") Decision Not to Transfer Dedicated Decreed Water Rights Owned by D&D Enterprises, Inc., the Subject of Its Request for Transfer of Dedicated Decreed Water Rights from the Tract on Which It is Currently Decreed and Dedicated, Owned by D&D Enterprises, Inc., to Other Qualifying Irrigated Tracts Owned by D&D Enterprises, Inc., the Subject of Its Requested Water Right Transfer #32-00059 and Associated SRBA Claim #A32-00059A - Part of Transfer #4124, Transferring Water Right #32-00058 (for 67 Acres Rather than Original Claim for 120 Acres).

Dear Mr. Saxton:

Following receipt of the decision of the Department of Water Resources ("Department"), the subject of its transfer #4124, to transfer water right #32-00058 and refusal to transfer #32-00059 and associated SRBA claim #A32-00059A, said transfer was discussed with a number of personnel in the Boise office and it was finally decided that the file should be transferred to the Idaho Falls office in care of Hal Jones, in order that said transfer could be discussed on a one to one basis.

After the passing of time and a number of phone calls between Mr. Hal Jones and your office, the file in question was received by Mr. Jones and an appointment was set up this date for review of said file and in particular, the transfer above described.

After reviewing this matter with Mr. Jones, our client, D&D Enterprises, Inc., and the writer feel that the Department is in error in its decision not to transfer the dedicated and decreed water rights from one acreage of our client to another qualifying acreage and thus request that this writing be considered as an appropriate notice for appealing the decision of the Department, the subject of its transfer #4124.

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JUL 27 1995

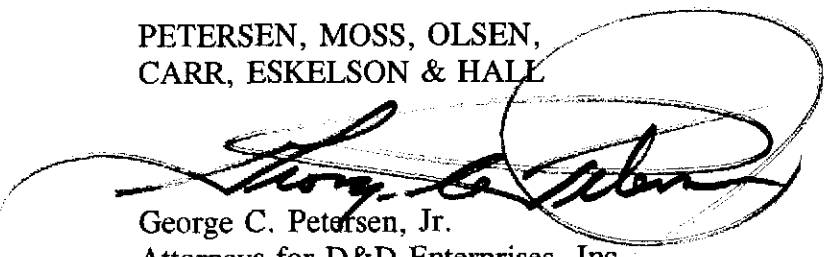
Mr. Glen Saxton
Department of Water Resources
March 13, 1995
Page - 2

Please acknowledge that our client's request for transfer has been received and further inform this office as to the date and/or dates that an appropriate hearing will be held on our client's decision to appeal the Department's decision the subject of its transfer #4124.

Your cooperation and assist in responding as heretofore requested will be most sincerely appreciated.

Very truly yours,

PETERSEN, MOSS, OLSEN,
CARR, ESKELSON & HALL



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

GCP/jih
cc: James DeMordaunt

D&D\Ltrtosax.app

MICROFILMED

JUL 27 1995

MEMORANDUM

TO: FILE NO. 32-00058

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER NO. 4124

DATE: November 9, 1994

=====

Transfer No. 4124 was filed to specify a point of diversion and change the place of use under Right Nos. 32-00058 and 32-00059. Review of these rights found unrecorded changes made over 25 years ago and that they had been used separately.

Right No. 32-00059 has been used with other combined rights to irrigate as much of the 900 plus acre farm as possible with the water available. Right No. 32-00059 cannot be separated or unstacked from these other rights and should not be approved as part of this transfer.

Right No. 32-00058, when available, has been traditionally used on 67 acres located on what was previously E. LaVon King's portion of the farm since purchased by D & D Enterprises in 1952. The decreed place of use includes only 6 of these acres, that have been irrigated since then which explains why the 1988 appraisal found so few irrigated acres. The watermaster confirms use of this right and had no problems with approval of the transfer. This right has a priority of 1910 and is delivered only early and late in the season and has been used to benefit pastures.

Recommended conditions include watermaster control, measuring device, irrigation overlap, right-of-way and standard transfer conditions.

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JUL 27 1999

TRANSFER REVIEW SHEET

Transfer # 4124

Date Reviewed 10-27-94 28

Right(s) 32-00058 Only Available @ beginning + end of season 1910 Priority

32-00059 (Part) Not used with 32-00058 or on decreed P/U
Accomplish XFER to 900+ Acres/P/U - Can be recommended
in SRBA - Shouldn't be approved as part of this XFER.

B:Change P/D C:Add P/D D:Change P/U E:Change Nature of Use
F:Change Period of Use G:Other H:Change P/D & Add P/D
I:Change P/D & P/U J:Add P/D & Change P/U

Proof of Ownership Contract of Sale retaining water 1-10-92

Transfer 32-00058
✓ All of Right Portion of Right (Part B)

Resulting Split(s) NONE / Reduce-Specified P/U 67 Acres

Check Transfer Against Right

B/3.5

(1) ✓ Priority (2) ✓ Use (3) Season (4) ✓ Rate (5) Volume

(6) ✓ Source (7) P/D (8) P/U (9) Proof/Owner (10) ✓ Map

(11) 3D Water District (12) NO Pertinent Conditions (13) NO Expansion
WM Approval Limit 67 Acres

③ No season decree - Allow standard 4-15 to 10-15

④ 1.0 cfs / 67 Acres = .0149 cfs/acre

⑤ No VOL on decree 67 x 3.5 = 234.5 ac-ft 1.0 x 18.3 x 1.9835 = 363 ac-ft

⑦ Specific P/D described

⑧ 67 Acres Limit as recommended = 27 Acres NESW + 40 Acres SWSE, Secl, 8N, 32E

⑨ Ownership changes land + WRS Tracked - Accomplished change P/U

Original P/U owned by Newman (Part) Not Claimed in SRBA - only portion of 32-00059
32-00058 claimed

Diverted thru approximately 5.6 miles Reno Ditch - loss expected

Transfer Remarks

Conditions R04, R43, R30, T04, T07, T08, T09

Database/Processing Notes Approve In Part ✓ T file 32-00058 only ✓
Database updated 2-13-95 28

d-d-tro

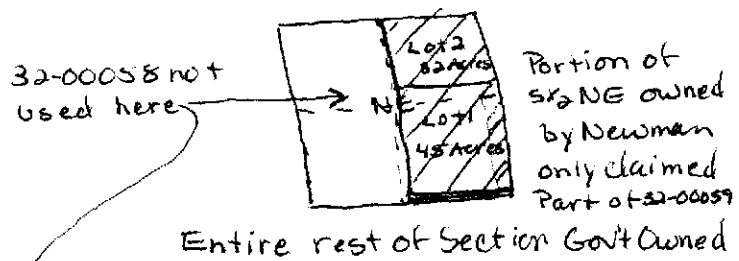
Clark Co./Original P/O (Deed)

T8NR31E S14 S $\frac{1}{2}$ NE

Tax Lots 1 & 2 Lewis John Newman

1 - 45 Acres directly below Lot 2

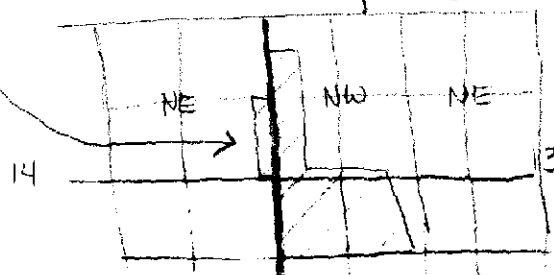
2 - 32 Acres NENE corner



Jefferson Co./New P/O

T8NR32E Sec 1 NESW & SWSE

D+D enterprises



WR0749NP
No. T32-00058

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/01/95
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	D & D ENTERPRISES INC C/O PETERSEN MOSS & OLSEN 485 E ST IDAHO FALLS ID 83402 (208) 523-4650	04/01/1910	IRRIGATION	04-15 10-15	1.000 CFS	234.50 AFA
TOTAL DIVERSION:					1.000 CFS	234.50 AFA

Water Source: BIRCH CREEK

Tributary to: SINKS

Stage: DECREED

Point(s) of Diversion: T08N R30E S03

NENW

CLARK County

Point of Diversion Name(s):

	Name	Rate	Number
T08N R30E S03	NE NW SORENSEN HYDROPOWER PLANT		

Place of use Legal Description for: IRRIGATION

NE												NW				SW				SE				
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM			
08N	32E	1	:		:		:		:		:		:		:		:		:		:			
												27								40				67.0
																				TOTAL ACRES				67.0

Pou County: JEFFERSON

Other Water Rights with Same Point(s) of Diversion and Source:
32-04062 32-07128 32-07136

Other Water Rights Listing Overlapping Place(s) of use:
32-02139 32-07041

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 32D.
- R43 - A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
- R30 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
- T04 - Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
- T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 - Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

WR0749NP
No. T32-00058

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/01/95
PAGE: 2

Conditions of Approval:

- T09 - 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.

Remarks: Right No. 32-00059 and associated SRBA Claim A32-00059A are unchanged by this transfer approval.

Dates: App. Received: Priority Date: 04/01/1910
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 32D Field Exam Fee:

Comments: Date: 10/27/1994 User-ID: PSKAGGS Subject: TRANSFER NO. 4124
Transfer No. 4124 was filed to change the place of use under all
of Right No. 32-00058 and a portion of Right No. 32-00059,
splitting the right into parts A and B. The applicant has sold
the property, but retained the water right to be used on other
land.
Transfer recommended in part/Right No. 32-00058 only.

Audit: 11/09/94 PSKAGGS 11/10/94 PSKAGGS

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 32-00059

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	6.40 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIRCH CREEK	SINKS

Priority: 05/10/1884

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08N	31E	13	NENE	NWNE	SWNE	
			SENE	NENW	NWNW	
			SWNW	SENW		

CONDITIONS/REMARKS:

Acres = 320

16.7 IRR Acres
Per 1988 Appraisal

This right historically used in combination with multiple rights to serve entire P/U 400+ acres.

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 32-00058

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	1.00 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIRCH CREEK	SINKS

Priority: 04/01/1910

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09N	31E	14	SWNE	SENE	6 Acres IRR per 1988 appraisal Jefferson Co. Assessor	

CONDITIONS/REMARKS:

1. P/D INCOMPLETE - ACRES IRR. 80.

(25 yrs) Historical P/D 67 Acres SENE Sec 14
 Accomplished XFER W3/4NW Sec 13
 Per WM & Region N1/2SW Sec 13
 Beginning + End Season/Fall Pasture
 $1.0 \text{ cfs} / .015 = 66.6 \text{ Acres} \approx 67 \text{ Acres possible}$

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '1' ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
=====																		
FILE S14																		
Traditional P/U																		
I I : Original P/U :																		
: Not Claimed at this P/U :																		
A3200059B	BIRCH CREE :	20																20
A3200060B	BIRCH CREE :	20																20
A3200062	BIRCH CREE :	20																20
A3200070B	BIRCH CREE :	20																20
A3200080B	BIRCH CREE :	20																20
3207239	BIRCH CREE :	20																20
A3210128	BIRCH CREE :	40				40												80
C530-V 87 :		35		03		23										04		65

Proposed New P/U																		
3200063	BIRCH CREE																	1
A3200063	BIRCH CREE																	37
3200065	BIRCH CREE																	1
A3200065	BIRCH CREE																	37
A3200074	BIRCH CREE																	40
A3200076	BIRCH CREE																	40
A3200083	BIRCH CREE																	40
3207025	GROUNDWATE	40		40		40		40										40
A3207025	GROUNDWATE	40		40		40		40										40
3207238	BIRCH CREE																	40
C510-V 87						37		36										37
NO QTRS	MAPPING									30		16						39
Lot01-28 Lot02-33 Lot03-25																		

No Overlaps same source - will supplement existing rights.

IDAHO DEPARTMENT OF WATER RESOURCES
T-R-S PLACE OF USE 1/4 1/4 COMPARISON REPORT

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				NE				NW				SW				SE				SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac					
	Traditional P/O 32-00058									6					11					4										61				
A3200058	BIRCH CREE : As Claimed SRBA :														26					19										82				
3200059	BIRCH CREE :	1		1		1		1		1		1		1		1		1		1		1		1		1		1		1				
A3200059A	BIRCH CREE :											20		26																46				
A3200059B	BIRCH CREE :	38		38		40		40		38		36		32		40		20				40		40						402				
A3200060B	BIRCH CREE :	38		38		40		40		38		36		32		40		20				40		40						402				
A3200062	BIRCH CREE :	38		38		40		40		38		36		32		40		20				40		40						402				
A3200070B	BIRCH CREE :	38		38		40		40		38		36		32		40		20				40		40						402				
A3200080B	BIRCH CREE :	38		38		40		40		38		36		32		40		20				40		40						402				
3207239	BIRCH CREE :	38		38		40		40		38		36		32		40		20				40		40						402				
	C33Q-V 87 :	45		42		43		40		42		41		40		43		28		01		06		12						383				

manuscript

AJ0749NP

No. 11/09/94

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

DATE: 11/09/94

PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME																																																																																												
C	AGNES B. RENO N/A ID N/A	04/01/1910	IRRIGATION	04-01 11-01	1.00 CFS																																																																																													
C	ENTERPRISES, INC. C/O PETERSEN, MOSS & OLSEN 485 E STREET IDAHO FALLS ID 83402 (208) 523-4650																																																																																																	
TOTAL DIVERSION:					1.00 CFS																																																																																													
CONSUMPTIVE USE:						205.00 AFA																																																																																												
Water Source: BIRCH CREEK		Tributary to: SINKS		Stage: DECREED																																																																																														
Point(s) of Diversion:		T08N R30E S03 NENENW		CLARK County																																																																																														
Place of use Legal Description for: IRRIGATION																																																																																																		
<table border="1"> <thead> <tr> <th colspan="4">NE</th> <th colspan="4">NW</th> <th colspan="4">SW</th> <th colspan="4">SE</th> <th></th> </tr> <tr> <th>T</th> <th>R</th> <th>S</th> <th>:</th> <th>Lt</th> <th>Ac</th> <th>Lt</th> <th>Ac</th> <th>Lt</th> <th>Ac</th> <th>Lt</th> <th>Ac</th> <th>Lt</th> <th>Ac</th> <th>Lt</th> <th>Ac</th> <th>:</th> <th>Lt</th> <th>Ac</th> <th>Lt</th> <th>Ac</th> <th>Lt</th> <th>Ac</th> <th>:</th> <th>SUM</th> </tr> </thead> <tbody> <tr> <td>08N</td> <td>31E</td> <td>13</td> <td>:</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>:</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>:</td> <td>82.0</td> </tr> <tr> <td colspan="23"></td> <td>TOTAL ACRES</td> <td>82.0</td> </tr> </tbody> </table>							NE				NW				SW				SE					T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	08N	31E	13	:													:							:	82.0																								TOTAL ACRES	82.0
NE				NW				SW				SE																																																																																						
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08N	31E	13	:													:							:	82.0																																																																										
																							TOTAL ACRES	82.0																																																																										

POU County: CLARK

Non-Irrigation Uses: NONE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion and Source:

A32-00059	A32-00059A	A32-00059B	A32-00060A	A32-00060B	A32-00062	A32-00063	A32-00064	A32-00065	A32-00066A
A32-00066B	A32-00070A	A32-00070B	A32-00074	A32-00076	A32-00080A	A32-00080B	A32-00083	A32-02043	R32-00059

Other Water Rights Listing Overlapping Place(s) of use:

A32-00059	A32-00059A	A32-00059B	A32-00060B	A32-00062	A32-00070B	A32-00080B	R32-00059
-----------	------------	------------	------------	-----------	------------	------------	-----------

Remarks: P/D INCOMPLETE IN DECREE. SEE A32-00060A

Dates: Exam Made Date: Verified Date: 06/24/1985

Misc: Water District Number: 32D Field Inspection Flag:
Presumption Flag:

AJ5809NP
No. 32-00059A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 02/01/95
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	D ENTERPRISES, INC.	05/10/1884	IRRIGATION	04-01 11-01	0.88 CFS	
TOTAL DIVERSION:					0.88 CFS	
CONSUMPTIVE USE:						115.00 AFA

Water Source: BIRCH CREEK Tributary to: SINKS Stage: DECREED

Point(s) of Diversion: T08N R30E S03 NENENW CLARK County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
08N	31E	13	:					:		20		26	:					:						46.0
TOTAL ACRES																							46.0	

POU County: CLARK

Non-Irrigation Uses: NONE

Other Rights: 32-00058

Remarks: SEE A32-00060A

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

AJ5809NP
No. 32-000808

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 02/01/95
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LA VAR NEWMAN	05/10/1884	IRRIGATION	01-01 12-21	5.52 CFS	
TOTAL DIVERSION:					5.52 CFS	
CONSUMPTIVE USE:						3150.00 AFA

Water Source: BIRCH CREEK

Tributary to: SINKS

Stage: DECREED

Point(s) of Diversion: T08N R30E S03 NENENW CLARK County

Place of use Legal Description for: IRRIGATION

																NE				NW				SW				SE																															
			NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		SUM																								
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac																											
08N	31E	13		38		38		40		40		38		36		32		40		20						40		40					402.0																										
08N	31E	14		20																													20.0																										
08N	32E	10																			04-40		40						01				81.0																										
08N	32E	15										38		01-40																			78.0																										
08N	33E	7		40		40		40		40		40													40		40		40		40		360.0																										
08N	33E	8										40		40		40		40		40		40		40									320.0																										
																														TOTAL ACRES				1261.0																									

POU County: CLARK, JEFFERSON

Other Rights: 32-000808, 00062, 02100, 000708, 02045, 00060

Dates:	Exam Made Date:	Verified Date:
Misc:	Water District Number: 320	Field Inspection Flag:
		Presumption Flag: D



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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 10, 1995

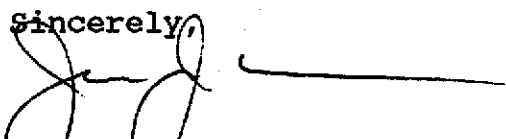
D & D Enterprises Inc
C/O Petersen Moss & Olsen
485 E St
Idaho Falls, ID 83402

Transfer of Water Right No. 32-00058

Dear Water Right Holder(s):

Enclosed is a copy of your approved Transfer of Water Right for the above referenced water right (Transfer No. 4124). Please be sure to thoroughly review the "Conditions/Remarks:) as listed on the transfer.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:rl

Enclosure

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JUL 27 1993

INTERDEPARTMENT MEMO

DATE: October 09, 1992

FROM: Ernest Carlsen

RE: APPLICATION FOR TRANSFER
Decrees 32-00058 & 32-00059
D & D Enterprises

PURPOSE: To change the place of use for water rights retained by applicant in the sale of property to La Var Newman.

FINDINGS:

> On March 9, 1992, Harold Jones and Ernest Carlsen conducted a field inspection of the decreed place of use, the place of use claimed in the SRBA claims and the proposed place of use identified on the transfer application. This inspection determined the following;

- Part 2 of the transfer application lists the POU for 32-00058, owned by the applicant, as the S1/2NE1/4 Section 14. That portion of the POU west of the highway was covered with mature sagebrush and native grasses and obviously not irrigated. A strip of land east of the highway in the SENE appeared to be irrigated pasture.

- Part 2 of the transfer application lists that portion of the POU for 32-00059, owned by the applicant, as the W1/2NW1/4 and N1/2SW1/4 Section 13. The grass on the W1/2NW1/4 had been grazed off. There were several ditches on the property. The vegetation in the N1/2SW1/4 was primarily grass with some alfalfa in the NWSW and sparse short sagebrush in the NESW. There was evidence of ditches traversing the property in a north south direction but based on the vegetation it appeared any irrigation occurred on an infrequent basis.

- The 120 acres in Section 1 listed as the proposed place of use in Part 1 of the transfer application has been utilized as dry land pasture.

> The 1988 appraisal records of the Jefferson County Assessors office show the applicant owns only 6 acres of irrigated agriculture in the SENE of Section 14 and just 16.7 acres of irrigated pasture in the W1/2NW1/4 Section 13. The N1/2SW1/4 was appraised as dry grazing.

> On August 17, 1992, Ernest Carlsen met with the James S. DeMordaunt, president, John and Steve Philips, managers, for D & D Enterprises and Don Shenton, watermaster. The findings from this meeting were;

- D & D Enterprises obtained 32-00058 and a portion of 32-00059 about 25 years ago from the purchase of property previous owned by E. La Von King. In 1992 this land was sold to La Var Newman but the

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JUL 27 1999

water rights were retained by D & D Enterprises.

- Don Shenton stated that water right 32-00059 is delivered throughout the irrigation season while water right 32-00058 is normally available early in the irrigation season and again toward the end of the irrigation season after the crops have been harvested.

- Steve Phillips stated the N1/2SW1/4 Section 13 was traditional irrigated late in the irrigation season when there was sufficient water to fill 32-00058. The property was utilized as fall pasture.

- Subsequent to purchasing the property the applicant began to use 0.88 cfs of 32-00059 in combination with its other water rights. These rights are identified in the SRBA as A32-00061D, A32-00063, A32-00064, A32-00065, A32-00066A, A32-00070A, A32-00074, A32-00076, A32-00080A, A32-00083 and A32-02043. The total irrigated acreage under these SRBA notices is 939 acres.

> Changes implemented by the applicant; some 25 years ago, regarding the use of water right 32-00058 and the portion of 32-00059 were not recorded with IDWR.

> Right 32-00058 was decreed at a rate of diversion of 1.00 cfs (50 miner inches). Using flood irrigation and an application rate of not less than 0.015 cfs/acre (3/4 miners inch/acre) this right could effectively irrigate up to 67 acres.

CONCLUSIONS:

> Historically the applicant has not used rights 32-00058 and 32-00059B for the irrigation of the same acres.

> When deliverable the applicant has used water right 32-00058 for irrigation of up to 67 acres described as follows:

T08N R31E Section 14	SENE (Decreed P/O)	6 acres
Section 13	NWNW	6 acres
	SWNW	11 acres
	NESW	4 acres
	NWSW	40 acres

This practice represents an accomplished transfer in the place of use under ID Code Section 42-1416A.

> There has also been an accomplished transfer in the place of use for 32-00059B. It has been used in combination with other rights from Birch Creek to irrigate land listed on the applicant's SRBA notices as 939 acres.

RECOMMENDATION/CONDITIONS:

> The transfer of 32-00058 should be approved with the following conditions:

- The POU for right 32-00058 being changed to 67 acres described as follows:

- Delivery of right 32-00058 is subject to regulation by the Watermaster for Water District 32-D.

- A lockable headgate and measuring device of a type approved by this Department shall be maintained as a part of the diverting works at the point of diversion.

- Approval of this transfer does not preclude the opportunity for review of the validity of the water right in the ongoing Snake River Basin Adjudication.

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> The proposed change to 32-00059B should be denied

ADJUDICATION FOLLOWUP

> Discussions with representatives of the applicant revealed historically irrigation was accomplished by combining the delivered water rights (except for 32-00058) into a common ditch and to distribute the water over as much land as could be irrigated. The applicant basically practiced irrigation of a permissible place of use involving the entire farm. As the water supply declined selected acreage, depending on the cropping pattern, ceased being irrigated. To reflect this practice on its Notice of Claims the applicant wants to amend the place of use on right 32-00059B and the other rights from Birch Creek (except for 32-00058) to show the entire farm, some 900+ acres.

> Comparison of 1987 NAPP photos with the OQ maps revealed the location of the POD is actually T09N R30E Section 34 NWSESW. Correction of the legal description for the POD on the applicant's SRBA notices should be made during the adjudication review of Basin 32.

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RE: Application for transfer of T32-00058 & 32-00059A
 Notices of Claim by D & D Enterprises.

T.C. of George Peterson, attorney for D & D Enterprises.

The Referencing map of property owned by E. La Van King
 & Ben Wilding dated April 9, 1952. Mr. Peterson stated
 that D & D Enterprises purchased the property owned
 E. La Van King and with purchase received:

32-00059 A	0.88 cfs	5-10-1884
32-00058	1.00 cfs	4-1-1910.

The purchase included 125.24 acres but much of
 it was never irrigated.

Mr. Peterson further indicated the 195 acre
 owned by Ben Wilding on the map was purchased by
 La Var Newman. Date of purchase not given.

Then in 1992 La Var Newman purchased the
 property owned by D & D Enterprises but did not
 receive the water rights. Subsequently D & D
 Enterprises filed ~~the~~ an Application for to transfer
 the above water to different land.

Mr. Newman has amended Notice A32-00059B ~~to~~
 reducing the quantity by 0.88 cfs down to 5.52 cfs.

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(2)

indicating he recognizes ~~that~~ D;D's ownership of 0.88 cfs. as claimed.

Relative to claim review need to:

1. Obtain from farm manager (^{Steve} Philips) a statement of ~~when~~ how D;D utilized the water & then confirm irrigation took place.
2. Get claims amended if necessary to reflect accomplished transfer of P.O.U.

Relative to transfer review.

- 1.- Determine extent of beneficial use for 1884 right.
- 2.- Confir with water master & about historical deliveries of 1910 right. When did it last occur?
~~Has~~ Has D;D every used on the property purchased from La Van King.
3. How will water be delivered to new p.o.u.?

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: HUT

1. Right number 32-000581-00059 Applicant DID Enterprises, TNC
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 This appears to be an expansion in use
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) claim 432-02139 (under water?), WR 32-02139
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 32D - Birch creek c/o Don Shenton (send copy)

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 4-20-92 Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* SEE MEMO OF ERNEST CARLSEN DATED 11/9/92

4. By RDC Date 11/23/92

Photos of D+D Transfer Places of Use

Location, Sect 13 & ~~14~~ T8N R31E

- a/ Pix 1, 2, 3 taken from the SW corner of NWSE looking West and traversing North
 - b/ Pix 4, 5, 6 taken from SW corner of SESE looking West and traversing North.
 - c/ Pix 7, 8, 9, 10 taken from SW corner of NWSE (100 yds east of corner) looking North + Traversing East.
 - d/ Pix 11, 12, 13, 14, 15 (N-S ditch looks Freshly worked) (24 mile east of SW corner of NWSE) looking North + traversing East + West.
 - e/ Pix 16 & 18 taken from SW corner of SESE looking East + traversing North.
-

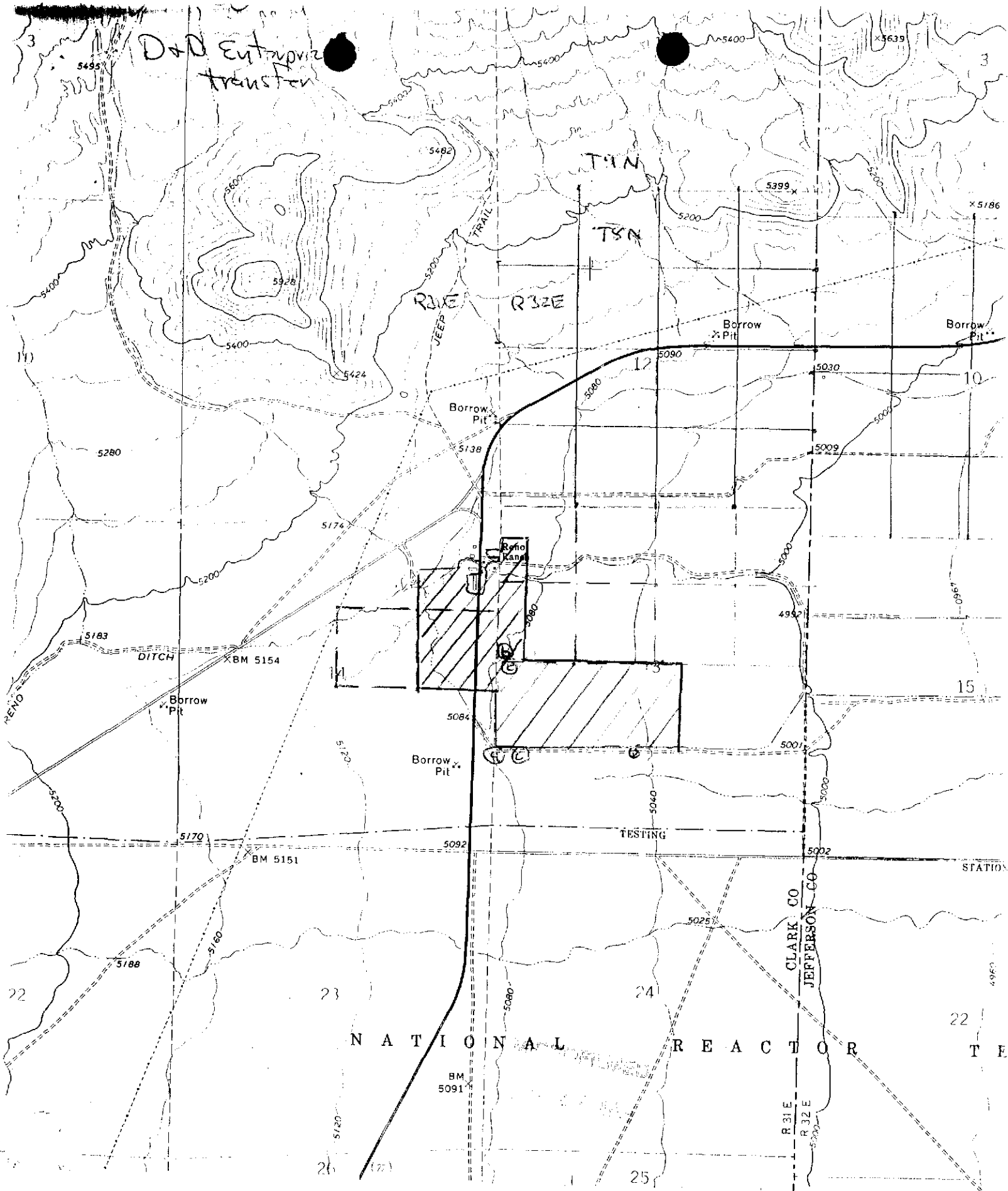
Location, Sect. 1 T8N R32E

- f/ Pix 19, 20, 21 taken from NE corner of NESE of Sect. 1 looking South + traversing West (At corner of canal + Fence line; canal runs East)

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JUN 27 1988

D+D Eutrophia
transfer



A high-contrast, black and white photograph showing a close-up of a person's legs and feet. The person is wearing dark pants and light-colored shoes. The image is heavily shadowed, with the legs and feet appearing as bright shapes against a dark background.

A high-contrast, black and white photograph showing a person's legs and feet. The person appears to be wearing a hat or boots, and the image is characterized by extreme contrast, with deep blacks and bright whites. The background is dark and textured, possibly a wall or a large object. The overall effect is abstract and dramatic.

Melospiza cinerea 090718

Pictures 7-10

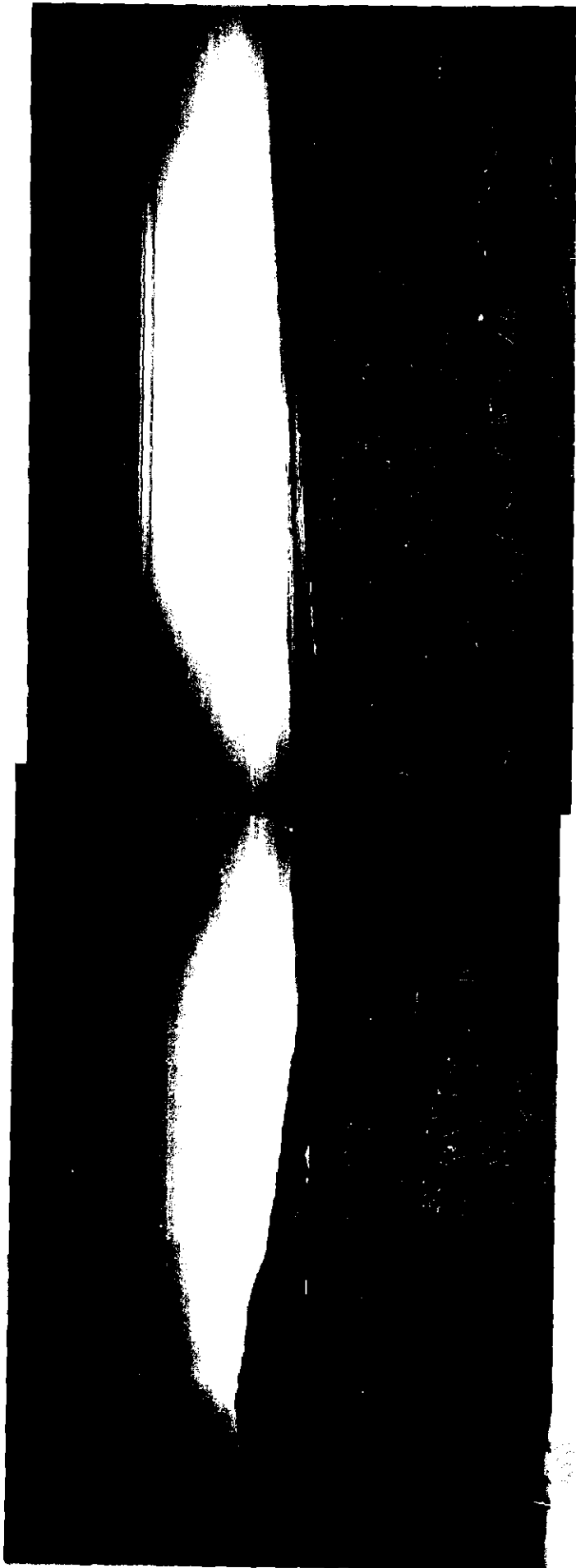


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JUL 27 1999

Pictures 11-15



Pictures 16, 18



Pictures 19-21



MEER
21

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 . 8th day of April , 19.92.., last publication having been made on the 15th day of April , 19.92.., 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 .15th... day of April....., 1992...

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. 32-00058 & 32-00059

Notice is hereby given that D & D ENTERPRISES, INC., Idaho Falls, ID, has applied to the Department of Water Resources to change a place of the waters of Birch Creek. The rights sought to be changed are evidenced by decrees and recorded as follows: Decree No. 32-00059 Decreed to Agnes B. Reno in case of J. R. Richards, et al vs. Agnes B. Reno, et al dated 9/6/1922.

AMOUNT: 6.40 cfs PRIORITY: 5/10/1884

POINT(S) OF DIVERSION: Not listed in decree

PLACE OF USE: N1/2 SEC 13 T08N R31E, B.M.

Decree No. 32-00058 Decreed to Agnes B. Reno in case of J. R. Richards, et al vs. Agnes B. Reno, et al dated 9/6/1922.

AMOUNT: 1.00 cfs PRIORITY: 4/1/1910

POINT(S) OF DIVERSION: Not Listed in Decree

PLACE OF USE: S1/2NE SEC 14 T08N R31E, B.M.

TO BE CHANGED AS FOLLOW

Only 1.88 cfs of water will be diverted from the NENENW SEC 3 T08N R 30E, Clark County, from April 15 to October 15 and used to irrigate 120 acres within the E1/2SW SWSE SEC 1 T08N R32E, Clark County.

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 April 27, 1992.

R. Keith Higginson
Director

Published: April 9, 1992

Notary Public

My commission expires July. 1st , 19.97..

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CONVERSATION MEMORANDUM

DATE March 11, 1992FILE A31-00059A

NAME OF PARTY _____

A31-00058

EMPLOYEE _____

Ernest CarlsonD&D ENTERPRISESRE: Evaluation of P.O.U.

Spoke with Betty Kirkpatrick, Clark City Assessor, by telephone on this day. Assessor records based on 1988 appraisal ~~is~~ show the following land classifications for property held by D&D Enterprises in Sections 13 & 14 T 8N R 3/E:

Section 13

16.7 acres irrigated pasture

63.3 ^{ACRES} dry grazing (no irrigation).

Section 14

6 acres irrigated agriculture.

37.3 acres dry grazing (no irrigation).

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JUL 27 1999

MAP OF
PROPERTY OWNED
BY E. LA VON KING
AND BEN WILDING;
THAT PART OF THE
FARM IN CLARK
COUNTY, IDAHO.

Note:

Descriptions will be
given on typewritten sheets,
describing the two prop-
erties as shown, on the
accompanying map.

The sign ± represents
plus or minus, or more or
less.

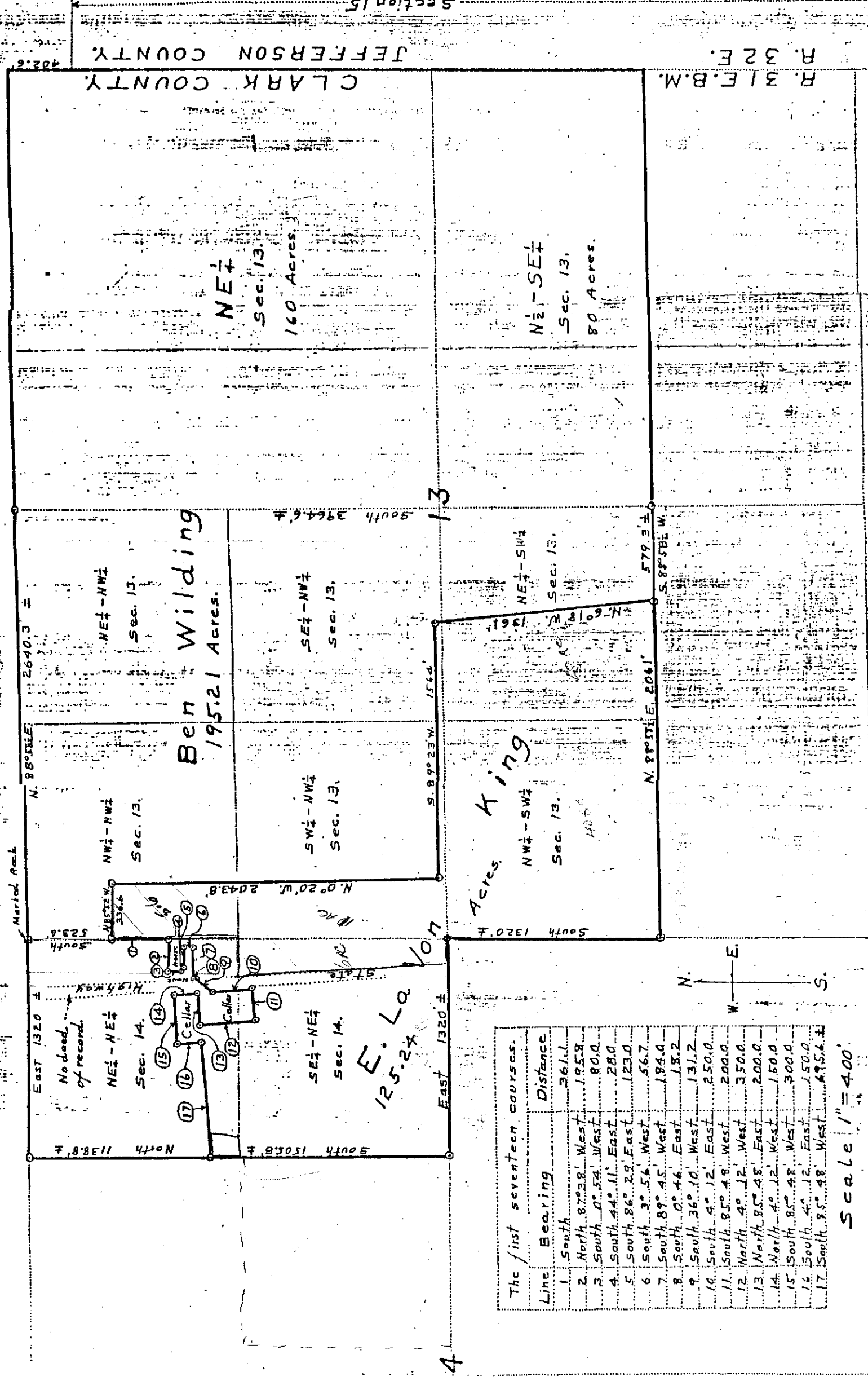
This map covers only that
part of the farm which
lies in Clark County.

This farm is commonly
known as the Reno Ranch.
There is no deed of record
to the State Highway running
through the farm in the E-NE, Sec. 14.

Engineers Certificate:

I hereby certify that the
accompanying map was
prepared by me from an
actual survey as made by me
on June 28, 1951, and it
truly and accurately rep-
resents the lines, bearings
and distances as meas-
ured on the ground.

E. Milton Christensen
Licensed Civil Engineer,
Idaho Falls, Idaho.
April 9, 1952.



1. Need tax records or deed to show ownership of right A32-00059. ~~Current~~ Adjudication. Claim shows the right to be owned by Lavar Newman not D. S. [unclear].
2. Claim A32-00058 is for 82 acres at .012 cfs per acre. This transfer will either expand this right or allow a permissible place of use.
3. Claim A32-00059 is for 1261 acres at .005 cfs per acre. This claim is an expansion of 32-00059. In order for the transfer to move .88 cfs of A32-00059 it will be necessary to dry up 176 acres under A32-00059. This "drying up" is an admission that either the ground currently being irrigated by A32-00059 cannot be irrigated at the current rate being claimed or that the water is being returned and the 1261 is a permissible place of use.
4. An adjudication field exam should probably be completed for both rights prior to the transfer being advertised. I think the transfer should be reduced based on the R records for these claims. 00058 is a 1910 right. This leaves 00059 as the only good right. If the ground is sprinkled 00059 is probably good for 63 acres.

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JUL 27 1999

February 4, 1992

D & D Enterprises, Inc.
C/O PETERSEN, MOSS AND OLSEN
485 E Street
Idaho Falls, ID 83402

Mr. Petersen:

I have received the recent D & D Enterprises application for transfer of Water Right 32-00058 and a portion of 32-00059. Upon review, I have found that I will need some supporting information. I will need a copy of the sales agreement which states that a portion of 32-00059 will be withheld. At this point LaVar Newman has an adjudication claim on file for all 6.40 cfs.

The portion of the transfer application, 6b, requires that you indicate if the original place of use for these rights are subject to any liens, deeds of trust, mortgages or contracts. I will need you to let me know if I should check the "yes" or "no" box.

Since Basin 32 is in the current SRBA, I will have to have adjudication personnel conduct an on-site field exam for both rights to determine a recommendation record before a transfer can be approved. This will naturally cause a greater delay in the processing of this application.

If you have any questions about this, please give me a call.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/jrk

MICROFILMED

JUL 27 1999

RECEIVED

APPLICATION FOR TRANSFER OF

WATER RIGHT NO. 32-00058, etc

APR 27 1992

Department of Water Resources
Eastern District Office

WATER DISTRICT 32-0

WATERMASTER DONALD W. SHENTON

DATE: 4/25/92

COMMENTS: I Find no way That any injury
Could occurE to any existing water
Right by this transfer.

☒ I do endorse approval of this change.

☐ I do not endorse approval of this change.

I recommend the following conditions of approval:

NONE

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JUL 27 1999

Donald W. Shenton
Watermaster

IF M & D Enterprise ~~with~~ wish to change the
period of use as They have indicated They
will I would still Endorse The transfer.

D.S.

20-Apr-1992

DON SHENTON
WATER DIST 32 D
BOX 33
DUBOIS ID 83423

RE: Application No. 32-00058, 32-00059

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 Jones
Water Rights Supervisor

HJ/rb
Enclosure

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JUL 27 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION
IDAHO FALLS, ID
ph. (208) 525-7161

FAX NO. (208) 525-7177

TRANSMITTAL COVER SHEET

OMNIFAX

TO: POST-REGISTER FROM: RITA
CATHY - CLASSIFIEDS

DOCUMENT DESCRIPTION: LEGAL NOTICE for D & D ENTERPRISES

TOTAL NUMBER OF PAGES (Including this page): 2

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* BILLING ADDRESS: _____
* _____
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JUL 27 1999

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. 32-00058 & 32-00059

Notice is hereby given that D & D ENTERPRISES, INC., Idaho Falls, ID, has applied to the Department of Water Resources to change a place of the waters of Birch Creek. The rights sought to be changed are evidenced by decrees and recorded as follows:
Decree No. 32-00059 Decreed to Agnes B. Reno in case of J. R.

Richards, et al vs. Agnes B. Reno, et al dated 9/6/1922.

AMOUNT: 6.40 cfs PRIORITY: 5/10/1884

POINT(S) OF DIVERSION: Not listed in decree

PLACE OF USE: N1/2 SEC 13 T08N R31E, B.M.

Decree No. 32-00058 Decreed to Agnes B. Reno in case of J. R.

Richards, et al vs. Agnes B. Reno, et al dated 9/6/1922.

AMOUNT: 1.00 cfs PRIORITY: 4/1/1910

POINT(S) OF DIVERSION: Not Listed in Decree

PLACE OF USE: S1/2NE SEC 14 T08N R31E, B.M.

TO BE CHANGED AS FOLLOWS:

Only 1.88 cfs of water will be diverted from the NENENW SEC 3 T08N R 30E, Clark County, from April 15 to October 15 and used to irrigate 120 acres within the E1/2SW SWSE SEC 1 T08N R32E, Clark County.

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 April 27, 1992.

R. Keith Higginson
Director

Published in the POST REGISTER on April 8 & 15, 1992.

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JUL 27 1999

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