

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
FEB 17 2026
DEPT. OF WATER RESOURCES
EASTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT

GENERAL INFORMATION AND INSTRUCTIONS

Pursuant to Section 42-222(1), *Idaho Code*, a transfer application may be filed to change the point of diversion, place of use, period of use, or nature of use of all or part of an established water right. Any person proposing to make such a change is required to file a transfer application with the Department. "Such application shall be upon forms furnished by the department and shall describe the [water right] to be changed and the changes which are proposed and shall be accompanied by the statutory filing fee." *Idaho Code* § 42-222(1).

The Department has developed this application form to assist applicants in satisfying the requirements of Section 42-222(1). This application form requests information about the applicant's authority to file (Part 1), information about the current elements of the water right(s) to be changed (Part 2), information about the proposed changes (Part 3), information about the validity of the water right(s) and the effects of the proposed changes (Part 4), and confirmation that the information provided is truthful (Part 5).

The applicant or their representative must provide a response for all applicable questions, any additional information required, and the proper filing fee before this application will be considered complete. If an application is incomplete or more information is required, the Department will notify the applicant or representative and allow time for the application to be completed. An application that remains incomplete will be returned to the applicant and the filing fee will be refunded.

An application for transfer is limited to the changes proposed for a single water distribution system. A proposal to change two or more separate water distribution systems, that will remain separate after the transfer, must be filed as separate applications. Applicants may provide additional pages to supplement their responses to the questions posed on this application form. Supplemental forms for listing additional water rights, points of diversion, or places of use can be found on the Department's website (idwr.idaho.gov). If you need assistance understanding the questions on this form, generating current water right reports, determining legal descriptions, or accessing water measurement records feel free to contact the nearest regional office of the Department.

PART 1 – CONTACT INFORMATION, OWNERSHIP RECORDS, AUTHORITY TO FILE

Name(s) of Applicant(s) Birch Creek Ranches, LLC
 Mailing Address 711 E Turtle Point Drive, Ivins, Utah 84738
 Email* ted@sorensonhydro.com Phone 208-589-6908
 Name of Representative (if any) Rocky Mountain Environmental Associates, Inc.
 Mailing Address 482 Constitution Way, Ste 303, Idaho Falls, ID 83402
 Email* kristin.rmea@gmail.com Phone 208-524-2353

*If an email address is provided, Department staff will use email as the primary method for corresponding with the applicant and representative about the application.

A. Representative. If the representative is authorized to sign or amend the application on behalf of the applicant, attach documents confirming that authority. Label documents as Attachment 1A.

B. Current Owner. If the applicant is not the current owner of record for all water rights included in this application, attach documents showing that the applicant has the authority to make the proposed changes. Label documents as Attachment 1B.

C. Updating Ownership Records. Applicants needing to update the ownership records for any of the water rights included in this application must attach documents supporting the ownership change. Such documents must trace ownership of the subject water rights or the current place of use for the subject water rights from the current owner of record for the water rights to the applicant. Label documents as Attachment 1C.

D. Business Entities. If the applicant is a business entity (corporation, LLC, partnership, trust, etc.), is the entity currently registered with the Idaho Secretary of State?

☒ Yes. If this application is signed by someone other than a person listed on the most recent annual report filed with the Idaho Secretary of State, attach documents confirming the authority of the signer to sign on behalf of the business entity. Label documents as Attachment 1D.

☐ No. Attach documents confirming the authority of the signer to sign on behalf of the business entity. Label documents as Attachment 1D.

E. Approval of Irrigation Delivery Entity. Section 42-108, *Idaho Code*, states that a transfer application proposing to change water rights held by an irrigation company or district requires the consent of the irrigation entity. If this application proposes to change water rights held by an irrigation entity, attach a letter of consent from the entity (labeled as Attachment 1E) or have an authorized representative of the entity co-sign the application.

F. Encumbered Properties. If the current place of use for the water rights included in this application is subject to a lien, deed of trust, mortgage, or contract and the application proposes to change the nature of use of the water rights or to move water rights off the current place of use, attach a statement of consent for the change signed by the lien holder, trustee, mortgagor or contract holder. Label documents as Attachment 1F.

G. Legal Access. If the applicant is not the current owner of the proposed point(s) of diversion, conveyance system, or place(s) of use, provide evidence of legal access to the land or infrastructure not owned by the applicant. Label documents as Attachment 1G. For example, an applicant may provide a letter of consent from the owner of the land or conveyance system or may have the owner co-sign the application. For applications proposing to divert water on or convey water across federal land, an applicant is not required to demonstrate legal access to the federal land prior to approval. Instead, if the transfer application is approved, the applicant must obtain access authorization from the relevant federal agency prior to diverting water under the subject water rights.

PART 2 – WATER RIGHTS BEFORE PROPOSED CHANGES

A. Current Water Rights. For each water right proposed to be changed, attach a current water right report obtained from any Department office or from the Department's website (idwr.idaho.gov). Label water right reports as Attachment 2A.

B. Map of Current System. Attach a map of the current point(s) of diversion and place(s) of use for the water rights to be changed. The map should clearly depict the elements of the water rights to be changed. For example, if the application proposes to change the point of diversion for a water right, the map should display the current location of the point of diversion. For irrigation water rights, the map should also identify the location of the irrigated acres to be changed. Label map as Attachment 2B.

C. Current Location of Irrigated Acres. If this application proposes to change the place of use or nature of use for only a portion of an irrigation water right, use the following table to identify the current location of the irrigated acres to be changed. If additional pages are required, label additional pages as Attachment 2C. If this application proposes to change or rearrange the entire place of use for irrigation water right(s), skip to Part 3.

☒ **N/A.** This application does not propose to change the place of use or nature of use of an irrigation water right or this application proposes to change the place of use or nature of use for an entire irrigation right.

Current Location of Irrigated Acres to be Changed

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Irrigated Acres to be Changed: _____

PART 3 – DESCRIPTION OF PROPOSED CHANGES

A. Purpose of Transfer. Section 42-222(1), *Idaho Code*, states that transfer applications may only be filed to change the point of diversion, place of use, period of use, or nature of use of an established water right. Section 42-248(3), *Idaho Code*, authorizes water right ownership changes to be described on a transfer application. Identify the changes proposed in this application:

- | | |
|--|---|
| ☒ Change point(s) of diversion | ☒ Change place of use |
| ☐ Add point(s) of diversion | ☐ Change period of use |
| ☐ Change nature of use | ☐ Update water right ownership records |

B. Proposed Changes. Describe the proposed changes in narrative form:

The entirety of water rights 32-7025, 32-10127, and 32-7261 are proposed to be moved to lands that are actually receiving the water. It is also proposed to remove old PODs no longer in use and correct the Domestic Well location. Associated rights 32-13219 and 32-13220 authorize irrigation of 101 acres and will be used in combination with the transferred rights. The GIS shapefile for these two associated rights appears to be too large for the decreed acres. In order to be accurate in representing the transferred rights, a new shapefile is also proposed for the associated rights which does not legally change the location and therefore not required to be included in the application.

C. Summary of Proposed Changes.

1. Water Rights. Use the following table to list all water rights, or portions thereof, that are proposed to be changed as they would appear after the proposed changes. In the Amount column, list the volume in acre-feet (af) for storage uses or the rate in cubic feet per second (cfs) for all other uses.

All or Part	Right Number	Amount (cfs/af)	Nature of Use	Period of Use	Source
☒ ☐	32-7025	3.76 cfs	Irrigation	04/01 to 10/31	Ground Water
☐ ☐		0.12 cfs	Stockwater	01/01 to 12/31	Ground Water
☐ ☐		0.04 cfs	Domestic	01/01 to 12/31	Ground Water
☒ ☐	32-10127	0.84 cfs	Irrigation	04/01 to 11/01	Ground Water
☐ ☐	Combined	3.96 cfs		to	
☐ ☐				to	
☒ ☐	32-7261	1.40 cfs	Irrigation	04/01 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

2. Total Amounts. Calculate the total quantity, in cfs or af, of water rights that are proposed to be changed through this application. For an application proposing to only change the place of use for irrigation rights, the total quantity of water is calculated by comparing the current place of use to the proposed place of use, summing the number of acres increased in each legal subdivision, and quantifying the proportional amount of diversion rate for the increased acres. For an application proposing to change or add points of diversion for irrigation or any other beneficial use, the total amount is the total diversion rate for the changed portion of the right.

Total Amount of Water Rights Proposed to be Changed: 5.36 cfs and/or _____ af.

3. Point(s) of Diversion. Use the following table to list all the proposed points of diversion for the water rights to be changed, including any current points of diversion that will continue to be used as part of the proposed water distribution system.

The legal description for the proposed point(s) of diversion must be to the nearest 40-acre subdivision (QQ) or U.S. Government Lot of the Public Land Survey System (PLSS). PLSS information is typically available from USGS topo maps, property deeds, tax bills or various mapping tools on the Department's website.

For points of diversion within platted subdivisions, list the lot and block number in the "Diversion Name/Number" column. An application proposing an injection into a stream and a re-diversion from that stream must list the source for the original diversion as the source for the injection and re-diversion points. If this application proposes construction of a new diversion structure (for example, a new ground water well or a new pump station on a creek), please indicate the status in the appropriate column.

☐ N/A. This application does not propose to add or change any points of diversion.

Proposed Points of Diversion

New?	Twp	Rge	Sec	Lot	1/4	1/4	1/4	County	Source	Diversion Name/Number
N	09N	33E	31			NW	SE	Clark	Groundwater	A0019084
N	09N	33E	32			SW	NE	Clark	Groundwater	A0019083
N	09N	32E	36			SW	SW	Clark	Groundwater	32-7025 Only - Dom/Stock

4. Place of Use. The proposed place of use must be described to the nearest 40-acre subdivision (QQ) or U.S. Government Lot of the Public Land Survey System. Government lot numbers can be noted in parenthesis below the approximate quarter-quarter location of the government lot. For water rights held by irrigation districts, municipal providers or irrigation companies, the proposed place of use may be generally described as authorized by Sections 42-202B, 42-219 and 42-222B, *Idaho Code*.

☐ N/A. This application does not propose to change the place of use.

Proposed Place of Use

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	33E	32	30	30	32	31	32	32	31	31	6.4	6.7	7.2	6.7					276
		33					32	32	32	33									129
Water Right 32-7025 Only																			
09N	32E	36											D,S						

Total Irrigated Acres: 405

5. Map of Proposed System. Attach a map showing the location of the points of diversion, reservoirs, dams, canals, ditches, pipelines and other works proposed to divert and convey water. Also show the location of the place of use, including any lands to be irrigated. The map should delineate the legal subdivisions including townships, ranges, sections, quarter-quarters and government lots. Label map as Attachment 3C.

PART 4 – ADDITIONAL INFORMATION

Section 42-222(1), *Idaho Code*, establishes the criteria used to evaluate transfer applications. An applicant bears the burden of demonstrating that the water right to be changed is a valid right, that the proposed use is a beneficial use, and that the proposed changes will not injure other water rights, will not enlarge the use of the original rights, are in the local public interest, and are consistent with the conservation of water resources within the state of Idaho. To satisfy this burden, an applicant must provide sufficient data and information for the

Department to evaluate the effects of the proposed change. The Department may deny an application if the applicant fails to provide sufficient data and information to determine whether the criteria from Section 42-222(1) are satisfied. In addition to the information requested in Parts 1-3 of this application, the following information must be provided for an application to be considered complete. Department staff may request additional information or clarification as the application is processed.

A. Validity of Water Rights

1. If one or more of the water rights proposed to be changed is a statutory claim, established pursuant to Section 42-248, *Idaho Code*, attach evidence supporting the priority date claimed. Label documents as Attachment 4A-1. For statutory claims, the Department may conduct a field inspection as part of the application review process to evaluate the water right elements listed on the statutory claim.

2. Has any portion of the water right(s) proposed to be changed undergone a period of five or more consecutive years of non-use?

☐ Yes. Attach a statement describing the portion of the right(s) that were not used and the length of time of the non-use. In addition, identify any exception or defense to forfeiture and provide a detailed description as to why the water rights have not been lost and forfeited for non-use. Label documents as Attachment 4A-2. Statutory exceptions or defenses to forfeiture are set forth in Section 42-223, *Idaho Code*.

☒ No.

B. Injury to Other Water Rights

1. Identify any other water right(s) diverted at the current point(s) of diversion.

32-13220 and 32-13219

2. Identify any other water right(s) diverted at the proposed point(s) of diversion.

32-13220 and 32-13219

3. Is the proposed point of diversion within a state water district? ☒ Yes. Water District # 110. ☐ No.

4. If already constructed and in use, are the proposed points of diversion equipped with Department-approved measuring devices? ☒ Yes. ☐ No.

5. If this application proposes to divert a surface water right from a ground water well, attach a technical analysis evaluating the hydraulic connection between the proposed ground water point of diversion and the source of water listed on the right to be changed. Label technical analysis as Attachment 4B-5.

6. If this application proposes changing the point of diversion for a ground water right in the Eastern Snake Plain Aquifer (ESPA), attach a technical analysis of the anticipated depletions to reaches of the Snake River that are hydraulically connected to the ESPA using the Department's current ground water model for the ESPA. The technical analysis must evaluate depletion impacts in a time-series format at transient and steady state time steps. To assist applicants in preparing the required technical analysis, the Department has developed a transfer tool interface for the ESPA model. The transfer tool and user instructions can be downloaded from the Department's website (idwr.idaho.gov). If the proposed and current points of diversion are in the same or adjacent model cells, no technical analysis is required, unless specifically requested by the Department. Label technical analysis as Attachment 4B-6.

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C. Enlargement in Use

1. Identify any other water rights used at the current place of use, including the number of shares in a canal company or acres assessed by an irrigation district.

Reno Ditch Company service area overlaps the place of use. Applicant has authorization to irrigate 1,450.9 acres with Reno water, which does not overlap the ground water POU.

2. Identify any other water rights used at the proposed place of use, including the number of shares in a canal company or acres assessed by an irrigation district.

No other water rights will be used at the proposed POU, although the Reno Ditch service area does overlap. Rights 32-13219 and 32-13220 will be used to irrigate the same pivot in the SW1/4 of Section 32.

3. If this application proposes changing the place of use or nature of use for irrigation water rights, will the current place of use, for the portion of the right to be changed, continue to be irrigated?

☐ Yes. Identify the water right(s) to be used for the continued irrigation.

☒ No. The place of use for the portion to be changed will no longer be irrigated.

☐ N/A. The application does not propose to change the place of use for irrigation rights.

4. Unstacking Water Rights for Irrigation. If this application proposes to change the place of use for an irrigation water right that is combined with other irrigation rights at the current place of use but does not propose to change the place of use for all the stacked irrigation rights, attach evidence of the historical consumptive use occurring under all water rights at the current place of use. For irrigation rights, this should include at least five years of diversion data and/or crop data and estimates of evapotranspiration. Label the information as Attachment 4C-4. Evapotranspiration data may be available on the Department's website (<http://et-idwr.idaho.gov>)

5. If the application proposes to change the nature of use for a water right, attach evidence of the historical consumptive use occurring under the portion of the water right to be changed. For irrigation rights, this should include diversion data, crop data and estimates of evapotranspiration. Label the information as Attachment 4C-5. Evapotranspiration data may be available on the Department's website (<http://et-idwr.idaho.gov>)

6. If the application proposes to change the nature of use of a water right to municipal use for reasonably anticipated future needs, complete the form titled "Municipal Water Right Application Checklist" found on the Department's website (idwr.idaho.gov). Label the form as Attachment 4C-6.

7. To your knowledge, are any portions of the water rights proposed to be changed:

Yes No
☐ ☒

currently leased to the Water Supply Bank?

If yes, complete the form titled "Application for Transfer of Water Right Attachment WSB" found on the Department's website (idwr.idaho.gov). Label the Form as Attachment 4C-7.

☐ ☒
☐ ☒
☐ ☒

currently used in a mitigation plan limiting the use of water under the right?

subject to an agreement not to divert (CREP)?

currently enrolled in a federal set-aside program (CRP)?

D. Local Public Interest

The department must consider whether the proposed changes are in the local public interest as defined in Section 42-202B(3), *Idaho Code*. Some of the local public interest factors that may be considered in conjunction with a transfer application are (1) Recreation, fish, and wildlife impacts, (2) Water quality or contamination concerns, (3) Local and state ordinances, regulations, or policies related to water use, (4) Goals, requirements and limits set forth in the State Water Plan. If you choose to provide information about local public interest factors, label the information as Attachment 4D.

E. Conservation of Water Resources

Describe the diversion works and water delivery system. This may include sizes and dimensions of pumps, pipelines, headgates, ditches, dams, impoundments and irrigation equipment.

Two active irrigation wells to a mainline that delivers water to 4 pivots. The mainline also receives water from Reno Ditch Company that is used to irrigate the pivots to the west. A valve on the mainline located on the west side of the pivot in SW1/4 Sec 32 is used to control the water.

PART 5 – FILING FEE AND SIGNATURE

A. Filing Fee. Filing fees for transfer applications are set forth in Section 42-221.O, *Idaho Code*. A table summarizing the filing fees for transfer applications is also found on the Department's website (idwr.idaho.gov). Any application proposing to change the nature of use for one or more rights requires an additional filing fee of \$250. Applications proposing to update the ownership records for water rights must also include the appropriate filing fee to update the ownership records. For any application relying on the filing fee set forth in Section 42-221.O.8, *Idaho Code*, attach a statement describing how the application qualifies under Section 42-221.O.8. Label documents as Attachment 5A.

B. Affidavit of Applicant or Representative:

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.

Ted Sorenson

Ted Sorenson (Feb 14, 2026 09:49:59 MST)

Signature of Applicant or Representative*

Ted Sorenson, Manager

Print Name and Title, if applicable

02/14/26

Date

Signature of Applicant or Representative*

Print Name and Title, if applicable

Date

*If water rights included in this application are owned by multiple people or entities, each owner must sign the application form.

FOR DEPARTMENT USE ONLY

Fee Paid: \$900.00 Receipt #: E051447 Date: 2/17/26 Received by: C+H
Add'l Paid: \$ _____ Receipt #: _____ Date: _____ Received by: _____

Water Right Report : 32-7025(Decreed/Active)**Water Right Owners**

Owner Type	Name	Address	City	State	Postal Code
Current Owner	BIRCH CREEK RANCHES LLC	1032 GRANDVIEW DR	IVINS	UT	84738
Original Owner	ESTATE OF BEN R WILDING	STAR RT	DUBOIS	ID	83423

Water Right Status

Priority Date : 12/26/1973
 Basis : Decreed
 Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
GROUND WATER			

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
GROUND WATER	09N	32E	36	0	SW	NW	SW	CLARK	
GROUND WATER	09N	32E	36	4	SW	SW	SW	CLARK	
GROUND WATER	09N	33E	31	0	SW	NW	SE	CLARK	
GROUND WATER	09N	33E	32	0	NW	SW	NE	CLARK	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	11/01	3.76 CFS	1102.50 AFA
STOCKWATER	01/01	12/31	0.12 CFS	6.70 AFA
DOMESTIC	01/01	12/31	0.04 CFS	1.20 AFA
TOTAL			3.92 CFS	1102.50 AFA

Places of Use

Place of Use Legal Description : IRRIGATION (JEFFERSON,CLARK counties)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
08N	32E	1	1	NE	NE		34.0
08N	32E	1	2	NW	NE		34.0
08N	32E	1		SW	NE		40.0
08N	32E	1		SE	NE		40.0
08N	32E	1	3	NE	NW		11.0
08N	32E	1		SE	NW		9.0
09N	32E	36		SW	NW		40.0
09N	32E	36		SE	NW		40.0
09N	32E	36		NE	SW		40.0
09N	32E	36		NW	SW		40.0
09N	32E	36	4	SW	SW		39.0
09N	32E	36	3	SE	SW		38.0

Place of Use Legal Description : STOCKWATER (CLARK county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
09N	32E	36	4	SW	SW		

Place of Use Legal Description : DOMESTIC (CLARK county)

90319

Township Range Section Loc. QQQ QQ Q Acres

09N 32E 36 4 SW SW

Irrigation Totals

Total Acres Acre Limit

405.00 315.00

Conditions**Code Conditions**

- N14 The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.
- T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
- X35 Rights 32-7025 and 32-10127 when combined shall not exceed a total diversion rate of 3.92 cfs, a total annual maximum diversion volume of 1417,5 af at the field headgate, and the irrigation of 405 acres.
- 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
- X27 This right is limited to the irrigation of 315 acres within the place of use described above in a single irrigation season.
- E26 Use of water under this right is combined with water from Reno Ditch Company, Inc.
- 131 Prior to the diversion and use of water under Transfer approval 72204, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
- R63 This right when combined with all other rights shall provide no more than 0,02 cfs per acre nor more than 3,5 afa per acre at the field headgate for irrigation of the lands above.
- X36 Right 32-10127 is also diverted through the point(s) of diversion described above.
- K01 Right No. 32-10127 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
- 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
- 104 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

Dates

Licensed Date :
 Decreed Date : 10/27/2000
 Permit Proof Due Date : 1/1/1979
 Permit Proof Made Date : 1/1/1900
 Permit Approved Date : 1/23/1974
 Permit Moratorium Expiration Date :
 Enlargement Use Priority Date :
 Enlargement Statute Priority Date :
 Application Received Date:
 Protest Deadline Date:

Other Information

State or Federal : S
 Water District Number : 110
 Generic Max Rate Per Acre : 0
 Generic Max Volume Per Acre : 0
 Combined Acre Limit : 405.00
 Combined Volume Limit: 1417.50
 Combined Rate Limit: 3.92
 Civil Case Number :
 Decree Plaintiff :
 Decree Defendant :
 Swan Falls Trust or Nontrust :
 Swan Falls Dismissed :
 DLE Act Number :
 Cary Act Number :
 Mitigation Plan: False

Water Right Report : 32-7261(License/Active)**Water Right Owners**

Owner Type	Name	Address	City	State	Postal Code
Current Owner	BIRCH CREEK RANCHES LLC	1032 GRANDVIEW DR	IVINS	UT	84738

Water Right Status

Priority Date : 1/28/2000
 Basis : License
 Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
GROUND WATER			

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
GROUND WATER	09N	32E	36	0	SW	NW	SW	CLARK	
GROUND WATER	09N	33E	31	0	SW	NW	SE	CLARK	
GROUND WATER	09N	33E	32	0	NW	SW	NE	CLARK	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	1.40	CFS
TOTAL			1.40	CFS

Places of Use**Place of Use Legal Description : IRRIGATION (CLARK county)**

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
08N	32E	1	1	NE	NE		34.0
08N	32E	1	2	NW	NE		34.0
08N	32E	1		SW	NE		40.0
08N	32E	1		SE	NE		40.0
08N	32E	1	3	NE	NW		11.0
08N	32E	1		SE	NW		9.0
09N	32E	36		SW	NW		40.0
09N	32E	36		SE	NW		40.0
09N	32E	36		NE	SW		40.0
09N	32E	36		NW	SW		40.0
09N	32E	36	4	SW	SW		39.0
09N	32E	36	3	SE	SW		38.0

Irrigation Totals

Total Acres	Acre Limit
405.00	

Conditions**Code Conditions**

065 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

- 104 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
- R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 110.
The right holder shall comply with the measuring device requirements of Transfer No. 72204 and Water District 110.
- R55 This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
- X35 Rights 32-7025, 32-7261, and 32-10127 when combined shall not exceed the irrigation of 405 acres.
- W87 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 1417.5 af at the field headgate for the lands above.
- R59 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.
- X36 Rights 32-7025, 32-10127, 32-13219, and 32-13220 are also diverted through the point(s) of diversion described above.

Dates

Licensed Date : 5/10/2006
 Decreed Date :
 Permit Proof Due Date : 8/1/2000
 Permit Proof Made Date : 4/17/2000
 Permit Approved Date : 4/3/2000
 Permit Moratorium Expiration Date :
 Enlargement Use Priority Date :
 Enlargement Statute Priority Date :
 Application Received Date: 1/28/2000
 Protest Deadline Date:

Other Information

State or Federal :
 Water District Number : 110
 Generic Max Rate Per Acre : 0.02
 Generic Max Volume Per Acre : 3.5
 Combined Acre Limit : 405.00
 Combined Volume Limit:
 Combined Rate Limit:
 Civil Case Number :
 Decree Plaintiff :
 Decree Defendant :
 Swan Falls Trust or Nontrust : T
 Swan Falls Dismissed :
 DLE Act Number :
 Cary Act Number :
 Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

1/21/2026

Water Right Report : 32-10127(Decreed/Active)**Water Right Owners**

Owner Type	Name	Address	City	State	Postal Code
Current Owner	BIRCH CREEK RANCHES LLC	1032 GRANDVIEW DR	IVINS	UT	84738
Original Owner	ESTATE OF BEN R WILDING	STAR RT	DUBOIS	ID	83423

Water Right Status

Priority Date : 12/26/1973
 Basis : Decreed
 Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
GROUND WATER			

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
GROUND WATER	09N	32E	36	0	SW	NW	SW	CLARK	
GROUND WATER	09N	33E	31	0	SW	NW	SE	CLARK	
GROUND WATER	09N	33E	32	0	NW	SW	NE	CLARK	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	10/31	0.84 CFS	315.00 AFA
TOTAL			0.84 CFS	315.00 AFA

Places of Use

Place of Use Legal Description : IRRIGATION (JEFFERSON,CLARK counties)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
08N	32E	1	1	NE	NE		34.0
08N	32E	1	2	NW	NE		34.0
08N	32E	1		SW	NE		40.0
08N	32E	1		SE	NE		40.0
08N	32E	1	3	NE	NW		11.0
08N	32E	1		SE	NW		9.0
09N	32E	36		SW	NW		40.0
09N	32E	36		SE	NW		40.0
09N	32E	36		NE	SW		40.0
09N	32E	36		NW	SW		40.0
09N	32E	36	4	SW	SW		39.0
09N	32E	36	3	SE	SW		38.0

Irrigation Totals

Total Acres	Acre Limit
405.00	90.00

Conditions**Code Conditions**

T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

30319

- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
- E26 Use of water under this right is combined with water from Reno Ditch Company, Inc.
- T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
- R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
- 131 Prior to the diversion and use of water under Transfer approval 72204, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
- X35 Rights 32-7025 and 32-10127 when combined shall not exceed a total diversion rate of 3.92 cfs, a total annual maximum diversion volume of 1417.5 af at the field headgate, and the irrigation of 405 acres.
- K02 This right is based upon an enlargement of Right No. 32-7025 pursuant to Section 42-1426, Idaho Code.
- K09 This right is for an enlargement of 90 acres within the place of use described for this right.
- X36 Right 32-7025 is also diverted through the point(s) of diversion described above.
- 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
- 104 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

Dates

Licensed Date :
 Decreed Date : 10/27/2000
 Permit Proof Due Date :
 Permit Proof Made Date :
 Permit Approved Date :
 Permit Moratorium Expiration Date :
 Enlargement Use Priority Date :
 Enlargement Statute Priority Date :
 Application Received Date:
 Protest Deadline Date:

Other Information

State or Federal : S
 Water District Number : 110
 Generic Max Rate Per Acre : 0
 Generic Max Volume Per Acre : 0
 Combined Acre Limit : 405.00
 Combined Volume Limit: 1417.50
 Combined Rate Limit: 3.92
 Civil Case Number :
 Decree Plaintiff :
 Decree Defendant :
 Swan Falls Trust or Nontrust : T
 Swan Falls Dismissed :
 DLE Act Number :
 Cary Act Number :
 Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

1/21/2026



Attachment 2B

- POD WRs 32-7025, 32-10127, and 32-7261
- POU WRs 32-7025, 32-10127, and 32-7261
- POU WRs 32-13219 and 32-13220
- PLSS Section
- PLSS QQ

Birch Creek Ranches, LLC.
Montevieu, Clark and Jefferson
Counties, Idaho
Water Right Transfer 32-7025,
32-10127, and 32-7261

Date: 1/28/2026

RMEA #: 22-0235

Drafted by: AG



90319

Narrative in Support of Amending Conditions

Application for Transfer of Water Right 32-7025, 32-7261, 32-10127

Birch Creek Ranches, LLC

The Reno Ditch Company service area overlaps the existing place of use. When the service area was defined, the owners of the ditch company opted to include all of their lands to allow for maximum flexibility should they need it. This means that lands that were already under irrigation from ground water rights 32-7025 and 32-10127 were folded into the service area even though it was not the intention to irrigate those lands with Reno Ditch water.

Water Rights 32-7025 and 32-10127 have all of the following conditions and 32-7261 has the last two conditions:

Use of water under this right is combined with water from Reno Ditch Company, Inc.

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

Based on a review of the water right record, the supplemental conditions appear to be incorrectly applied. The applicant proposes to have these conditions removed from the rights through this transfer application.

Right 32-7025, developed in 1973, was licensed in 1984 for irrigation of 315 acres. Figure 1 shows an excerpt of the Water Right Backfile noting that there were no other rights associated with the place of use or point of diversion in the 1983 review. At that time, the Reno Ditch Co. and its designated Permissible Place of Use (PPU) did not exist and no surface water was even owned by the water right owner in this area. There were no supplemental conditions applied to groundwater right 32-7025 in licensing.

Water right 32-10127 is an enlargement of 32-7025 for an additional 90 acres that was filed in the SRBA to capture the full 405 irrigated acres under ground water prior to 1987.

Rights 32-7025 and 32-10127 were both decreed without the three conditions referenced above in October 2000.

Figure 1. IDWR Backfile Excerpts for 32-7025

Overlap Review 32-7025

p/d per micro-fische
no overlapping p/d's

p/a per micro-fische
8N 32E Sec. 1 - NE 1/4 none

9N 32E Sec. 36 - SW 1/4 none

no overlapping rights.

1 KW 12/12/83
Jim

In January 2000, Birch Creek Ranches submitted Application for Permit 32-7261 for additional diversion rate¹ from ground water for their system, deliverable from the historical wells, and overlapping the POU of existing ground water rights 32-7025 & 32-10127. The Application for Permit indicated that the only overlapping water rights for these lands were the ground water rights. No mention of surface water rights was found. The Permit 32-7261 was issued in April 2000 and it included supplemental conditions as follows:

NO. 32-07261

CONDITIONS OF APPROVAL AND REMARKS

8. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

9. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

No justification was included in the water right backfile for these supplemental conditions. The Licensing Review Memo from Shelley Keen on April 28, 2006 does not make any reference to a

¹ According to the record, the original field exam of 32-7025 was erroneous and as a result, the full diversion rate developed was not licensed. Hence, the applicant filed a permit to capture the full diversion rate historically used from the original well.

combined system with the Reno Ditch at all. The only water rights mentioned to be associated are the ground water rights 32-7025 and 32-10127.

Since Permit 32-7261 was obtained strictly to capture diversion rate and no additional acres were developed, supplemental conditions have very little purpose or benefit.

In 2005, Birch Creek Ranches filed a Transfer Application 72204 to add points of diversion to the groundwater rights 32-7025 and 32-10127, due to well failure. The Application does not mention overlapping surface water rights, since they were not used on the same acres. The transfer evaluation memo by IDWR does not indicate overlapping concerns and makes no reference to Reno Ditch rights. Yet, the Transfer 72204 approval issued October 2005 includes supplemental conditions on the ground water rights 32-7025 and 32-10127. Again, there is no recorded justification for these conditions to be included on the water rights and no history that supports overlap on the same acres as Reno Ditch water rights.

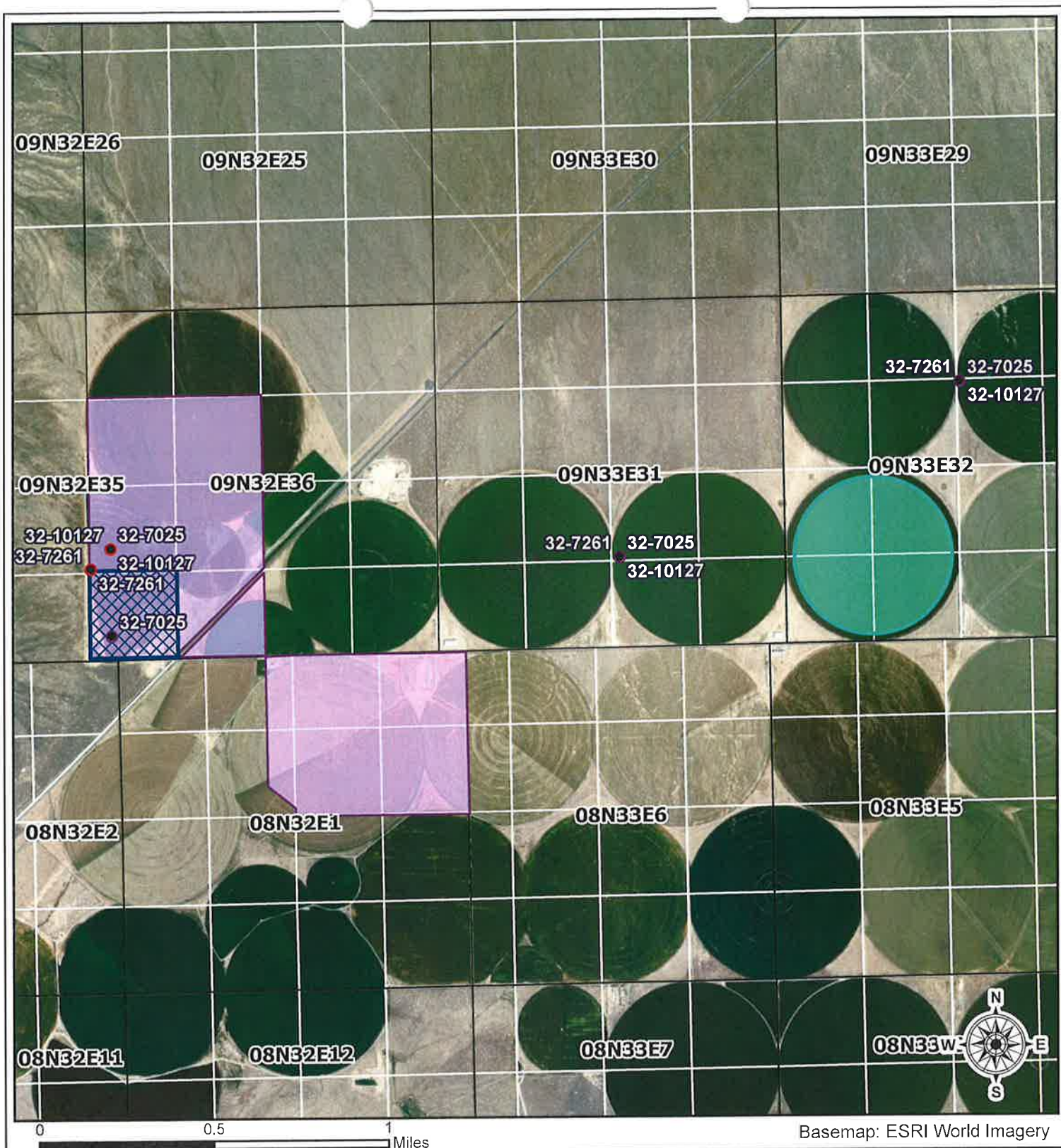
Reno Ditch water rights were purchased and transferred in the late 1990s to irrigate new lands owned by the canal users. They were never intended to be stacked with the ground water rights on the same lands.

Right 32-7261 was field examined in November 2005, just one month after the approval of Transfer 72204. Other than a reference for the POU overlapping PPU of the Reno Ditch rights, there's no other analysis or indication of actual combined use with the surface water rights. Despite the examiner's lack of noting any combined use, the supplemental conditions were applied to the license of 32-7261 also.

At this point in 2006, all three ground water rights 32-7025, 32-10127, and 32-7261 have supplemental conditions, with no apparent history of overlapping the Reno Ditch authorized acres, and without recorded justification. Operation of the Reno Ditch rights and the ground water rights has always been under the assumption that they were cumulative in acres, not overlapping.

It appears that the supplemental conditions were added to all ground water rights in error and misrepresent the primary status of ground water rights 32-7025, 32-10127, and 32-7261. The condition noting combined use with the Reno Ditch Company is accurate only so far that it describes a co-mingled delivery system for a farm that uses two sources of water on different lands. The current configuration of the ground water rights relative to the Reno Ditch delivery system is such that the ground water rights can be delivered directly to the end of the mainline independent of the Reno Ditch water.

It is requested that all three of the conditions be removed from the water rights.



Attachment 2B. Existing Locations

- Existing POD
- Existing PODs To Be Removed
- POU WRs 32-7025, 32-10127, and 32-7261
- POU WRs 32-13219 and 32-13220
- WR 32-7025 Domestic and Stockwater POUs
- PLSS Section
- PLSS QQ

Birch Creek Ranches, LLC.
Montevideo, Clark and Jefferson
Counties, Idaho
Water Right Transfer 32-7025,
32-10127, and 32-7261

Date: 1/31/2026

RMEA #: 22-0235

Drafted by: AG



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Attachment 3C Page 1 of 2

- Proposed PODs
- Proposed POU by QQ
PLSS QQ
- PLSS Section
- WR 32-13219 and 32-13220 POUs Corrected

Birch Creek Ranches, LLC.
Montevieu, Clark and Jefferson
Counties, Idaho
Water Right Transfer 32-7025,
32-10127, and 32-7261

Date: 1/30/2026

RMEA #: 22-0235

Drafted by: AG



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Attachment 3C Page 2 of 2

- Existing POD
- ▨ WR 32-7025 Domestic and Stockwater POU's
- PLSS QQ
- PLSS Section

Birch Creek Ranches, LLC.
Montevieu, Clark and Jefferson
Counties, Idaho
Water Right Transfer 32-7025,
32-10127, and 32-7261

Date: 1/30/2026

RMEA #: 22-0235

Drafted by: AG



90319



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

March 4, 2026

BIRCH CREEK RANCHES LLC
711 E TURTLE POINT DR
IVINS, UT 84738

RE: Transfer No. 90319
Water Right No(s). 32-10127, 32-7025, 32-7261

Dear Applicant:

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the POST REGISTER on 3/12/2026 and 3/19/2026. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Christina Henman
Administrative Assistant

CC:
ROCKY MOUNTAIN ENVIRONMENTAL ASSOC INC
482 CONSTITUTION WAY STE 303
IDAHO FALLS, ID 83402-3552

Henman, Christina

From: Henman, Christina
Sent: Wednesday, March 4, 2026 12:27 PM
To: legalnotices@postregister.com
Subject: Legal Notice for Post Register
Attachments: 90319 Post Register.docx

LEGAL NOTICE DEPARTMENT
POST REGISTER
PO BOX 1800
IDAHO FALLS, ID 83403-1800

RE: Transfer No. 90319
Water Right No(s). 32-10127, 32-7025, 32-7261

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before 3/30/2026. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 90319**

BIRCH CREEK RANCHES LLC, 711 E TURTLE POINT DR, IVINS, UT 84738 has filed Application No. 90319 for changes to the following water rights within CLARK County(s): Right No(s). 32-10127, 32-7025, 32-7261; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change points of diversion and place of use. Proposed points of diversion are in NWSE Sec 31 and SWNE Sec 32 T09N R33E, and Lot 4 (SWSW) Sec 36 T09N R32E for 5.36 cfs from Ground Water. Proposed place of use is in N1/2 and SW1/4 Sec 32, and NW1/4 Sec 33, T09N R33E for irrigation of 405 acres, and Lot 4 (SWSW) Sec 36 T09N R32E for domestic and stockwater uses.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 3/30/2026. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 3/11/2026 and 3/18/2026