

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 45-85
Date Received: 6/26/1989
Receipt No: S008353
Received By:

AMENDED

AMENDED

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

MANNING RANCHES INC
2233 BIRCH CREEK RD
OAKLEY ID USA 83346

Phone: (208)862-3884

2. Date of Priority: 04/16/1882

3. Source: BIRCH CREEK

Trib. to: GOOSE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
14S	22E	24	SE	SW	NW	CASSIA	
14S	22E	14	SE	SE	SE	CASSIA	

5. Description of diverting works:

HEADGATES AND DITCHES, PIPELINES & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	02/25	11/15	1.4	

7. Total Quantity Appropriated is:
1.4 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot		Use	Acres
14S	22E	2	NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	35

			SE	SW	IRRIGATION	40	
			NE	SW	IRRIGATION	40	
			SW	NW	IRRIGATION	15	
			SE	NW	IRRIGATION	15	
					Section Acres	185	
14S	22E	3	NE	NE	IRRIGATION	39	
			NW	NE	IRRIGATION	18	
			SE	NE	IRRIGATION	35	5/6 NESE
					Section Acres	92	
14S	22E	11	NE	SE	IRRIGATION	40	
			NW	SE	IRRIGATION	40	
			SE	SE	IRRIGATION	40	
			NE	SW	IRRIGATION	20	
			SE	SW	IRRIGATION	1	
			SW	SE	IRRIGATION	37	
					Section Acres	178	
14S	22E	14	NE	NE	IRRIGATION	40	
			NW	NE	IRRIGATION	30	
			SW	NE	IRRIGATION	5	
			SE	NE	IRRIGATION	8	
			NE	SE	IRRIGATION	20	
			NW	SE	IRRIGATION	30	
			SE	SE	IRRIGATION	5	
					Section Acres	138	
					Total Acres	593	

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

See remarks for additional conditions of approval.

TRANS. 123 OTHER WATER RIGHTS FILED AND USED IN THE SAME P/U: A45-00078D
A45-00077D A45-00079D A45-00085 A45-00089C A45-00090 A45-02529A A45-
04195 A45-04192 *****

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

Claim amended per SF4.

15. Basis of Claim: Decreed

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A45-00085
Date Received: 6/26/1989
Receipt No: S008353
Received By: SCC

COPY

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MATTHEWS BROS., INC. 208-862-3209
Address: RT. 1 BOX D
OAKLEY, ID 83346

2. Date of Priority: APR 16, 1882

3. Source: BIRCH CREEK Trib. to: GOOSE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14S	22E	14	SE	SE	SE		CASSIA
		24	SE	SW	NW		CASSIA

5. Description of diverting works:
HEADGATES AND DITCHES, PIPELINES & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.400		

7. Total Quantity Appropriated is:
1.400 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 1337.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14S	22E	2	NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	35.0

A45-00085

Page 1

Date: 06/26/89

MICROFILMED

MAR 05 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14S	22E	2	SE	SW		IRR	40.0
						Section Acres	155.0
		3	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
						Section Acres	80.0
				SW		IRR	20.0
				SE		IRR	40.0
				SE		IRR	40.0
				SE		IRR	40.0
				SE		IRR	40.0
						Section Acres	180.0
		14	NE	NE		IRR	40.0
			NW	SE		IRR	30.0
						Section Acres	70.0
						Total Acres	485.0

*map shows
SE NE
typo?*

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
SEE REMARKS.

14. Remarks:

TRANS. 123

OTHER WATER RIGHTS FILED AND USED IN THE SAME P/U:

A45-00078D A45-00077D A45-00079D A45-00085

A45-00089C A45-00090 A45-02529A A45-04195

A45-04192 *****

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 10/10/1903

DAYLEY ET AL

Decree Plaintiff

DAYLEY ET AL

Decree Defendant

vs

A45-00085

Page

2

Date: 06/26/89

MICROFILMED

MAR 05 1993

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Vice Pres of Manhew Bros. Inc., that I have signed the foregoing document in the space below as Vice Pres of Manhew Bros. and that the statements contained in the foregoing document are true and correct.

Ernie B. Manhew
Signature of Authorized Agent

Vice Pres
Title and Organization

6/26/1989.
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 26th day

of June 19 89

John O. O.
Notary Public

Seal

Residing at Twin Falls
My Commission Expires Dec 7, 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14S	22E	2	SE	SW		IRR	40.0
Section Acres							155.0
		3	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
Section Acres							80.0
		11	NE	SW		IRR	20.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
Section Acres							180.0
		14	NE	NE		IRR	40.0
			NW	SE		IRR	30.0
Section Acres							70.0
Total Acres							485.0

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
SEE REMARKS.

14. Remarks:

TRANS. 123
OTHER WATER RIGHTS FILED AND USED IN THE SAME P/U:
A45-00078D A45-00077D A45-00079D A45-00085
A45-00089C A45-00090 A45-02529A A45-04195
A45-04192 *****

15. Basis of Claim: DECREED

Case Number:
Court :
Decree date: 10/10/1903

DAYLEY ET AL

Decree Plaintiff

DAYLEY ET AL

Decree Defendant

vs

A45-00085

Page

2

Date: 06/26/89

MICROFILMED
MAR 05 1993

Irrigation Requirements

Transfer
License

1. Evidence of license 45-2529 for 3.88 cfs priority 10-22-56 for 198 acres. Verified Yes. Place of use to be transferred as follows: Twp 13S Rng 22E Sec. 34 NE $\frac{1}{4}$ NE $\frac{1}{4}$ 38 ac, SE $\frac{1}{4}$ NE $\frac{1}{4}$ 38 ac, SENW $\frac{1}{4}$ 36 ac, Sec. 27 NE $\frac{1}{4}$ SE $\frac{1}{4}$ 16 ac, SE $\frac{1}{4}$ SE $\frac{1}{4}$ 38 ac, Twp 14S Rng 22EBM Sec. 3 NE $\frac{1}{4}$ NE $\frac{1}{4}$ 32 ac, SE $\frac{1}{4}$ NE $\frac{1}{4}$ 30 ac. Point of diversion to include: Twp 14S Rng 22EBM Sec. 3 NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$.
2. Evidence of claim 45-4192 for 4.46 cfs priority 5-25-56 for 820 ac. Verified Yes.
3. Evidence of claim 45-4195 for 4.46 cfs priority 10-22-56 for 862 ac. Verified Yes.
4. Evidence of decreed rights to Birch Creek. Verified —

64 M.I.	3-1-1875
165 M.I.	4-1-1881
70 M.I.	4-16-1882
20 M.I.	6-1-1882
50 M.I.	17-1-1882
40.6 M.I.	12-5-1882
5. Evidence of decreed rights to Basin Creek. Verified, Yes.

62 M.I.	12-31-1879
60 M.I.	3-1-1881
6. Evidence of license R-1025 on Almo and Styner Creek for 1020 ac. ft. priority 1-13-58. Verified Yes. Assign 9.5 shares of water stock in Almo Water Co.

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MAR 15 1993

A45-00085

Date Received

RECEIVED

JUN 06 1989

State of Idaho
Department of Water Resources

REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the claimant be granted an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Matthews Brothers, Inc.

Name of Claimant

Rt. 1 Box D

Post Office Address

Oakley, Id., 83346

City, State, Zip Code

Cassia

County(s) where Place of Use is located

6/8/89

Date Claim Originally Due

Groundwater & Birch CK.

Basin CK. already taken care of
& Instream stock

Identify water right(s) for which extension is requested

State reason(s) why an extension of time is requested: Three days already spent in Burley Mobil to get these completed.

Morris Matthews, general partner in Matthews Bros., died in
mid April 1989. Morris Generally handled all the paperwork and
we need more time to sort things out.

Claimant requests an extension to Sept. 1, 1989

Next appointment sched.
in Twin Falls 6/26/89.

Ernie B. Matthews
Signature

Partner
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby

X granted denied,
and the filing deadline extended to 9/1 1989.

Signed this 6 day of June, 1989.

DAVID B. SHAW
Director or his designated agent

I recommend that
this extension be granted.
ADW 6/5/89.

MAR 05 1993

MICROFILMED

09/14/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-85

NAME AND ADDRESS: MANNING RANCHES INC
2233 BIRCH CREEK RD
OAKLEY ID 83346

SOURCE: BIRCH CREEK

TRIBUTARY: GOOSE CREEK

QUANTITY: 1.400 CFS

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE
NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 04/16/1882

POINT OF DIVERSION:

T14S R22E S14 SESESE Within CASSIA County

T14S R22E S24 SESWNW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	2/28 11/15	1.400 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T14S R22E S02	SWNW	11.00	T14S R22E S02	SENE	12.00
T14S R22E S02	NESW	40.00	T14S R22E S02	NWSW	40.00
T14S R22E S02	SWSW	33.00	T14S R22E S02	SESW	40.00
T14S R22E S03 Lot 1	NENE	32.00	T14S R22E S03 Lot 2	NWNE	5.00
T14S R22E S03	SENE	31.00	T14S R22E S03	NESE	11.00
T14S R22E S11	NESW	13.00	T14S R22E S11	SESW	1.00
T14S R22E S11	NESE	40.00	T14S R22E S11	NWSE	40.00
T14S R22E S11	SWSE	37.00	T14S R22E S11	SESE	40.00
T14S R22E S14	NENE	38.00	T14S R22E S14	NWNE	24.00
T14S R22E S14	SWNE	5.00	T14S R22E S14	SENE	8.00
T14S R22E S14	NESE	20.00	T14S R22E S14	NWSE	28.00
T14S R22E S14	SESE	5.00			

554 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 233 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The operation and use of this water right is also subject to the terms and conditions of the Water Rotation Agreement ("Agreement") entered into by certain users on 10 September, 1992. The Agreement was filed and recorded in the office of the Cassia County Recorder on 27 May, 1993 as Instrument No.: 224804; the provisions of such Agreement to apply fully to this water right.

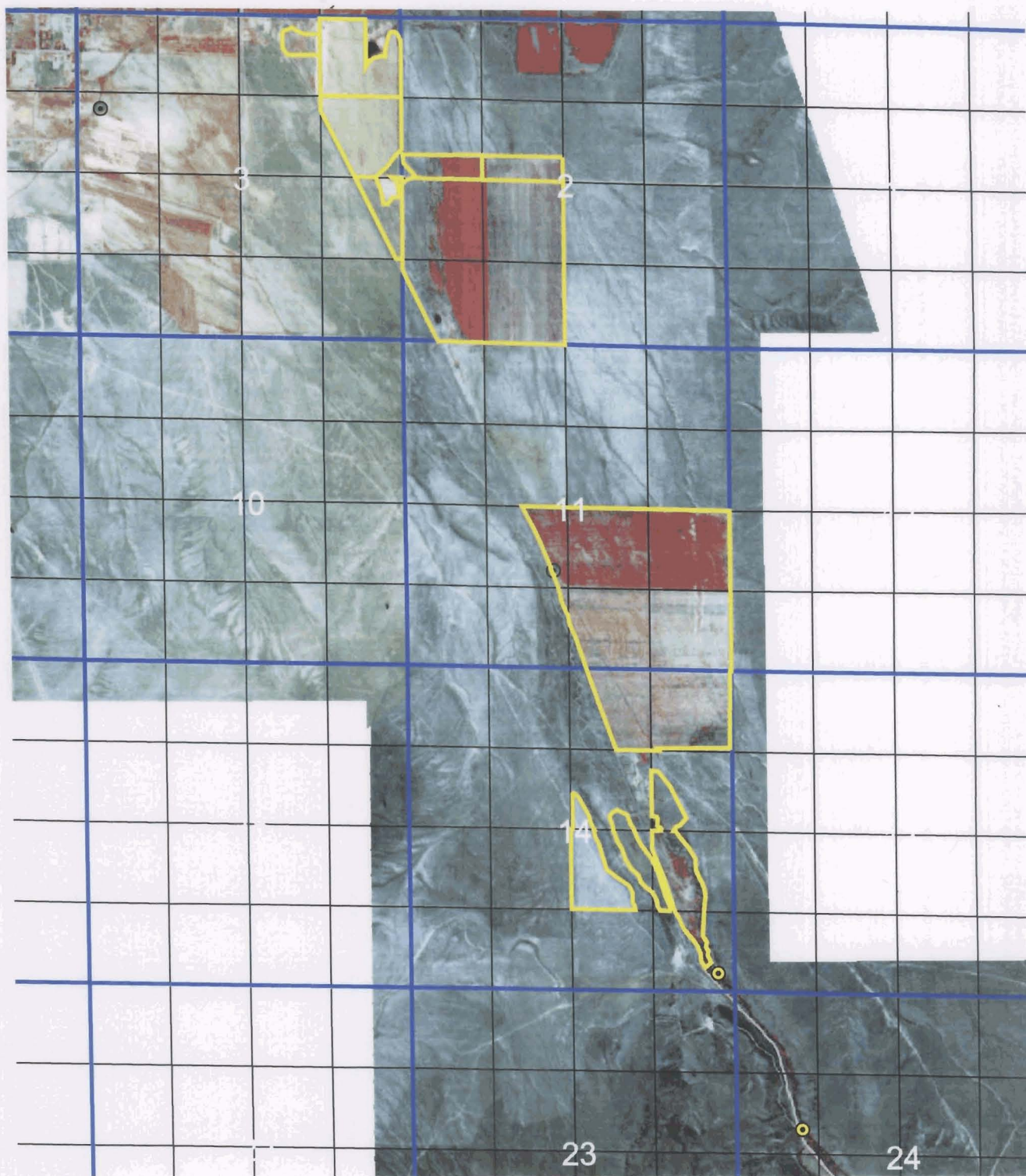
09/14/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section
42-1425, Idaho Code.

Idaho Department of Water Resources
45-85



RECOMMENDED PLACE OF USE
DATA ENTRY ON Sept.11, 2006
TWP 14S, RNG 22E, SEC. 2, 3, 11 & 14

- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines



Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

Obj. to
SOU
POU

RECEIVED
MAR 13 2006
DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re: SRBA	)	A. Subcase <u>45-85</u>
	)	
Case No. 39576	)	STANDARD FORM 1
	)	OBJECTION
	)	
	)	

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Manning Ranches, Inc.
Address: 2233 Birch Creek Road
Oakley, ID 83346
Daytime Phone: (208) 862-3884

Name and Address of Attorney, if any:

R.C. Stone
P.O. Box 910
Burley, ID 83318

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Manning Ranches, Inc.
Address: 2233 Birch Creek Road
Oakley, ID 83346

D. I object to the following elements as recommended in the Director's Report.

(Please check the appropriate box(es))

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☒ **Period of Year**
Should be: 2/25 to 11/15
9. ☒ **Place of Use**
Should be: As set forth in the amended claim
10. ☒ **I object because:**
 - ☐ This water right should not exist.
 - ☒ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** Recommendation not
consistent with established use

F.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Cassia)

R.C. Stone
(Name of person filing objection), duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

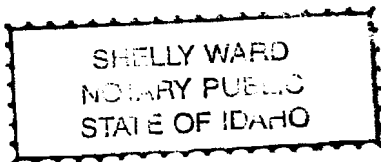
(Signature of person filing objection)

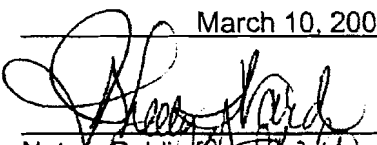


(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

March 10, 2006





Notary Public for _____
Residing at: _____
My commission expires: 05/30/08

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on the 10th day of March, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707
2. One Copy to the Claimant at the following address:

Name: Manning Ranches, Inc.
Address: 2233 Birch Creek Road
Oakley, ID 83346

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

PARSONS, SMITH & STONE, LLP


R. C. Stone
Attorneys for Claimant
P.O. Box 910
Burley, Idaho 83318

SCANNED

MAR / 4 2006

09/14/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-85

NAME AND ADDRESS: MANNING RANCHES INC
2233 BIRCH CREEK RD
OAKLEY ID 83346

SOURCE: BIRCH CREEK

TRIBUTARY: GOOSE CREEK

QUANTITY: 1.400 CFS

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE
NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 04/16/1882

POINT OF DIVERSION:

T14S R22E S14 SESESE Within CASSIA County

T14S R22E S24 SESWNW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	2/28 11/15	1.400 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T14S R22E S02	SWNW	11.00	T14S R22E S02	SENE	12.00
T14S R22E S02	NESW	40.00	T14S R22E S02	NWSW	40.00
T14S R22E S02	SWSW	33.00	T14S R22E S02	SESW	40.00
T14S R22E S03 Lot 1	NENE	32.00	T14S R22E S03 Lot 2	NWNE	5.00
T14S R22E S03	SENE	31.00	T14S R22E S03	NESE	11.00
T14S R22E S11	NESW	13.00	T14S R22E S11	SESW	1.00
T14S R22E S11	NESE	40.00	T14S R22E S11	NWSE	40.00
T14S R22E S11	SWSE	37.00	T14S R22E S11	SESE	40.00
T14S R22E S14	NENE	38.00	T14S R22E S14	NWNE	24.00
T14S R22E S14	SWNE	5.00	T14S R22E S14	SENE	8.00
T14S R22E S14	NESE	20.00	T14S R22E S14	NWSE	28.00
T14S R22E S14	SESE	5.00			

554 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 233 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

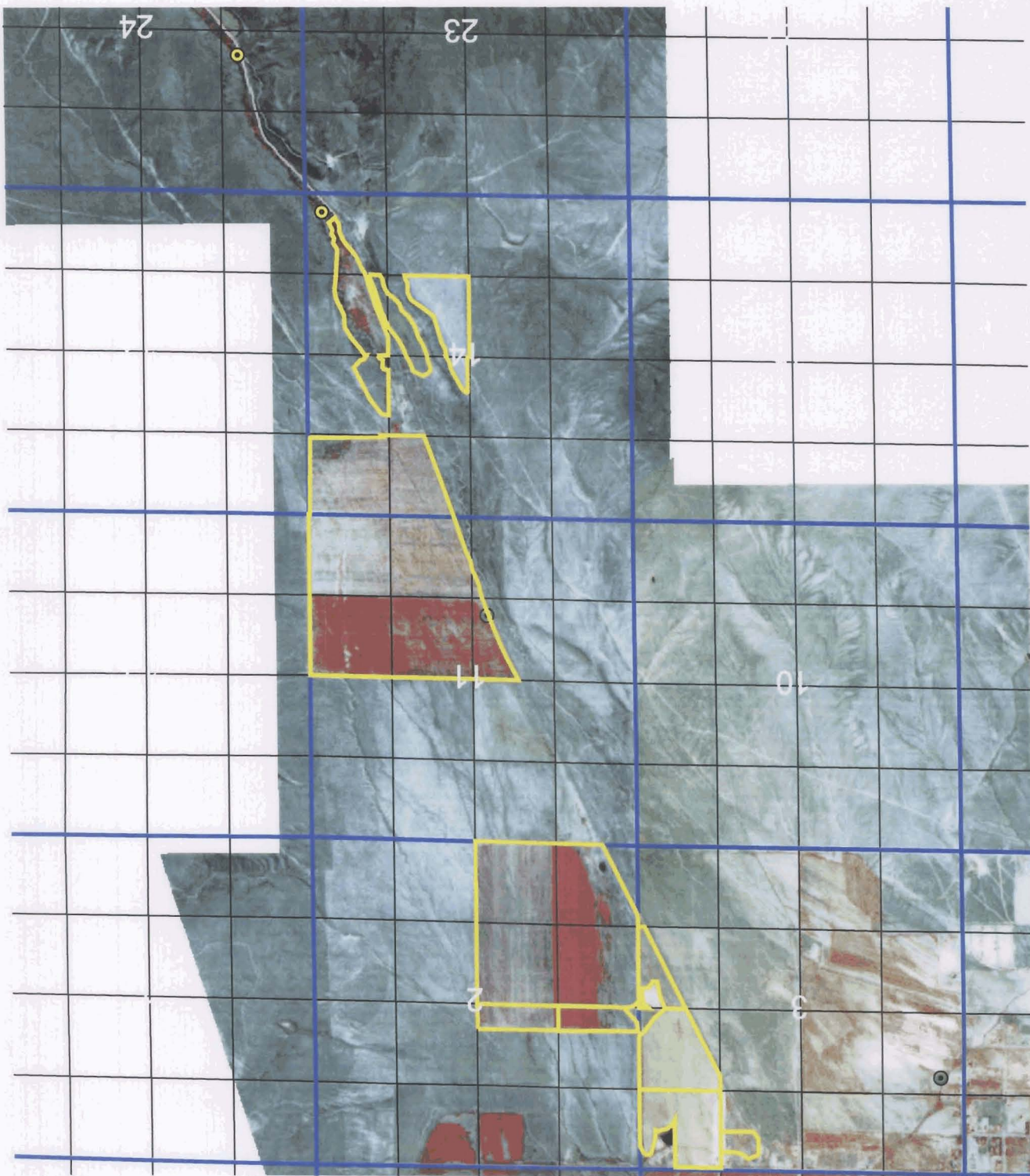
The operation and use of this water right is also subject to the terms and conditions of the Water Rotation Agreement ("Agreement") entered into by certain users on 10 September, 1992. The Agreement was filed and recorded in the office of the Cassia County Recorder on 27 May, 1993 as Instrument No.: 224804; the provisions of such Agreement to apply fully to this water right.

09/14/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section
42-1425, Idaho Code.



- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

RECOMMENDED PLACE OF USE
DATA ENTRY ON Sept. 11, 2006
TWP 14S, RNG 22E, SEC. 2, 3, 11 & 14



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-85 V2

WATER RIGHT NUMBER: 45-85 V2

Owner Type Name and Address
 Current Owner MANNING RANCHES INC
 2233 BIRCH CREEK RD
 OAKLEY, ID 83346
 (208)862-3884

Priority Date: 04/16/1882

Basis: Decreed

Status: Active

Source Tributary
 BIRCH CREEK GOOSE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	2/28 to 11/15	1.400 CFS	
	<u>Total Diversion:</u>	1.400 CFS	

Location of Point(s) of Diversion

BIRCH CREEK	SE1/4SW1/4NW1/4	Sec. 24, Twp 14S, Rge 22E, B.M.
CASSIA County		
BIRCH CREEK	SE1/4SE1/4SE1/4	Sec. 14, Twp 14S, Rge 22E, B.M.
CASSIA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	22E	2							11.0	12.0	40.0	40.0	33.0	40.0					176.0
14S	22E	3	32.0	5.0		31.0									11.0				79.0
			L 1	L 2															
14S	22E	11									13.0			1.0	40.0	40.0	37.0	40.0	171.0
14S	22E	14	38.0	24.0	5.0	8.0									20.0	28.0		5.0	128.0

Total Acres: 554

Conditions of Approval:

1. E62 THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-85 V2

2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 233 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
5. 177 The operation and use of this water right is also subject to the terms and conditions of the Water Rotation Agreement ("Agreement") entered into by certain users on 10 September, 1992. The Agreement was filed and recorded in the office of the Cassia County Recorder on 27 May, 1993 as Instrument No.: 224804; the provisions of such Agreement to apply fully to this water right.

Remarks:

Comments:

1. jroberts 1/21/2006 Version 2 Rec.

Comment: Claim was amended per SF4. SoU was amended to 2/25 but 2/28 was the agreed upon beginning date. Acres were increased from 485 to 595 but only 515 can be recommended per 1987 aerial photo, limited to 233 acres within (from original decreed pou of water right). Add remark 177.

2. jroberts 9/11/2006 Revised V2 Rec.

Comment: PoU per GIS of 1987 aerial photography, resulting in reduction from 593 claimed acres to 554 rec. ac. (I believe the 18 ac claimed in the NWNE of Sec. 3 were meant to be claimed in the NESE of Sec. 3.)

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-85 V2

WATER RIGHT NUMBER: 45-85 V2

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MANNING RANCHES INC 2233 BIRCH CREEK RD OAKLEY, ID 83346 (208)862-3884

Priority Date: 04/16/1882

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIRCH CREEK	GOOSE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	2/28 to 11/15	1.400 CFS	
	<u>Total Diversion:</u>	1.400 CFS	

Location of Point(s) of Diversion

BIRCH CREEK	SE1/4SW1/4NW1/4	Sec. 24, Twp 14S, Rge 22E, B.M.
CASSIA County		
BIRCH CREEK	SE1/4SE1/4SE1/4	Sec. 14, Twp 14S, Rge 22E, B.M.
CASSIA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	22E	2							11.0	12.0	40.0	40.0	33.0	40.0					176.0
14S	22E	3	32.0	5.0		31.0									11.0				79.0
			L 1	L 2															
14S	22E	11									13.0			1.0	40.0	40.0	37.0	40.0	171.0
14S	22E	14	38.0	24.0	5.0	8.0									20.0	28.0		5.0	128.0

Total Acres: 554

Conditions of Approval:

1. E62 THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-85 V2

2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 233 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. 177 The operation and use of this water right is also subject to the terms and conditions of the Water Rotation Agreement ("Agreement") entered into by certain users on 10 September, 1992. The Agreement was filed and recorded in the office of the Cassia County Recorder on 27 May, 1993 as Instrument No.: 224804; the provisions of such Agreement to apply fully to this water right.

Remarks:

Comments:

1. jroberts 1/21/2006 Version 2 Rec.

Comment: Claim was amended per SF4. SoU was amended to 2/25 but 2/28 was the agreed upon beginning date. Acres were increased from 485 to 595 but only 515 can be recommended per 1987 aerial photo, limited to 233 acres within (from original decreed pou of water right). Add remark 177.

2. jroberts 9/11/2006 Revised V2 Rec.

Comment: PoU per GIS of 1987 aerial photography, resulting in reduction from 593 claimed acres to 554 rec. ac. (I believe the 18 ac claimed in the NWNE of Sec. 3 were meant to be claimed in the NESE of Sec. 3.)

Water Supply Bank:

02/23/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

Reviewed *2/23/06*

RIGHT NUMBER: 45-85

NAME AND ADDRESS: MANNING RANCHES INC
2233 BIRCH CREEK RD
OAKLEY ID 83346

SOURCE: BIRCH CREEK

TRIBUTARY: GOOSE CREEK

QUANTITY: 1.400 CFS

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE
NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 04/16/1882

POINT OF DIVERSION:

T14S R22E S14 SESESE Within CASSIA County

T14S R22E S24 SESWNW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	2/28 11/15	1.400 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T14S R22E S02	NESW	40.00	T14S R22E S02	NWSW	40.00
T14S R22E S02	SWSW	33.00	T14S R22E S02	SESW	40.00
T14S R22E S03 Lot 1	NENE	32.00	T14S R22E S03	SENE	31.00
T14S R22E S11	NESW	13.00	T14S R22E S11	SESW	1.00
T14S R22E S11	NESE	40.00	T14S R22E S11	NWSE	40.00
T14S R22E S11	SWSE	37.00	T14S R22E S11	SESE	40.00
T14S R22E S14	NENE	38.00	T14S R22E S14	NWNE	24.00
T14S R22E S14	SWNE	5.00	T14S R22E S14	SENE	8.00
T14S R22E S14	NESE	20.00	T14S R22E S14	NWSE	28.00
T14S R22E S14	SESE	5.00			

515 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 233 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

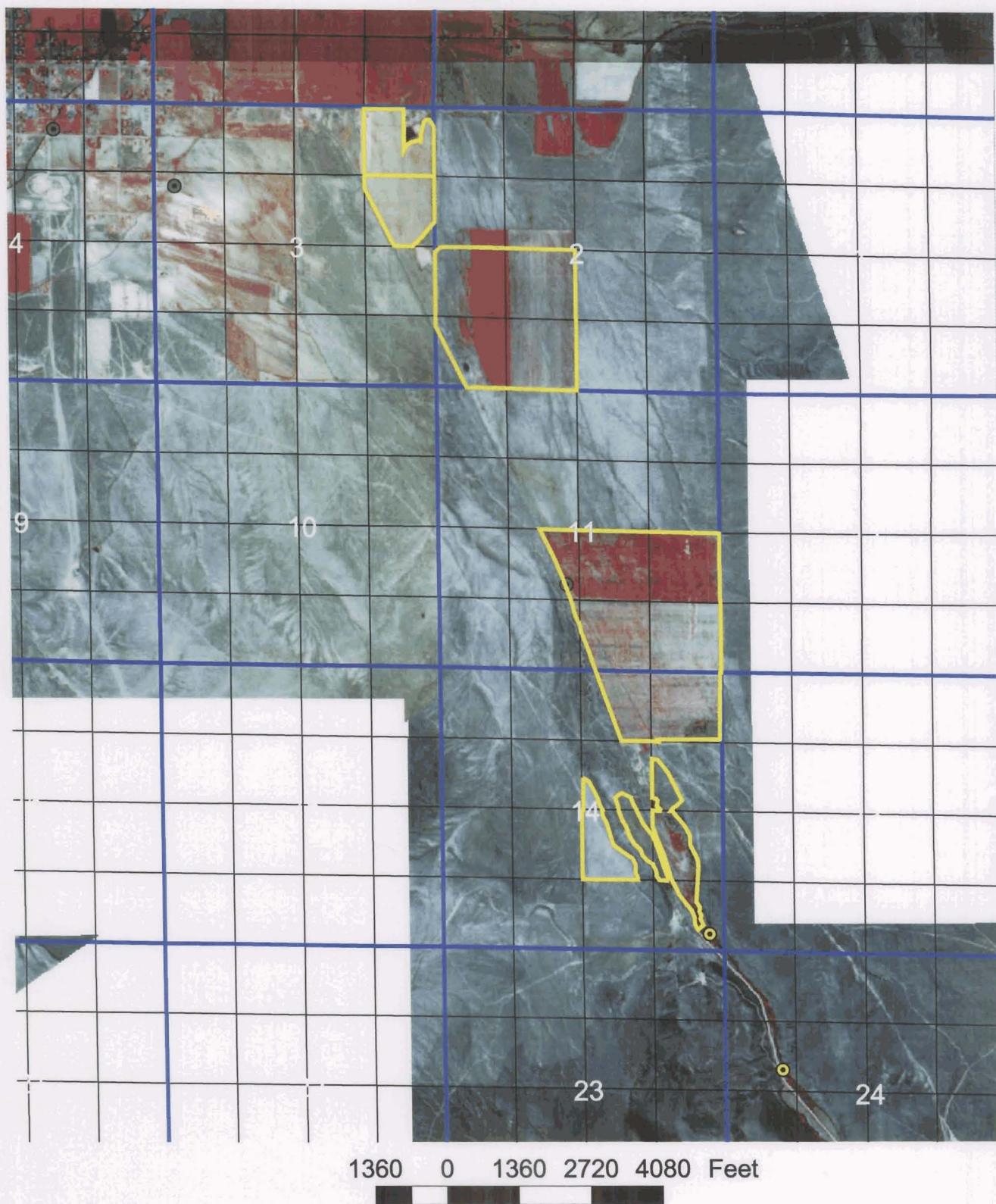
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The operation and use of this water right is also subject to the terms and conditions of the Water Rotation Agreement ("Agreement") entered into by certain users on 10 September, 1992. The Agreement was filed and recorded in the office of the Cassia County Recorder on 27 May, 1993 as Instrument No.: 224804; the provisions of such Agreement to apply fully to this water right.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

45-85



- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

RECOMMENDED PLACE OF USE
 DATA ENTRY ON FEB. 23, 2006
 TWP 14S, RNG 22E, SEC. 2 , 3, 11, & 14



Gis Place of Use Presentation
 1987/1988 Napp Photography
 Prepared by Jeanie Robertson

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-85 V2

WATER RIGHT NUMBER: 45-85 V2

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MANNING RANCHES INC 2233 BIRCH CREEK RD OAKLEY, ID 83346 (208)862-3884

Priority Date: 04/16/1882

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIRCH CREEK	GOOSE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	2/28 to 11/15	1.400 CFS	
	<u>Total Diversion:</u>	1.400 CFS	

Location of Point(s) of Diversion

BIRCH CREEK	SE1/4SW1/4NW1/4	Sec. 24, Twp 14S, Rge 22E, B.M.
CASSIA County		
BIRCH CREEK	SE1/4SE1/4SE1/4	Sec. 14, Twp 14S, Rge 22E, B.M.
CASSIA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	22E	2									40.0	40.0	33.0	40.0					153.0
14S	22E	3	32.0			31.0													63.0
			L 1																
14S	22E	11									13.0			1.0	40.0	40.0	37.0	40.0	171.0
14S	22E	14	38.0	24.0	5.0	8.0									20.0	28.0		5.0	128.0

Total Acres: 515

Conditions of Approval:

1. E62 THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-85 V2

2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 233 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. 177 The operation and use of this water right is also subject to the terms and conditions of the Water Rotation Agreement ("Agreement") entered into by certain users on 10 September, 1992. The Agreement was filed and recorded in the office of the Cassia County Recorder on 27 May, 1993 as Instrument No.: 224804; the provisions of such Agreement to apply fully to this water right.

Remarks:

Comments:

1. jroberts 1/21/2006 Version 2 Rec.

Comment: Claim was amended per SF4. SoU was amended to 2/25 but 2/28 was the agreed upon beginning date. Acres were increased from 485 to 595 but only 515 can be recommended per 1987 aerial photo, limited to 233 acres within (from original decreed pou of water right). Add remark 177.

RECEIVED

OCT 13 2005

Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re: SRBA

Case No. 39576

)
)
)
)
)
)
)
)

A. Subcase 45-85

STANDARD FORM 4

MOTION TO FILE:

☐ LATE NOTICE OF CLAIM

☒ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase. " You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996) , Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

X I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is _____

My address is _____

My phone number is: Work _____ Home _____

I am an attorney representing Manning Ranches, Inc.

My name is Randolph C. Stone

MY address is P.O. Box 910 Burley, ID 83318

MY phone number is (208)878-8382

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☐ I did not file a Notice of claim to the use of water in the SRBA because:

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you must attach a copy of your Notice of Claim.)

I have attached:

- ☐ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

X I must amend my Notice of Claim to the use of water in the SRBA because:

The corporate name has changed from "Matthews Brothers, Inc." to "Manning Ranches, Inc." The original claim specified an incorrect season of use; incorrectly identified places of use; and overstated or understated acreage.

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☒ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Cassia)

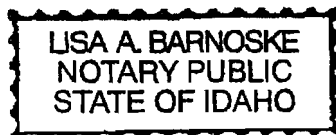
R.C. Stone, duly sworn, upon oath, deposes and says:
(Name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2), as defined by I.C. §§ 42-1401 A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

(Signature of person filing motion)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: October 12, 2005.



Lisa A. Barnoske
Notary Public for Idaho
Residing at: Burley
My commission Expires: 09/28/10

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on October 12, 2005, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707
2. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street MSC 033
Boise, ID 83724
3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase. N/A (at this point)

PARSONS, SMITH & STONE, LLP



R.C. Stone
Attorneys for Manning Ranches, Inc.

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AMENDED
CLAIM TO A WATER RIGHT**

Under the provisions of Section 42-243, *Idaho Code*, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. **The filing of this claim does not confirm the water right claimed.** Water rights represented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111, *Idaho Code*. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that Manning Ranches, Inc.

(Name of Claimant)
2233 Birch Creek Road, Oakley, ID 83346 Telephone No: (208)862-3884
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: (When the water was first applied to beneficial use) 04/16/1882
A claim is not acceptable for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, Idaho Code.

2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Birch Creek tributary to Goose Creek

3. Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs or af)	(Irrigation, Domestic, Stock, Etc.)	(Both dates inclusive) (MM/DD) (MM/DD)	
Quantity	<u>1.4 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>2/25</u>	to <u>11/15</u>
Quantity	<u></u>	Use <u></u>	Period of Use From <u></u>	to <u></u>
Quantity	<u></u>	Use <u></u>	Period of Use From <u></u>	to <u></u>
Quantity	<u></u>	Use <u></u>	Period of Use From <u></u>	to <u></u>

4. 1.4 cfs TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot
Sec. 14 Township 14 S Range 22 E B.M., Cassia County;
additional points of diversion, if any: SESWNW T.14S R22E S24, Cassia County

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities. Be specific. Describe any changes in the system and give the date of the change.

Headgates and ditches

6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below. If the use is for irrigation, describe the location by listing the number of irrigated acres within each 40-acre tract.
D - domestic, S - stockwater, M - municipal, C - Commercial, I - Industrial, X - other

Twp	Rge	Sec	NE1/4				NW 1/4				SW1/4				SE1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	22E	02							15	15	40	40	35	40					185
14S	22E	03	39	185		3531													92
14S	22E	11									20			1	40	40	37	40	178
14S	22E	14	40	30	5	8									20	30		5	138

TOTAL ACRES 593

B) If water is used for purposes other than irrigation, fully describe the use. Be specific.

NOTE: Include here the type and number of stock watered:

7. Remarks:

8. Map -- Attach an 8 1/2"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7 1/2 minute topographic quadrangle map is preferred.) Attach an aerial photograph of the place of use if available.

State of Idaho

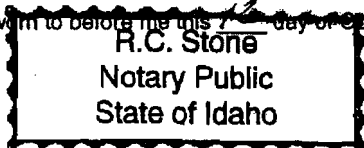
)
) ss.
)

County of Cassia

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the forgoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Robert Manning Pres.
Claimant's Signature (and title if claim is for an organization)

Sworn to before me this 7th day of October 2005.



Notary Public

Residing at:

My commission expires:

FOR DEPARTMENT USE ONLY

Received by _____ Date _____

Prelim. check by _____ Date _____

Fee _____ Receipt # _____

Receipt prepared by _____ Date _____

Published in _____

Publication dates _____

Publication checked by _____ Date _____

Exceptions filed by _____

Idaho Department of Water Resources

45-85



0 1320640 Feet



RECOMMENDED PLACE OF USE
DATA ENTRY ON OCT. 22, 2002
TWP 14S, RNG 22E, SEC. 2, 3, 11, & 14

- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re: SRBA

Case No. 39576

A. Subcase 45-85

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Manning Ranches, Inc.

Address: 2233 Birch Creek Road

Oakley, Idaho 83346

Daytime Phone: (208)862-3884

Name and Address of Attorney, if any:

R.C. Stone

P.O. Box 910

Burley, Idaho 83318

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Manning Ranches, Inc.

Address: 2233 Birch Creek Road

Oakley, Idaho 83346

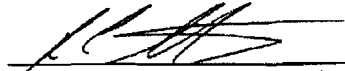
F. VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Cassia)

R.C. Stone _____, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

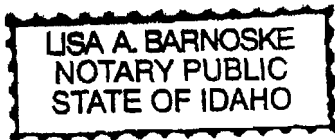
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

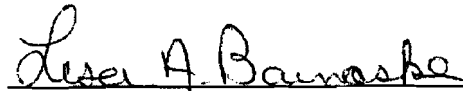
(Signature of person filing objection)



(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 23rd day of December, 2004





Notary Public for Idaho

Residing at: Burley

My commission Expires: 09/28/10

Exhibit A

Place of Use:

Irrigation within Cassia County

T14S R22E S02	NESW	40.0	T14S R22E S02	NWSW	40.0
T14S R22E S02	SWNE	15.0	T14S R22E S02	SENE	20.0
T14S R22E S02	SWSW	35.0	T14S R22E S02	SESW	40.0
T14S R22E S03 Lot 1	NENE	40.0	T14S R22E S03	SENE	30.0
T14S R22E S11	NESW	20.0	T14S R22E S11	SESW	1.0
T14S R22E S11	NESE	40.0	T14S R22E S11	NWSE	40.0
T14S R22E S11	SWSE	40.0	T14S R22E S11	SESE	40.0
T14S R22E S14	NENE	40.0	T14S R22E S14	NWNE	24.0

505 Acres Total

01/13/2004

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: See cover letter

Water right number: 45-85

MATTHEWS BROTHERS INC
C/O ROBERT MANNING
2233 BIRCH CREEK RD
OAKLEY ID 83346
Telephone Number: (208)862-3884

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Name, Place of use, Limitation

2. Describe the changes you wish to make in the proposed recommendation:

*Name - Manning Brothers, Inc.
Place of use - as in claim
* Limitation - should not be limited to 232 acres / season*

3. Give a brief explanation as to why you disagree with these portions:

Recommendation not consistent with 1967.

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 5/27/04 SIGNATURE: [Signature]
Please print your name: L.C. Stone Attorney for Manning Brothers Inc.

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

** limited to 232 Ac. because those are the sec. acres within the original decreed POU*

RECEIVED

MAY 28 2004

Department of Water Resources
Southern Region

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-85

WATER RIGHT NUMBER: 45-85

Owner Type Name and Address
 Original Owner GEORGE CRANER
 , ZZ
 Current Owner FRED H CRITCHFIELD
 OAKLEY, ID 83346

Priority Date: 04/16/1882

Basis: Decreed

Status: Active

Source Tributary
 BIRCH CREEK GOOSE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	1.400 CFS	
	<u>Total Diversion:</u>	1.400 CFS	

Location of Point(s) of Diversion

BIRCH CREEK	SE1/4NW1/4	Sec. 24, Twp 14S, Rge 22E, B.M.
CASSIA County		
BIRCH CREEK	SE1/4SE1/4	Sec. 14, Twp 14S, Rge 22E, B.M.
CASSIA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE						
14S	22E	11									X				X				X	X	X	X	X	33.40
											13				1				40	40	37	40		
14S	22E	14	X	X																				
			38	24																				

Total Acres: 0

Conditions of Approval:Remarks:

1. General TRANS. 123.^^ P/D NOT GIVEN IN DECREE, BUT DETERMINED FROM TRANS. 2268.^^

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-85 V1

WATER RIGHT NUMBER: 45-85 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MANNING RANCHES INC 2233 BIRCH CREEK RD OAKLEY, ID 83346 (208)862-3884

Priority Date: 04/16/1882

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIRCH CREEK	GOOSE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.400 CFS	
	<u>Total Diversion:</u>	1.400 CFS	

Location of Point(s) of Diversion

BIRCH CREEK	SE1/4SW1/4NW1/4	Sec. 24, Twp 14S, Rge 22E, B.M.
CASSIA County		
BIRCH CREEK	SE1/4SE1/4SE1/4	Sec. 14, Twp 14S, Rge 22E, B.M.
CASSIA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	22E	2									40.0	29.0 40	27.0 35	40.0					135.0
14S	22E	3	32.0			30.0													62.0
			L 1																
14S	22E	11									13.0 20			1.0	39.0 40	40.0	37.0 OK	40.0	170.0
14S	22E	14	38.0 40	24.0	OK	5	8								20	20		5	62.0

Total Acres: 429

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 45-85 V1

Remarks:

- | | | |
|----|------------------------------|--|
| 1. | Quantity | THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. |
| 2. | Place of Use
- Irrigation | THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2.32 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. |

Comments:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

JUN 09 2004

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

Department of Water Resources
 Southern Region

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Matthew Bros

4. New Owner/Claimant(s)

Manning Ranches & Robert Manning

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

2233 Brook Creek Rd.

City, State and ZIP Code

Osley Id- 83346

New Telephone Number

808 562-3884

5. Date you acquired the property

10/98

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

Robert Manning

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

210

	ARTICLES OF AMENDMENT (General Business)	FILED EFFECTIVE MAR -3 AM 8:43 SECRETARY OF STATE STATE OF IDAHO						
To the Secretary of State of the State of Idaho Pursuant to Title 30, Chapter 1, Idaho Code, the undersigned corporation amends its articles of incorporation as follows:								
1. The name of the corporation is: <u>Matthews Brothers, Inc.</u>								
2. The text of each amendment is as follows: Section I will be amended to read as follows: Section I. The name of the corporation is Manning Ranches, Inc.								
3. The date of adoption of the amendment(s) was: <u>February 27, 2004</u>								
4. Manner of adoption (check one): ☐ The amendment consists exclusively of matters which do not require shareholder action pursuant to section 30-1-1002, Idaho Code, and was, therefore, adopted by the board of directors. ☐ None of the corporation's shares have been issued and was, therefore, adopted by the ☐ incorporator ☐ board of directors. ☒ The number of shares outstanding and entitled to vote was <u>3175</u> The number of shares cast for and against each amendment was: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Amended article</td> <td style="width: 35%;">Shares for</td> <td style="width: 35%;">Shares against</td> </tr> <tr> <td></td> <td style="text-align: center;">3175</td> <td style="text-align: center;">0</td> </tr> </table>			Amended article	Shares for	Shares against		3175	0
Amended article	Shares for	Shares against						
	3175	0						
		Customer Acct #: (if using pre-paid account) Secretary of State use only						
Dated: <u>2/27/04</u> Signed: <u>Robert Manning</u> Typed Name: <u>Robert Manning</u> Capacity: <u>President</u>		IDAHO SECRETARY OF STATE 03/03/2004 05:00 CK: 18195 CT: 3788 BH: 738586 1 @ 38.00 = 38.00 AMEND PROF 1 2 C39377						

MetLife Agricultural Investments Loan Application

I/We ("Applicants"): Robert H. and Deanne Manning, Husband & Wife; Matthews Brothers, Inc., An Idaho Corporation

Address: 2233 Birch Creek Rd.
Oakley, ID 83346

County Residence: Cassia
Phone Numbers: (208)-862-3884

Hereby apply for a loan (the "Loan") as follows:

Loan Amount:	\$800,000	Maturity Date:	08/01/2013	Term in Years:	15.1	Interest Rate:	7.95
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Interest shall be payable semi-annually on the 1st day of February and August.

Principal shall be paid as follows: \$24,000.00 annually beginning February 1, 1999

The above interest rate shall be fixed to the date of maturity.

Beginning February 1, 1999, privilege is further reserved to pay up to 15 percent of the original principal balance in any one calendar year period on an interest payment date. In determining the 15 percent limitation, the scheduled principal payments identified above shall be included. Any prepayment in excess of the 15 percent limitation shall be subject to a prepayment premium of six (6) months interest on such excess amount. No other prepayment is permitted.

Date Money Wanted			Purpose of Loan	
Disbursement	Amount	Date		
			Retire Debt of Matthews Brothers, Inc. incl FLB & Others	\$272,847.00
1st	\$800,000.00	07/01/98	Purchase Stock In Matthews Bros, Inc.	\$70,200.00
			Irrigation Upgrades	\$75,000.00
			Retire land, equipment, bank debt - Robert Manning	\$141,539.00
			Working Capital	\$240,414.00
			Total Loan Amount:	\$800,000.00

Security Offered (the "Property"):

Acres: 5459 County(ies): Cassia State(s): ID

Legal Description: See Attached Legal and all Water Rights

Section(s): Various Township(s): 13S; 14S; 15S Range(s): 22E; 23E

Occupant's Name: Robert Manning Owner or Tenant: Owner Lease Exp. 12/31/98
Date: 12/31/98

Brent Searle Tenant

Tract	From Whom Purchased	Date Purchased	Acres	Total Price Paid	Terms of Purchase			
					Cash	Contract	Mortgage	Trade
I, II	Matthews Bros. Stock Purchase (also includes non-valued gifts)	1991-1998	4,420	\$200,000	\$100,000	\$100,000		
I	Anderson	1996	216	\$125,000				\$125,000
II	Fairchild	1995	359	\$17,000	\$6,000	\$11,000		
II	McIntosh	1990	224	\$24,000	\$7,000	\$17,000		
II	Martin (Security portion of larger purchase)	250	240	\$31,250				
Total			5,459	\$397,250	\$113,000	\$128,000	\$0	\$125,000

Improvements made since purchase: Brush control \$2,500, Irrigation upgrades - \$75,000

Total Cost of Improvements: \$77,500.00 Year Completed: 1998 Outstanding Contracts or Bills:

If Yes, describe: Gravel Sales, easements of record,

Is the Property located in Special Assessment Districts (such as Irrigation or Drainage districts, other)? Yes

If Yes, describe by Tract No.: Oakley Canal Company, no bonded debt., Tract I

Is the Property, or products produced on the Property, subject to contractual agreements? Yes

If Yes, describe: Annual Farm lease on portion Tr. I, approximately 185 acres verbal annual lease to Brent Searle

Is the farm being sold by Applicant(s)? No

Applicants, Guarantors and Co-makers (If Individuals)	Marital Status	U.S. citizen?	Age	Soc. Security Number	Age of Dependent Children
Robert H. Manning Deanne Manning	Married	Yes Yes	55 55	518-50-9809 519-52-6268	
Applicants, Guarantors, and Co-makers (If Corporations, Partnerships or LLCs)	Tax ID	Parties signing on behalf of Corporation, Partnership or LLC			
Matthews Brothers, Inc. An Idaho Corporation	82-0248353	Robert H. Manning; President; others to be determined			

Life Insurance on Applicants:	\$300,000.00	Payable to:	Deanne Manning
Have you any liability as a Guarantor or Endorser?	No	Amount:	
Annual non-farm net income:	\$5,000.00	Source:	Business (Deanne), Interest
Banking reference:	Dan Loyd, D.L. Evans Bank, Burley	Total acres operated:	44,488
Have you ever been in bankruptcy or compromised debt?	No		
Describe any Pending Suits or Judgements:	None		

Additional Terms and Covenants:

The Loan shall be evidenced by a note (the "Note") and secured by a mortgage or deed of trust (the "Mortgage") on the Property and any additional documents required by MetLife (the "Security Documents"). All documents in connection with the Loan shall be subject to MetLife's approval as to form, scope, substance and legal sufficiency, and shall be executed by Applicant at Closing. Applicant understands that this Loan may, in MetLife's discretion, be funded by a subsidiary or affiliates of MetLife.

The following additional loan terms, conditions and covenants shall apply and shall be contained in the Note, Mortgage and/or Security Agreement:

First Lien: Applicant agrees: (i) to furnish an abstract of title or a mortgagee title policy showing marketable fee simple title, (ii) that the Note and Mortgage or Deed of Trust shall be a good and valid first lien, (iii) to pay the recording fees and taxes and the abstract and title insurance charges and to complete the Loan as applied for if granted, (iv) to assign to MetLife, at its option, all bonuses, rentals and/or royalties due under any oil and gas lease covering the Property, during the tenure of the Loan, (v) that all tenancy or possessor rights on said Property shall be subordinated to MetLife, (vi) that the Property shall have legal access acceptable to MetLife.

Due on Sale Provisions: Applicant agrees that in the event the mortgaged premises, or any portion thereof, or any interest therein, are sold, mortgaged, or conveyed or become subject to an agreement to sell or convey, then the entire indebtedness shall become immediately due and payable at the option of MetLife. If Applicant is a corporation, a sale, assignment, or transfer in any manner whatsoever of 10 percent or more of the capital stock of the mortgagor corporation shall be equivalent to a sale or conveyance of the Property or an interest therein, and in that event MetLife shall have the option to accelerate the debt, declare the entire Loan balance due, and enforce collection of same, including foreclosure of the mortgage lien.

Commitment Expiration Date: In the event this application is accepted, MetLife reserves the right to withdraw acceptance if the Loan is not closed within a period of 60 days from the date it is stated herein that the money is wanted or if the condition of the Property has been substantially altered since the acceptance of the application, or if Applicant's financial condition is substantially changed.

Financial Information: Applicant shall furnish MetLife the following financial information, certified to be true and correct within thirty (30) days after receipt of a written request from MetLife:

Income Statement
Balance Sheet
Tax Returns

Financing Statements: Applicant shall execute Uniform Commercial Code financing statements and security agreements naming MetLife as secured party on all of the following, now or hereafter acquired:

Irrigation equipment, including pumps, motors, pipes, pivots, drip systems

Obligations of Applicant: Applicant acknowledges that Applicant's present financial condition, as represented by Applicant, constitutes

a significant inducement to MetLife to make the Loan, and Applicant further agrees that it shall not, without the prior written consent of MetLife, do any of the following:

Enter into any lease or agreement substantially in the nature of a lease, obligating Applicant for the payment of rental or other sums for the use of farm or irrigation equipment; provided, however, that machinery or equipment leases for a term not to exceed one (1) year shall not be prohibited hereby if said leases are for rates and on terms substantially similar to those used in the surrounding agricultural community.

Cause or suffer to be placed, any liens (other than for real estate taxes not yet due and payable) or other encumbrances upon the Property, except as follows:

Default Rate of Interest:

The default rate shall be 13.00 percent.

Collateral Assignments:

Applicant shall grant Lender a security interest in all riparian rights associated with the Property. Applicant shall provide MetLife an assignment and security interest in the following water stock certificates (include name and number of shares): 80 shares in the Oakley Canal Company, (represented in 171.12 Shares by certificate number 3339 in the name of Ennis Matthews), and any other water users agreements or ownership used to supply irrigation water to security.

Miscellaneous Terms and Conditions:

Lender shall agree to release up to 10 acres from Section 13, T14S, R22E for the purpose of applicant financing a home construction. This released parcel shall be native rangeland, or located at the calving shed and shall not include irrigated farmland, or land with any irrigation improvements such as a well. The release of this parcel shall also not block ingress and egress to any remaining parcels. Lender shall not require a principal reduction for this release, but shall charge it's then customary service charge for the release, and borrower shall pay for any other costs of the release.

Loan Fees: This Loan Application is submitted through Allen Rollins as Applicant's broker or agent. Applicant agrees to pay a service charge of \$8,000.00. A check for the service charge is enclosed with this application in the amount of \$8,000. It is understood that this fee will not be refunded should the loan be approved as submitted. We agree to pay all mortgagee's title insurance costs, attorney fees and all loan closing costs.

I have read the foregoing application and attached financial statement. I certify that both are complete and correct:

Witnesses

Deanne Manning

Dated: May 28 1998

Signature of Applicants

1. Robert Manning
2. Deanne Manning

Dated: May 28 1998

ROBERT H. MANNING
LEGAL DESCRIPTION

TRACT I

Township 13 South, Range 22 East of the Boise Meridian

Section 11: That part of the SE1/4SE1/4 lying South of a line which is 10 feet South of the centerline of an existing Oakley Canal Company ditch.

Section 12: That part of the NW1/4SW1/4 and the SW1/4NW1/4 lying South of a line that is 10 feet South of the centerline of an existing Oakley Canal Company ditch.

Section 14: NW1/4NE1/4

Section 23: E1/2W1/2

Section 26: S1/2NW1/4, N1/2SW1/4, NW1/4SE1/4, S1/2SW1/4, SW1/4SE1/4

Section 27: NE1/4SE1/4, SE1/4SE1/4

Section 34: E1/2NE1/4, W1/2NE1/4, NE1/4SE1/4, W1/2SE1/4, SE1/4SE1/4,
Also the South 1716 feet of the NW1/4 of said Section 34, lying East of the West right-of-way boundary line of the East Canal of the Oakley Canal Company and known as Tax 4144.

Also the NE1/4SW1/4

Section 35: N1/2NW1/4, W1/2NE1/4 and N1/2SE1/4

Township 14 South, Range 22 East of the Boise Meridian

Section 2: N1/2SW1/4NW1/4, S1/2SW1/4NW1/4,
SW1/4, EXCEPT that part deeded as County Road right-of-way,
ALSO EXCEPT the following:
Commencing 980 feet East of the Southwest corner of said
Section 2; thence running East 200 feet; thence North 150 feet;
Thence West 200 feet; Thence South 150 feet to the point of Beginning.

Section 3: That part of the SE1/4NE1/4 and the NE1/4SE1/4 lying East of
Birch Creek Road, Lot 1,
ALSO including a parcel described as follows:
Beginning 49.5 feet South and 676.5 feet East of the Northwest corner
of the NE1/4 of said Section 3; Running thence South 597.44 feet; thence
East 214.5 feet; Thence North 597.69 feet; Thence West 214.5 feet to the
Point of Beginning, Except that part deeded as County Road right-of-way.
(Above also known as Tax No. 451).
ALSO including a parcel described as follows:
Beginning at a point 49.5 feet South of the Northeast corner of the NW1/4NE1/4
of said Section 3; Thence South 598.2 feet; Thence West 214.5 feet; Thence North
382.94 feet; Thence East 107 feet; Thence North 215 feet; Thence East 107.5 feet
to the Point of Beginning (Also known as Tax No. 464).
ALSO including a parcel described as follows:
Beginning at a point 49.5 feet South and 214.5 feet West of the Northeast Corner
of the Northwest quarter of the Northeast quarter of said Section 3; Thence South 497.94
feet; Thence West 214.5 feet; Thence North 597.69 feet; Thence East 214.5 feet to
the point of beginning (Also known as Tax No. 455).
ALSO: S1/2NE1/4 excepting the West 415 feet thereof:
ALSO: The east 900 feet of the SE1/4.

Section 11: NW1/4NW1/4, S1/2NW1/4, E1/2SW1/4,
S1/2SE1/4, N1/2SE1/4.

Section 12: NW1/4SE1/4, N1/2SW1/4SE1/4, SW1/4SW1/4.

Section 13: NW1/4, N1/2SW1/4.

Section 14: NW1/4NE1/4, NE1/4NE1/4

That portion of the SW1/4NE1/4 that lies West of the Birch Creek Road, EXCEPTING the following: Beginning at the Northwest corner of the SW1/4NE1/4; Thence running South a distance of 600 feet; Thence Northeasterly a distance of 800 feet, more or less, to the Birch Creek Road; Thence Northwesterly along the West boundary line of the Birch Creek Road 430 feet, more or less to a point where the West boundary line of the said Birch Creek Road intersects the North boundary line of the SW1/4NE1/4; Thence Westerly along the said boundary line 700 feet, more or less, to the Point of Beginning. (Above also known as Tax No. 3611).

ALSO: That portion of the NW1/4SE1/4 that lies West of Birch Creek Road, Excepting the South 500 feet thereof. (Also known as Tax No. 3612).

ALSO: That portion of the NW1/4SE1/4 that lies East of Birch Creek Road. (AKA Tax No. 3614).

ALSO: That portion of the E1/2SE1/4 that lies East of Birch Creek Road (AKA Tax No. 3615).

Section 23: That part of the E1/2NE1/4 that lies East of the Birch Creek Road. (AKA Tax No. 3616). N1/2NE1/4, SE1/4NE1/4 less T3616, NE1/4NW1/4, E1/2SE1/4.

Section 24: SE1/4NW1/4 and the following parcels. That part of the NW1/4SW1/4 that lies East of the Birch Creek Road (AKA Tax No. 3617), That part of the W1/2NW1/4 that lies East of the Birch Creek Road (AKA Tax No. 3618), EXCEPTING the following: Beginning at the Northwest corner of said Section 24; Thence South 181 feet to the center of the Highway; Thence South 42 23' East 1005 feet along the tangent and semi-tangent of said highway curve to the P.I.; Thence South 13 00' East 510 feet along the semi-tangent and tangent of said highway; Thence crossing Birch Creek North 84 38' East 283 feet to a point at the foot of the rock cliff; Thence along said cliff North 29 51' West 593 feet; Thence North 29 44' West 438 feet; Thence North 38 14' West 255 feet; Thence North 45 35' West 426 feet to a point on the North line of said Section 24; Thence leaving said rock cliff West 100 feet, more or less, to the Point of Beginning.

TRACT II

Township 14 South, Range 23 East of the Boise Meridian.

Section 8: SE1/4 EXCEPT of following described tract of land:

Beginning at the Northwest corner of the Northwest Quarter of the Southeast-Quarter of said Section 8, running thence East to a point 2 rods East of Warm Springs ditch, thence South 4 rods, thence West to the road on the West line of said property, thence North to the point of Beginning.

Section 17: NE1/4, NE1/4SE1/4.

Section 20: The east 20 rods of both the SE1/4SE1/4 and the NE1/4SE1/4.

Section 21: S1/2SW1/4, the South 32 rods of the N1/2SW1/4, NW1/4, North 48 rods of the N1/2SW1/4 with water gap in the Southwest corner.

Section 28: S1/2NE1/4, SW1/4, W1/2SE1/4, N1/2NW1/4, E1/2SE1/4.

Section 29: E1/2SE1/4, S1/2SW1/4, SW1/4SE1/4, NW1/4NW1/4, East 32 rods of NE1/4NE1/4.

Section 30: E1/2SE1/4, NE1/4NE1/4.

Section 32: W1/2NE1/4, NE1/4NW1/4.

Section 33: N1/2, SW1/4, N1/2SE1/4, SW1/4SE1/4.

Township 15 South, Range 23 East of the Boise Meridian.
Section 4: W1/2NE1/4, N1/2NW1/4, SE1/4NW1/4.

ALL THE ABOVE LOCATED IN CASSIA COUNTY, IDAHO.

10/17/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-85

NAME AND ADDRESS: MATTHEWS BROS
RT 1 BOX D
OAKLEY ID 83346

SOURCE: BIRCH CREEK

TRIBUTARY: GOOSE CREEK

QUANTITY: 1.400 CFS

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE
THAN .02 CFS PER ACRE.

PRIORITY DATE: 04/16/1882

POINT OF DIVERSION:

T14S R22E S14 SESESE Within CASSIA County

T14S R22E S24 SESWNW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/15 11/15

QUANTITY
1.400 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T14S R22E S02	NESW	40.0	T14S R22E S02	NWSW	20.0 40
T14S R22E S02	SWSW	22.035	T14S R22E S02	SESW	40.0
T14S R22E S03 Lot 1	NENE	32.039	T14S R22E S03	SENE	30.0 35
T14S R22E S11	NESW	13.0	T14S R22E S11	SESW	1.0
T14S R22E S11	NESE	39.0	T14S R22E S11	NWSE	40.0
T14S R22E S11	SWSE	37.0	T14S R22E S11	SESE	40.0
T14S R22E S14	NENE	38.0	T14S R22E S14	NWNE	24.0

429 ACRES TOTAL

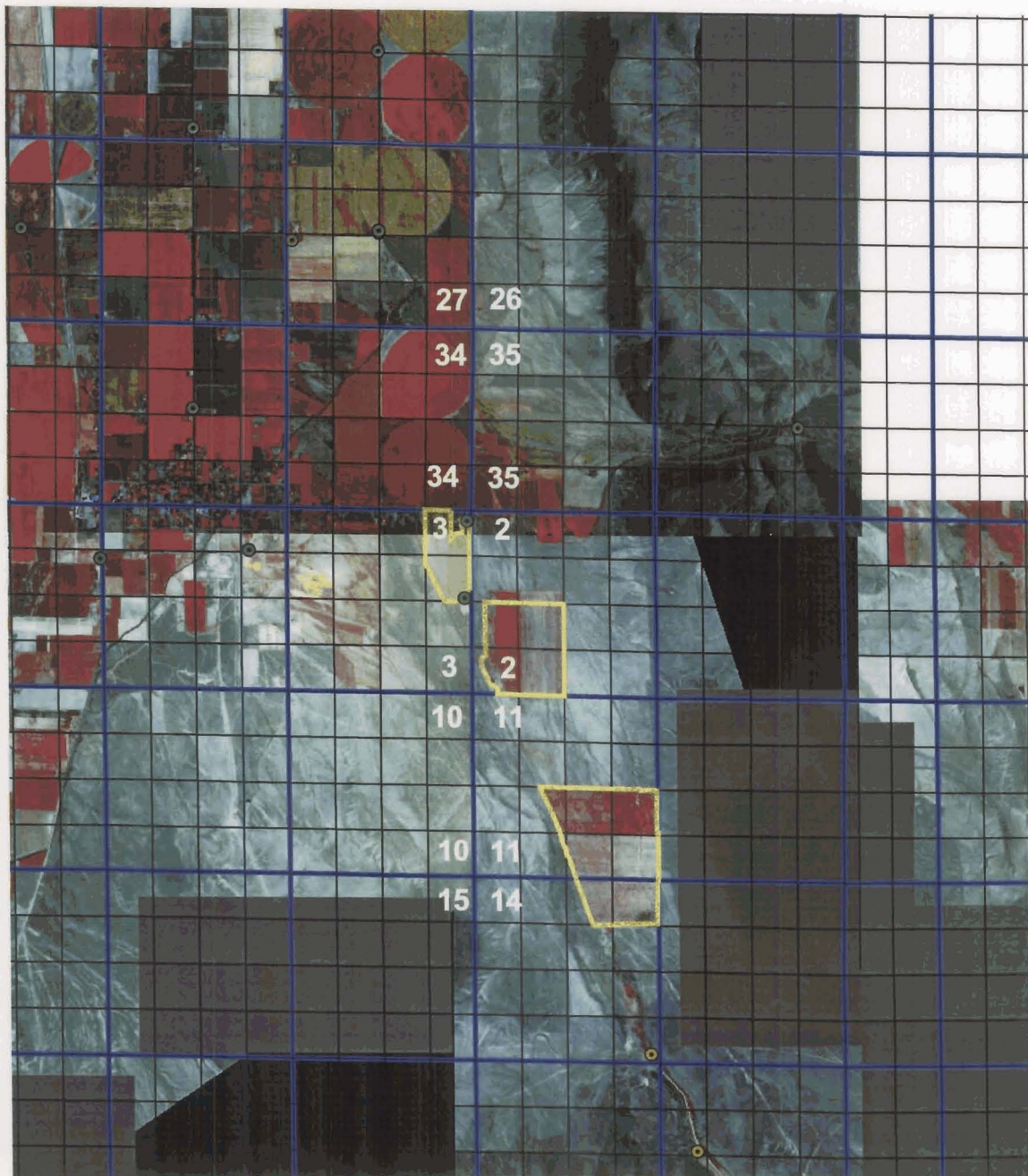
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 232 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: Decreed

45-85



0 1320640 Feet



RECOMMENDED PLACE OF USE
DATA ENTRY ON OCT. 22, 2002
TWP 14S, RNG 22E, SEC. 2, 3, 11, & 14

- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-85 V1

WATER RIGHT NUMBER: 45-85 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MATTHEWS BROS RT 1 BOX D OAKLEY, ID 83346 (208)862-3239

Priority Date: 04/16/1882

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIRCH CREEK	GOOSE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.400 CFS	
	<u>Total Diversion:</u>	1.400 CFS	

Location of Point(s) of Diversion

BIRCH CREEK	SE1/4SW1/4NW1/4	Sec. 24, Twp 14S, Rge 22E, B.M.
CASSIA County		
BIRCH CREEK	SE1/4SE1/4SE1/4	Sec. 14, Twp 14S, Rge 22E, B.M.
CASSIA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	22E	2									40.0	28.0	27.0	40.0					135.0
14S	22E	3	32.0			30.0													62.0
			L 1																
14S	22E	11									13.0			1.0	39.0	40.0	37.0	40.0	170.0
14S	22E	14	38.0	24.0															62.0

Total Acres: 429

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 45-85 V1

Remarks:

1. Quantity THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.
2. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 232 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Comments:

1. JROBERTS 10/17/2002 Basis of Recommendation
Comment: This right was recommended as claimed except limited to 232 acres (original decreed PoU for this right) within a larger PPU.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number: 45B
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	10/17/2002 2:28:29 PM	JROBERTS			Active
POD	10/17/2002 2:28:50 PM	JROBERTS			Active
Source	10/17/2002 2:30:00 PM	JROBERTS			Active
POU	10/17/2002 2:31:29 PM	JROBERTS			Active
Use	10/17/2002 2:34:38 PM	JROBERTS			Active
Season	10/17/2002 2:35:52 PM	JROBERTS			Active
Quantity	10/17/2002 2:36:52 PM	JROBERTS			Active
Summary			10/17/2002	JROBERTS	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	10/17/2002 2:28:52 PM	JROBERTS	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-85 V1

POD	10/17/2002 2:29:08 PM	JROBERTS	Edited point location
POD	10/17/2002 2:29:17 PM	JROBERTS	Edited PLS
POD	10/17/2002 2:29:33 PM	JROBERTS	Edited point location
POD	10/17/2002 2:29:42 PM	JROBERTS	Edited PLS
Source	10/17/2002 2:30:02 PM	JROBERTS	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
Priority Date	10/17/2002 2:28:31 PM	JROBERTS	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POU	10/17/2002 2:31:31 PM	JROBERTS	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (No) 6. Can the claimed POU be verified using the water right file? (Yes) 7. Is there evidence that there has been a change in the POU? (Yes) 8. Can the claim be verified as an accomplished transfer? (Yes) 13. Does the file contain all the necessary information to verify the POU? (Yes) 14. Is a POU remark and/or condition required? Description for Question 8 - This right will be limited to the original decreed PoU of 232 acres within a larger PPU.
POU	10/17/2002 2:32:11 PM	JROBERTS	Edited shape boundary
POU	10/17/2002 2:33:12 PM	JROBERTS	Edited PLS
Use	10/17/2002 2:34:40 PM	JROBERTS	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-85 V1

Season	10/17/2002 2:35:54 PM	JROBERTS	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	10/17/2002 2:36:54 PM	JROBERTS	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required?
Summary	10/17/2002 2:39:40 PM	JROBERTS	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?

Log for claim A45-00085

Spatial Dynamics LRR

3/1/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
14S22E	2	NESW	40	40	
14S22E	2	NWSW	40	28 40	
14S22E	2	SWSW	35	27 39	
14S22E	2	SESW	40	40	
14S22E	3	NENE	40	32 39	
14S22E	3	NWNE ^{SENE}	40	30 38	
14S22E	11	NESW ^{SESW}	20	13 13	} in W.R. decree 45-85 232 A.
14S22E	11	NESE	40	31 40	
14S22E	11	NWSE	40	40 40	
14S22E	11	SWSE	40	37 37	
14S22E	11	SESE	40	40 40	
14S22E	14	NENE	40	38 40	
14S22E	14	NWNE	30	24 24	

Totals:

485

470

429

limit to 232 acres in W.R. decree 45-85 (429)
 ↳ orig. increased B.L.

check decree
 for original 40 u's

S T A T E O F I D A H O

-----OFFICE OF STATE ENGINEER-----

CERTIFICATE NO. 123, AUTHORIZING TRANSFER OF WATER RIGHT.

Permission is hereby granted Fred H. Critchfield, of Oakley, County of Cassia, State of Idaho, to transfer the use of Seventy (70) inches of the waters of Birch Creek, in the County of Cassia and State of Idaho, from the lands upon which it is now used, i.e., the Northwest quarter (NW $\frac{1}{4}$) of Section 4, Township 14, South, Range 22 East of Boise Meridian, to the following described tract, to-wit: the East half of Southwest quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$) and Southeast quarter (SE $\frac{1}{4}$) of Section 11, and the North half of Northeast quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$) of Section 14, Township 14 South, Range 22 East of Boise Meridian.

The water right appurtenant to the above described lands was adjudged by decree, dated October 10, 1903 of Lyttleton Price, Judge of the Fourth Judicial District of the State of Idaho, in and for the County of Cassia, in the matter of Heber C. Dayley, et al, plaintiffs, vs., Jacob Dayley, et al, defendants, in the following words, to-wit:

"It is now ordered, adjudged and decreed that the following parties are entitled to divert from Birch Creek the amount of water herein indicated, and the right of each party dates from the time hereinafter stated and set opposite each name, to-wit:

"Geo. Graner, 70 inches from Apr. 16th, 1882."

Title to the use of said water has heretofore been duly vested in the above named party by proper deeds and conveyances.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this eighteenth day of October, 1913.

F.P.KING,

State Engineer.

RECORDED
(SEAL)

OWNER		PRIORITY	WATER USE	USE PERIOD		DIVERSION	DIVERSION
CODE	NAME & ADDRESS	DATE		FROM	TO	RATE	VOLUME
C	MATTHEWS BROS INC RT 1 BOX D OAKLEY ID 83346 (208) 862-3209	04/16/1882	IRRIGATION	04-01	11-01	1.400 CFS	
						TOTAL DIVERSION:	1.400 CFS
						CONSUMPTIVE USE:	1337.50 AFA

Water Source: BIRCH CREEK

Tributary to: GOOSE CREEK

Stage: DECREED

Point(s) of Diversion: T14S R22E S14 SESESE CASSIA County

S24 SESWNW CASSIA 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				
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
14S	22E	2						40	40	35	40								155.0
14S	22E	3	40	40															80.0
14S	22E	11						20				40	40	40	40				180.0
14S	22E	14	40										30						70.0
I Believe THIS 22E sec 14																		485.0	
NWSE IS NWNE																			

POU County: CASSIA

Other Rights: SEE REMARKS.

Other Water Rights with Same Point(s) of Diversion with Stage (I

A45-00077AA A45-00077D A45-00077Q A45-00077X A45-00078H A45-00080B

A45-00080C A45-00081A A45-00081B A45-00081C A45-00082A A45-00089C

A45-00090 A45-00092B A45-10410 A45-10411 A45-10871 R45-00078H

R45-00080A R45-00080B R45-00081A R45-00081B R45-00082A R45-10411

R45-10962

I HAVE MADE THE (A45-00077X) FROM NWSE TO NWNE LOOK AT THE Map In FILE

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

A45-00077D A45-00078D A45-00078F A45-00079D A45-00081I A45-00090

A45-02529 A45-02529A A45-04195 A45-10630 A45-12456 R45-00083

R45-00084 R45-02529A

Conditions of Approval:

R01 - A measuring device of a type approved by this Department shall

- be maintained as a part of the diverting works.

016 - See remarks for additional conditions of approval.

Remarks: GEN TRANS. 123

OTHER WATER RIGHTS FILED AND USED IN THE SAME P/U:

A45-00078D A45-00077D A45-00079D A45-00085

A45-00089C A45-00090 A45-02529A A45-04195

A45-04192 *****

AJ5809NP
No. A45-00085

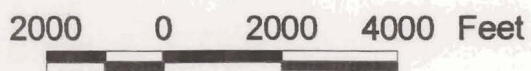
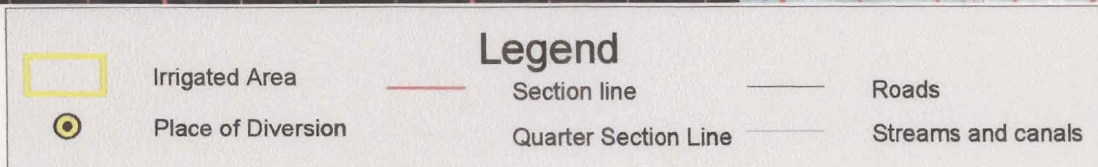
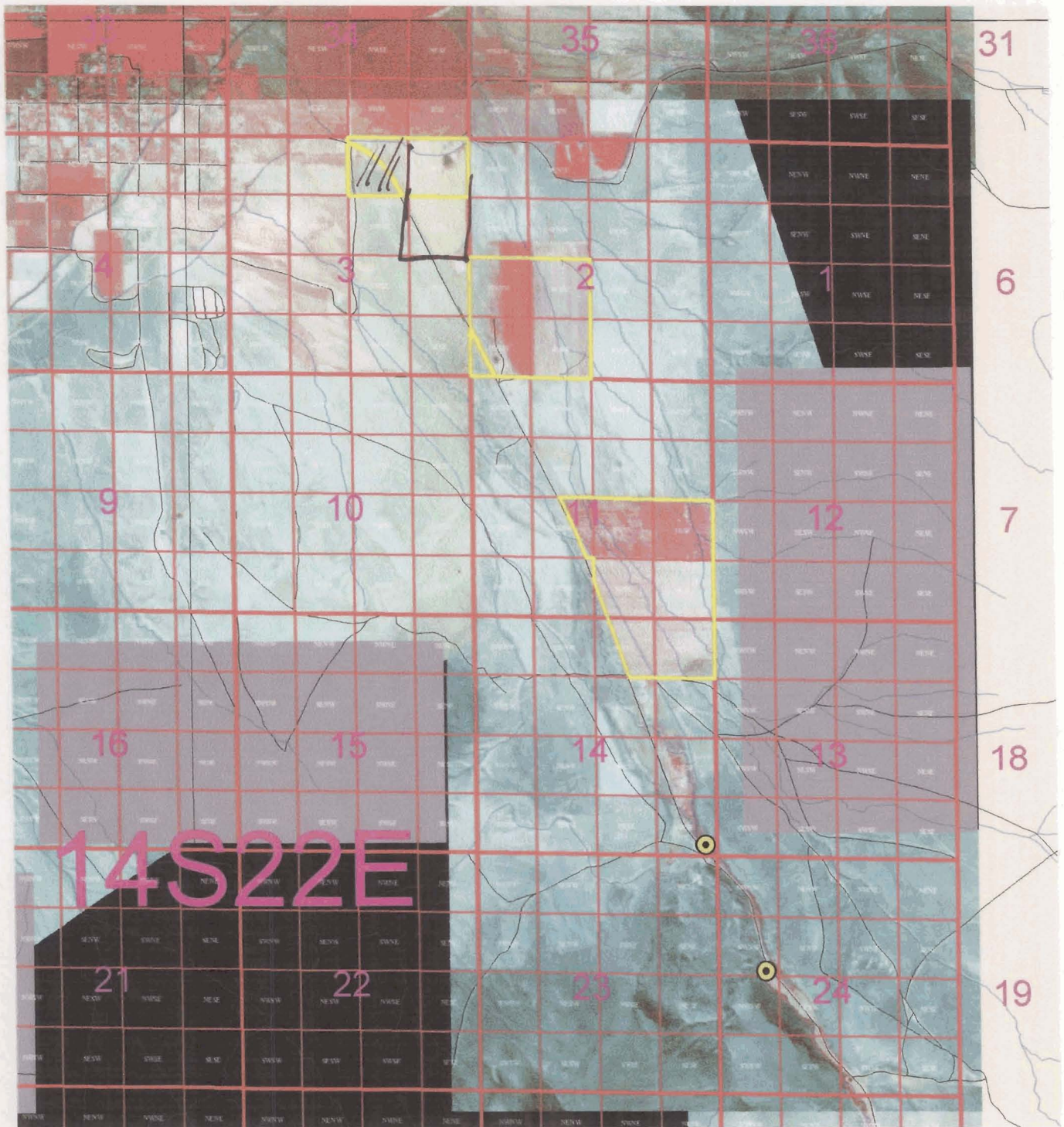
IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/25/00
PAGE: 49

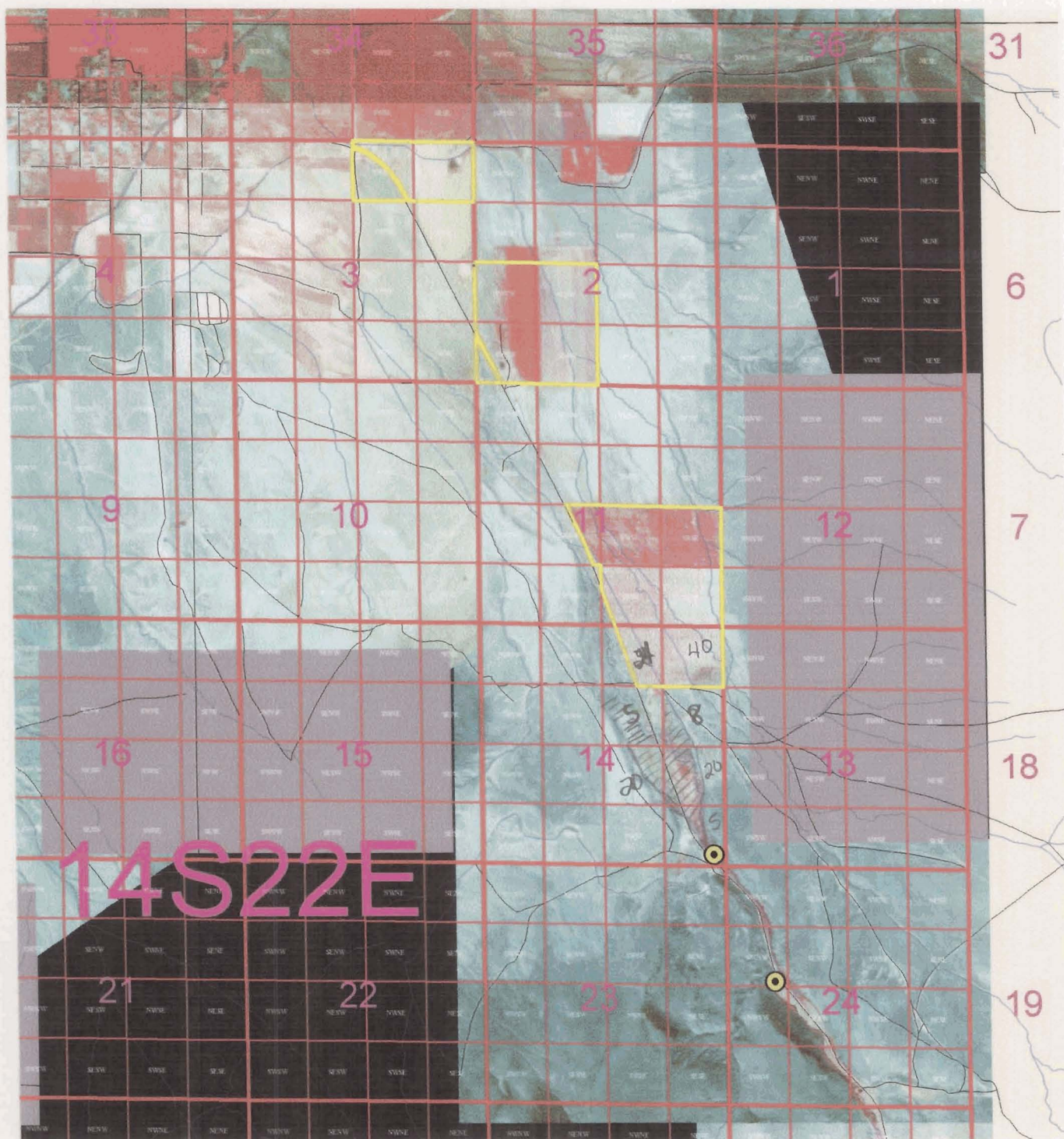
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Dates:	Exam Made Date:	Verified Date:	12/09/1985	Objection Filed Date:
Misc:	Water District Number: 45B	Field Inspection Flag:		
		Presumption Flag:	D	
Audit:	06/26/89 CLELLAND	03/30/95 POST-STD		

Townships ,14S22E

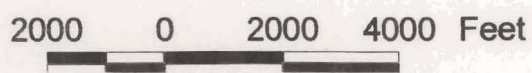


Townships ,14S22E



14S22E

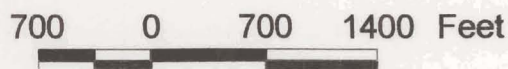
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	Place of Diversion		Quarter Section Line		Streams and canals



Townships ,14S22E



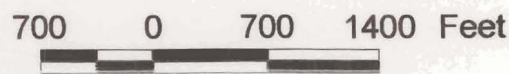
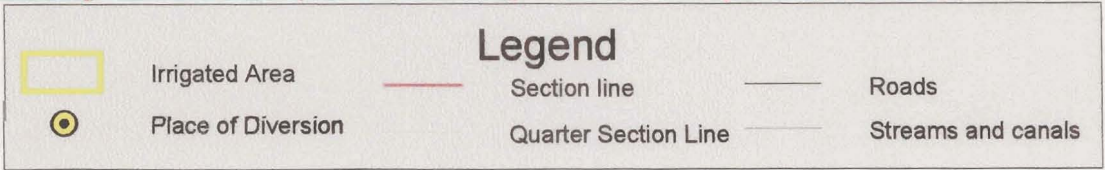
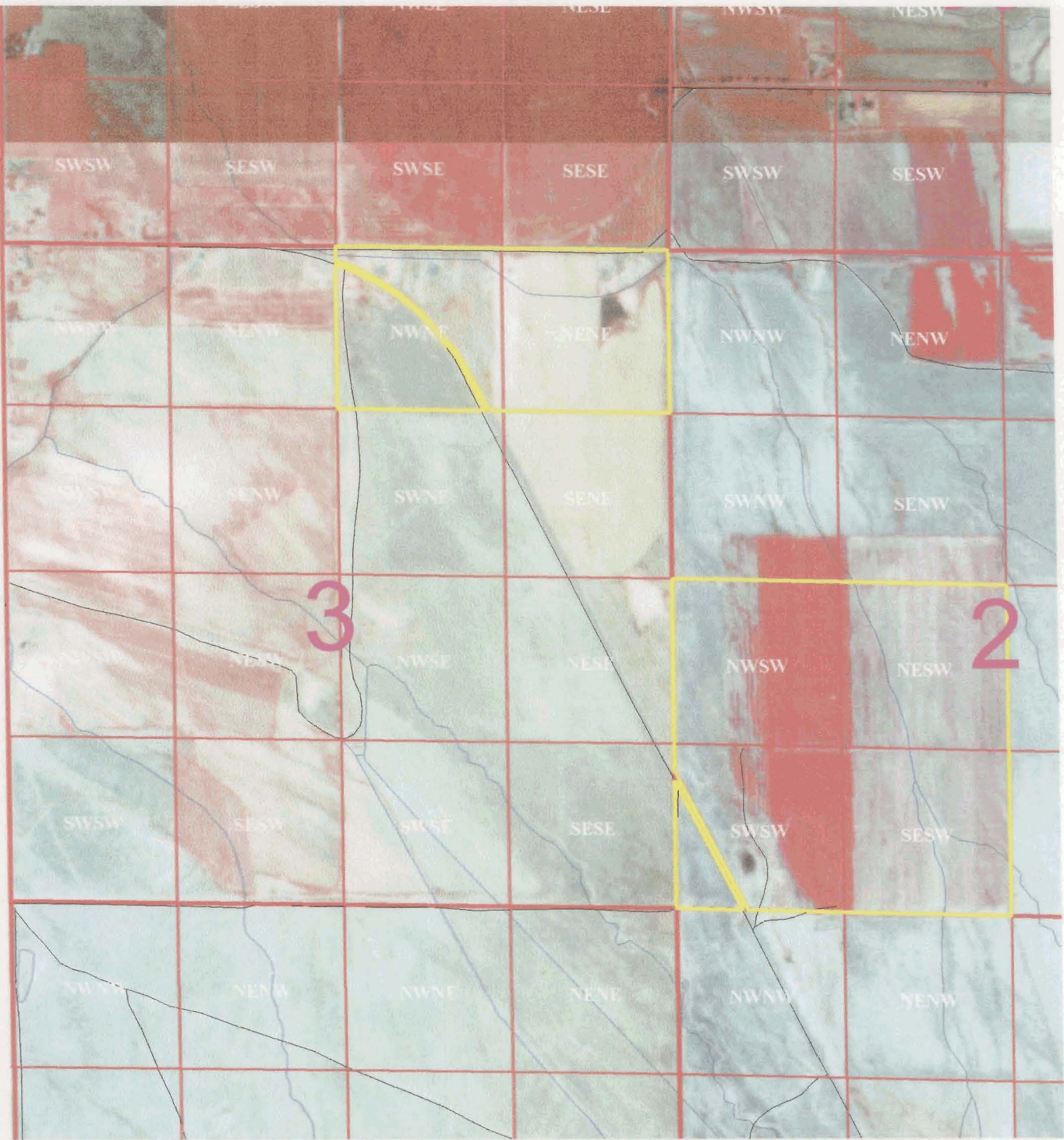
Legend					
	Irrigated Area		Section line		Roads
	Place of Diversion		Quarter Section Line		Streams and canals



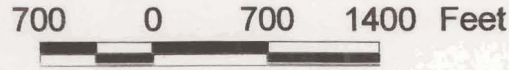
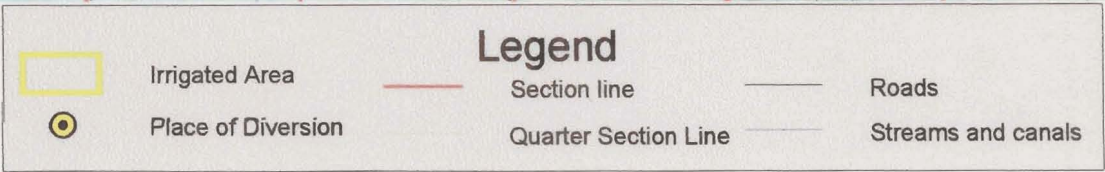
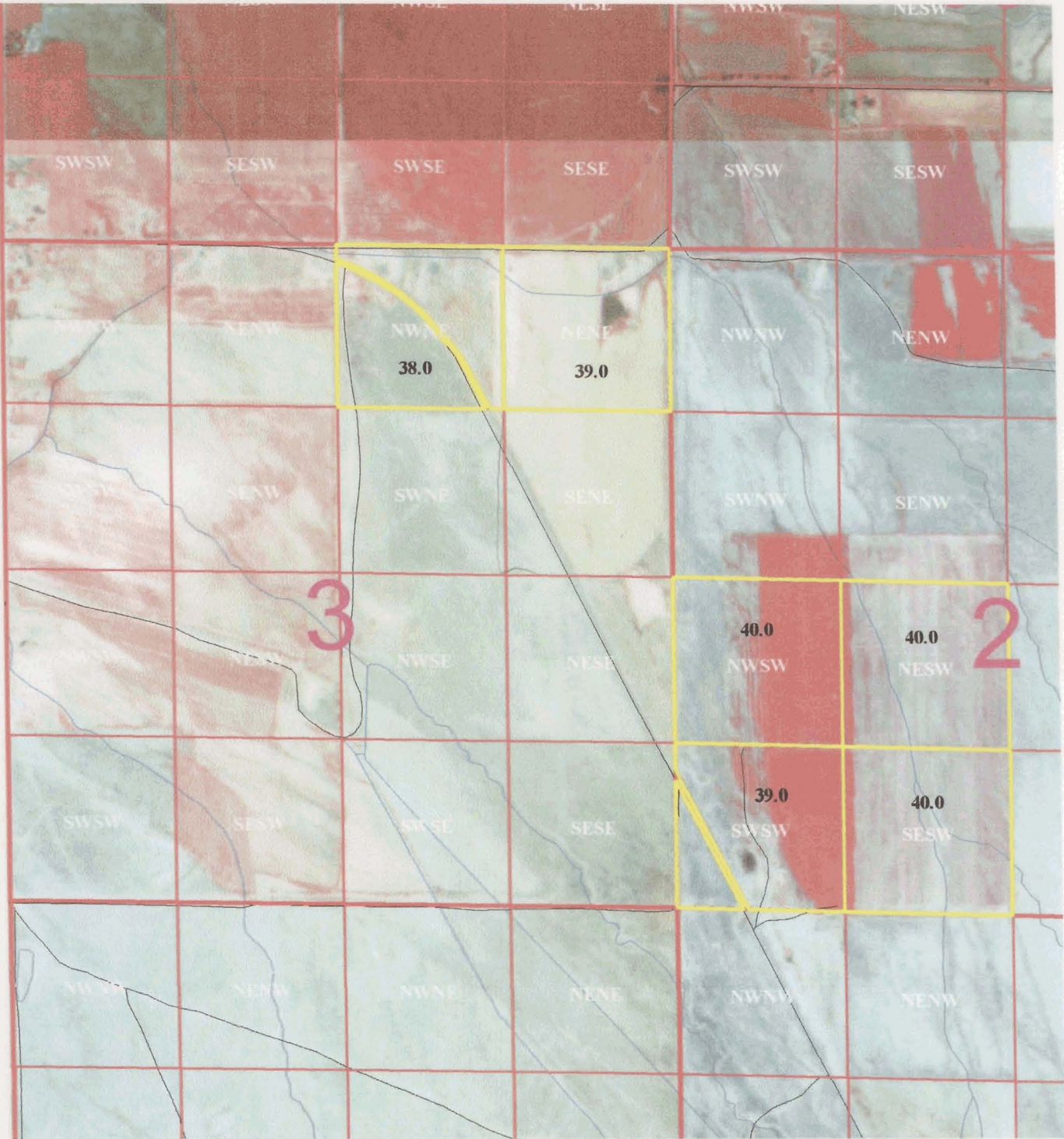
Water Right Claim Number A45-00085

03/01/2000

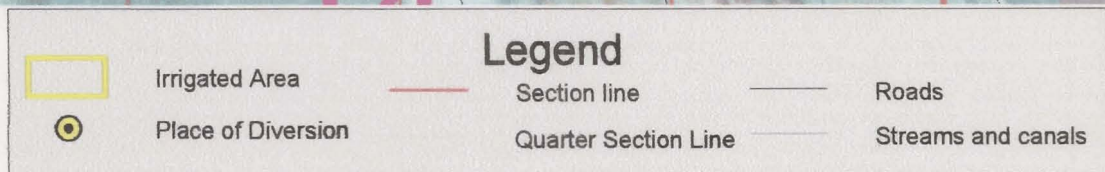
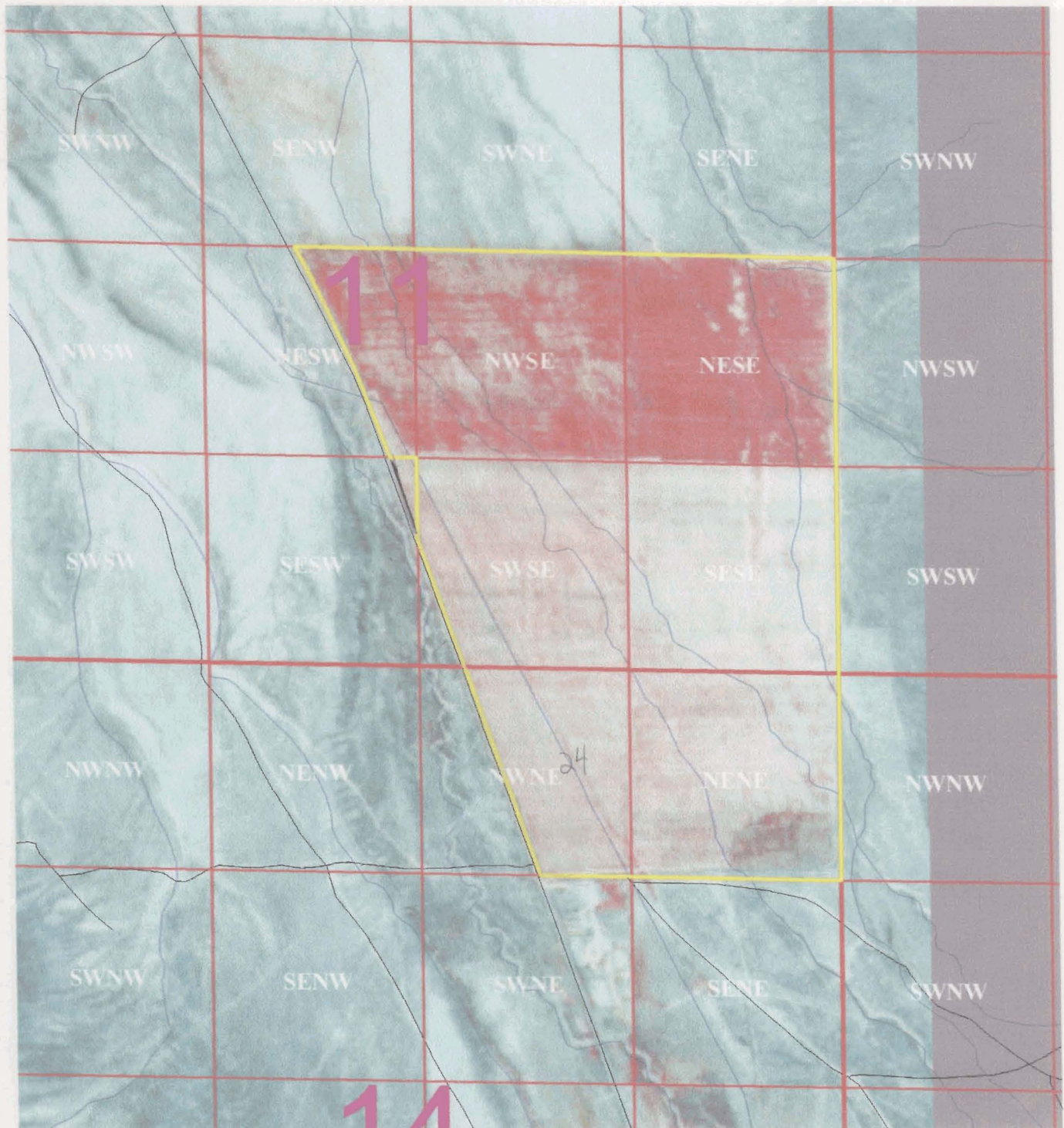
Townships ,14S22E



Townships ,14S22E

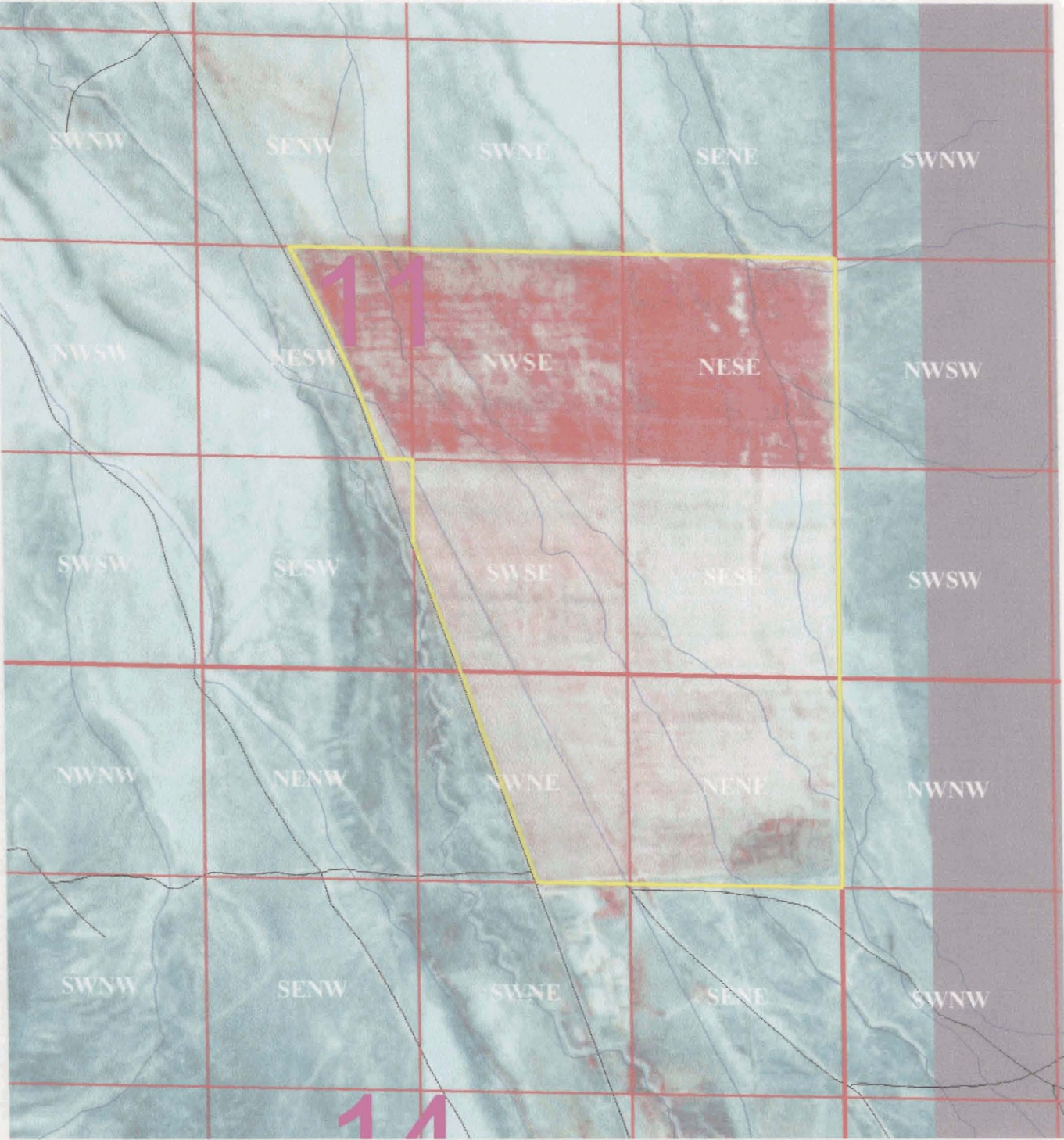


Townships ,14S22E



Water Right Claim Number A45-00085

Townships ,14S22E





Irrigated Area



Place of Diversion

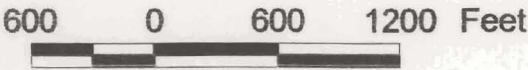
Legend

Section line

Quarter Section Line

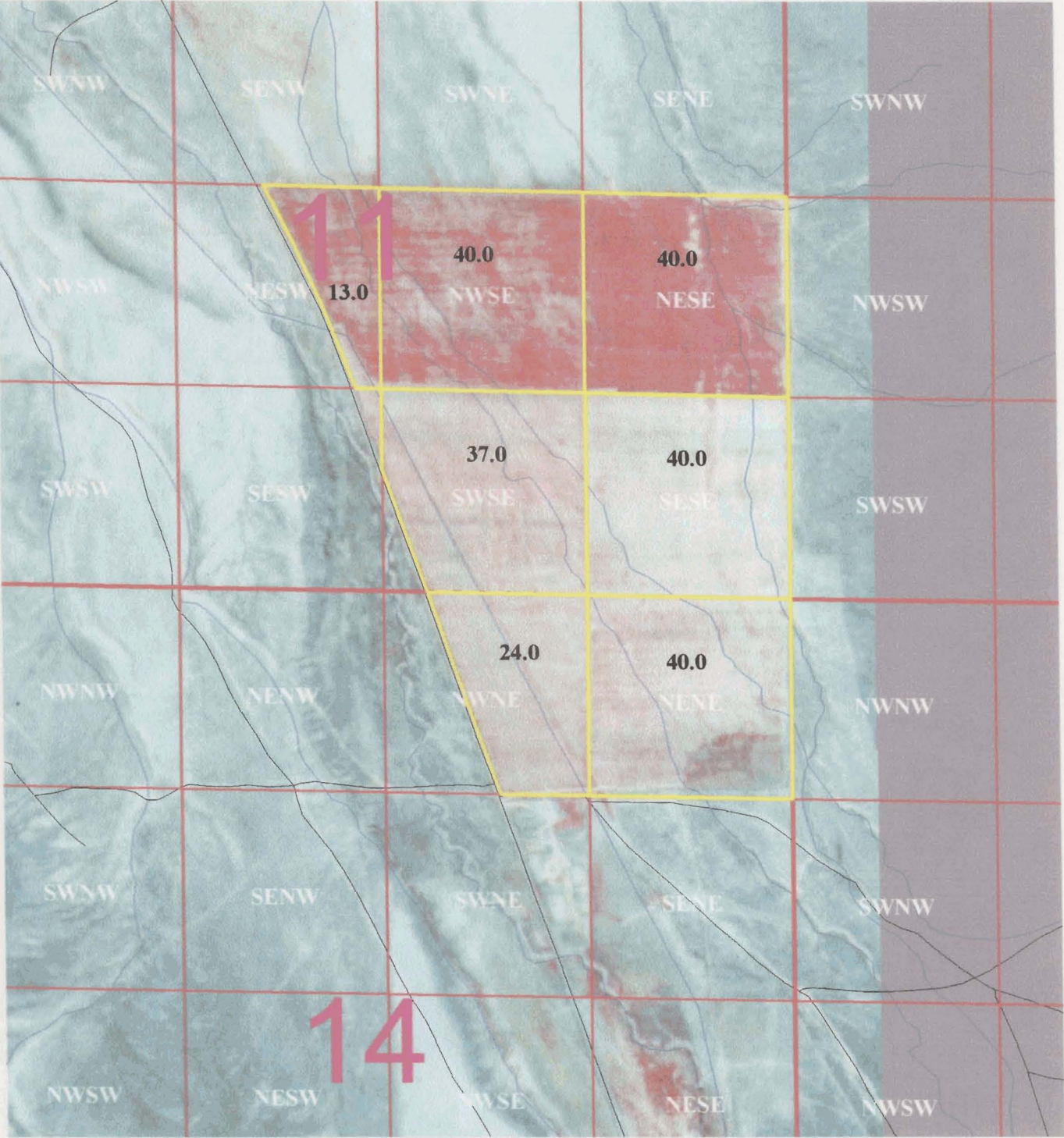
Roads

Streams and canals



Water Right Claim Number A45-00085

Townships ,14S22E





Irrigated Area



Section line



Roads



Place of Diversion



Quarter Section Line



Streams and canals



AJ5809NP
No. A45-00085

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/24/00
PAGE: 49

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MATTHEWS BROS INC	04/16/1882	IRRIGATION	04-01 11-01	1.400 CFS	
TOTAL DIVERSION:					1.400 CFS	
CONSUMPTIVE USE:						1337.50 AFA

Water Source: BIRCH CREEK

Tributary to: GOOSE CREEK

Stage: DECREED

Point(s) of Diversion:

T14S R22E S14
S24

SESESE
SESWNW

CASSIA County
CASSIA 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
14S	22E	2	:											40	40	35	40				155.0
14S	22E	3	:	40		40															80.0
14S	22E	11	:											20				40	40	40	180.0
14S	22E	14	:	40														30			70.0
																				TOTAL ACRES	485.0

POU County: CASSIA

Other Rights: SEE REMARKS.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

A45-00077AA	A45-00077D	A45-00077Q	A45-00077X	A45-00078H	A45-00078R	A45-00079D	A45-00079S	A45-00080A	A45-00080B
A45-00080C	A45-00081A	A45-00081B	A45-00081C	A45-00082A	A45-00082C	A45-00086D	A45-00086E	A45-00086F	A45-00089C
A45-0009D	A45-00092B	A45-10410	A45-10411	A45-10871	A45-10962	A45-12442	A45-12456	R45-00077Q	R45-00078H
R45-00080A	R45-00080B	R45-00081A	R45-00081B	R45-00082A	R45-00086D	R45-00086E	R45-00086F	R45-10410	R45-10411
R45-10962									

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

A45-00077D	A45-00078D	A45-00078F	A45-00079D	A45-00081D	A45-00081F	A45-00083	A45-00084	A45-00089C	A45-0009D
A45-02529	A45-02529A	A45-04195	A45-10630	A45-12456	R45-00078D	R45-00078F	R45-00081D	R45-00081F	R45-00083
R45-00084	R45-02529A								

Conditions of Approval:

- R01 - A measuring device of a type approved by this Department shall
- be maintained as a part of the diverting works.
- 016 - See remarks for additional conditions of approval.

Remarks: GEN

TRANS. 123

OTHER WATER RIGHTS FILED AND USED IN THE SAME P/U:

A45-00078D	A45-00077D	A45-00079D	A45-00085
A45-00089C	A45-0009D	A45-02529A	A45-04195
A45-04192	*****		

AJ5809NP
No. A45-00085

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/24/00
PAGE: 50

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Dates:	Exam Made Date:	Verified Date:	12/09/1985	Objection Filed Date:
Misc:	Water District Number: 458	Field Inspection Flag:		
		Presumption Flag:	D	
Audit:	06/26/89 CLELLAND	03/30/95 POST-STD		

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