

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 45-12456
Date Received: 6/26/1989
Receipt No: S008353
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name of Claimant(s)

MANNING RANCHES INC
2233 BIRCH CREEK RD
OAKLEY ID USA 83346

Phone: (208)862-3884

2. Date of Priority: 04/01/1881

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	14	SE	SE	SE	CASSIA	
14S	22E	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	02/25	11/15	3.288	

7. Total Quantity Appropriated is:
3.288 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
13S	22E	26	SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40

			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			NE	SW	IRRIGATION	39
					Section Acres	239
13S	22E	27	NE	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	80
13S	22E	35	NW	NE	IRRIGATION	35
			SW	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	39
					Section Acres	154
14S	22E	2	NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	35
			SE	SW	IRRIGATION	40
					Section Acres	155
14S	22E	3	NE	NE	IRRIGATION	39
			SE	NE	IRRIGATION	35
					Section Acres	74
14S	22E	11	NE	SW	IRRIGATION	20
			SE	SW	IRRIGATION	1
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	181
14S	22E	14	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	30
			SW	NE	IRRIGATION	5
			NE	SE	IRRIGATION	20
			NW	SE	IRRIGATION	30
			SE	SE	IRRIGATION	5
			SE	NE	IRRIGATION	8
					Section Acres	138
					Total Acres	1021

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:

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

TRANS. 2268.

THIS CLAIM IS A COMBINATION OF THE FOLLOWING WR'S: 45-00078D FOR 0.082 CFS
TRANS. 2268, P/U LIMIT 157 AC.

45-00078F FOR 0.063 CFS TRANS. 2298 45-00081D FOR 0.033 CFS TRANS. 2268, P/U
LIMIT 157 AC.

45-00081F FOR 0.164 CFS TRANS. 2298 45-00083 FOR 0.960 CFS TRANS. 2298 45-
00087B FOR 0.760 CFS TRANS. 1019 45-00084 FOR 0.960 CFS TRANS. 2298 UNKNOWN
WR'S FOR 0.278 CFS EXACT CORE NUMBER FOR THIS REMAINING PORTION IS NOT CLEAR.

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

See remarks for additional conditions of approval.

**Claim amended per SF4, season of use from 2/25, decreased diversion rate from
3.3 to 3.288 cfs, increased place of use from 1005 to 1021 acres.**

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: **A45-12456**
Date Received: 6/26/1989
Receipt No: S008353
Received By: _____

**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 1, 1881

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	3.300		

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

8. Total consumptive use is 2512.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	22E	26	SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	22E	26	SW	SW		IRR	40.0
			SE	SW		IRR	40.0
					Section Acres		240.0
		27	NE	NE		IRR	20.0
			SE	NE		IRR	20.0
			NE	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		120.0
		35	NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
					Section Acres		160.0
14S	22E	2	NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	35.0
			SE	SW		IRR	40.0
					Section Acres		155.0
		3	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
					Section Acres		80.0
					IRR		20.0
					IRR		40.0
					IRR		40.0
					IRR		40.0
					IRR		40.0
					Section Acres		180.0
		14	NE	NE		IRR	40.0
			NW	SE		IRR	30.0
					Section Acres		70.0
					Total Acres		1005.0

map shows
SE NE
typo?

11. Place of use in counties: CASSIA

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MAR 20 1993

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

13. Other Water Rights Used:
SEE REMARKS.

14. Remarks:

TRANS. 2268.

THIS CLAIM IS A COMBINATION OF THE FOLLOWING WR'S:

45-00078D FOR 0.082 CFS TRANS. 2268, P/U LIMIT 157 AC.

45-00078F FOR 0.063 CFS TRANS. 2298

45-00081D FOR 0.033 CFS TRANS. 2268, P/U LIMIT 157 AC.

45-00081F FOR 0.164 CFS TRANS. 2298

45-00083 FOR 0.960 CFS TRANS. 2298

45-00087B FOR 0.760 CFS TRANS. 1019

45-00084 FOR 0.960 CFS TRANS. 2298

UNKNOWN WR'S FOR 0.278 CFS EXACT CORE NUMBER FOR THIS REMAINING
PORTION IS NOT CLEAR.

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

vs

Decree Defendant

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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

Date: _____

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State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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MAR 20 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

15-Mar-1993

MATTHEWS BROS INC
RT 1 BOX D
OAKLEY ID 83346

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim #A45-00078D
Identification Number Change

Dear Claimant:

The Identification Number of your Notice of Claim to a Water Right has been changed from A45-00078D to ~~A45-12456~~. This change in numbers has been done to better reflect the fact that it is a combination of water rights 45-00078D and F, 45-00081D and F, 45-00083, 45-00084, and 45-00087B. This change does not affect your claim in any other way.

Enclosed is a computer-generated copy of your claim with the new Identification Number. Refer to this Identification Number in any future inquiries or correspondence.

Please do not hesitate to contact this office, if you have any questions.

Sincerely,


Jeanie Robertson
Records Clerk

/jr
Enclosure:
Copy of Claim ~~A45-12456~~

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MAR 20 1993

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: ¹²⁴⁵⁶ ~~A45-00078D~~
Date Received: 6/26/1989
Receipt No: S008353
Received By: SC

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 01, 1881

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	3.300		

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

8. Total consumptive use is 2512.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	22E	26	SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0

A45-00078D
¹²⁴⁵⁶

Page 1

Date: 06/26/89

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MAR 05 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres	
13S	22E	26	NW	SW		IRR	40.0	
			SW	SW		IRR	40.0	
			SE	SW		IRR	40.0	
					Section Acres			240.0
		27	NE	NE		IRR	20.0	
			SE	NE		IRR	20.0	
			NE	SE		IRR	40.0	
			SE	SE		IRR	40.0	
					Section Acres			120.0
		35	NW	NE		IRR	40.0	
			SW	NE		IRR	40.0	
			NE	NW		IRR	40.0	
NW	NW			IRR	40.0			
			Section Acres			160.0		
14S	22E	2	NE	SW		IRR	40.0	
			NW	SW		IRR	40.0	
			SW	SW		IRR	35.0	
			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			1005.0		

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. 2268.

THIS CLAIM IS A COMBINATION OF THE FOLLOWING WR'S:

45-00078D FOR 0.082 CFS TRANS. 2268, P/U LIMIT 157 AC.

45-00078F FOR 0.063 CFS TRANS. 2298

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45-00084 FOR 0.960 CFS TRANS. 2298

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PORTION IS NOT CLEAR.

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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

vs

DAYLEY ET AL

Decree Defendant

A45-00078D
12456

Page 3

Date: 06/26/89

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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 _____
Title

Manhew Bros Inc., that I have signed the foregoing
Organization

document in the space below as Vice Pres of _____
Title

Manhew Bros Inc. and that the statements contained in the
Organization
foregoing document are true and correct.

Ernie B. Manhew
Signature of Authorized Agent

Vice Pres Manhew Bros Inc.
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

Steve Collins
Notary Public

Seal

Residing at Twin Falls

My Commission Expires Dec 7 1994

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 22E BM 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 22E BM 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.	8-1-1875
165 M.I.	4-1-1881
70 M.I.	9-16-1882
20 M.I.	6-1-1882
50 M.I.	12-1-1882
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.

MICROFILMED

A45-00078D

MAR 15 1983

220 000
FEET

22 E.

4689

4692

BURLEY 21 MI.
0.4 MI. TO IDAHO 27
T. 14 S.

4679

4678

A45-000780

135
145

MICROFILMED
MAR 13 1983

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, Idz, 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 stick

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.

Director or his designated agent
DAVID B. SHAW

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

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MAR 05 1993

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - ~~245-22456~~ Prefix Translation: ADJUDICATION CLAIM Old (D) Number -

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

*** C - CURRENT OWNER ***
MATTHEWS BROS., INC.

1 - RT. 1 BOX D
2 -
3 -
City- OAKLEY State- ID Zip- 83346
Phone - 208-862-3209

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
04/01/1881 17 SOUTHERN D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
BIRCH CREEK GOOSE CREEK

Tw	Rng	Sec	Tract	Lot	RFlg	County
14S	22E	14	SE SE SE		(31)	CASSIA
		24	SE SW NW		(31)	CASSIA

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	11/01	3.300	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
3.300 2512.5

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
13S	22E	26	SW NW		40.0	01	IRRIGATION	(31) CASSIA
13S	22E	26	SE NW		40.0	01	IRRIGATION	(31) CASSIA
13S	22E	26	NE SW		40.0	01	IRRIGATION	(31) CASSIA
13S	22E	26	NW SW		40.0	01	IRRIGATION	(31) CASSIA
13S	22E	26	SW SW		40.0	01	IRRIGATION	(31) CASSIA
13S	22E	26	SE SW		40.0	01	IRRIGATION	(31) CASSIA
13S	22E	27	NE NE		20.0	01	IRRIGATION	(31) CASSIA
13S	22E	27	SE NE		20.0	01	IRRIGATION	(31) CASSIA
13S	22E	27	NE SE		40.0	01	IRRIGATION	(31) CASSIA
13S	22E	27	SE SE		40.0	01	IRRIGATION	(31) CASSIA
13S	22E	35	NW NE		40.0	01	IRRIGATION	(31) CASSIA
13S	22E	35	SW NE		40.0	01	IRRIGATION	(31) CASSIA
13S	22E	35	NE NW		40.0	01	IRRIGATION	(31) CASSIA
13S	22E	35	NW NW		40.0	01	IRRIGATION	(31) CASSIA
14S	22E	2	NE SW		40.0	01	IRRIGATION	(31) CASSIA
14S	22E	2	NW SW		40.0	01	IRRIGATION	(31) CASSIA
14S	22E	2	SW SW		35.0	01	IRRIGATION	(31) CASSIA
14S	22E	2	SE SW		40.0	01	IRRIGATION	(31) CASSIA
14S	22E	3	NE NE		40.0	01	IRRIGATION	(31) CASSIA
14S	22E	3	NW NE		40.0	01	IRRIGATION	(31) CASSIA

MAR 20 1993
MICROFILMED

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water right number - A45-12456

Prefix Translation: ADJUDICATION CLAIM

Tw	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
14S	22E	11	NE SW		20.0	01	IRRIGATION	(31) CASSIA
14S	22E	11	NE SE		40.0	01	IRRIGATION	(31) CASSIA
14S	22E	11	NW SE		40.0	01	IRRIGATION	(31) CASSIA
14S	22E	11	SW SE		40.0	01	IRRIGATION	(31) CASSIA
14S	22E	11	SE SE		40.0	01	IRRIGATION	(31) CASSIA
14S	22E	14	NE NE		40.0	01	IRRIGATION	(31) CASSIA
14S	22E	14	NW SE		30.0	01	IRRIGATION	(31) CASSIA

Total Acres: 1005.0

+ - - Diversion Means - HEADGATES AND DITCHES, PIPELINES & SPRINKLERS.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - SEE REMARKS.

+ - - - - - Remarks - - - - - +

TRANS. 2268.
THIS CLAIM IS A COMBINATION OF THE FOLLOWING WR'S:
45-00078D FOR 0.082 CFS TRANS. 2268, P/U LIMIT 157 AC.
45-00078F FOR 0.063 CFS TRANS. 2298
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PORTION IS NOT CLEAR.
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 *****

+ - - - - - Old Water Right Numbers - - - - - +

A4500078D
A4500078F
A4500081D
A4500081F
A4500083
A4500084
A4500087B

+ - - - - - 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.

MICROFILMED
MAR 20 1993

prefix Translation: ADJUDICATION CLAIM

+ - - -	- Decree Plaintiff	- - - +
DAYLEY ET AL		
+ - - -	- Decree Defendant	- - - +
DAYLEY ET AL		
+ - Decree Date - + 10/10/1903		

 -Comments-
 No Comments Found

+ - - Audit Fields - - +
00/00/00 THORNTON

[illegible]

Court Report Filing	-	00/00/0000	Field Inspection Made	-	00/00/0000	Civil Case Number	-	39576
Objection Filed Date	-	00/00/0000	Field Inspection Flag	-		Old Case Number	-	
Response Filed Date	-	00/00/0000	Verified Date	-	00/00/0000	Old Judicial District	-	
Claim Received Date	-	06/26/1989	Last Amended Date	-	00/00/0000	Temporary Right	-	P
			Receipt Number	-	S008353	Water District	-	45B
			POU Ownership Flag	-	Y	Federal/State Indicator	-	S
			Name Connector	-		Presumption Flag	-	D
						Notice of Error Flag	-	

MICROFILMED
MAR 20 1993

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - ~~205-00078D~~ Prefix Translation: ADJUDICATION CLAIM Old (D) Number -

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

*** C - CURRENT OWNER ***
COMBINED RIGHT

1 -
2 -
3 -
City- X State- ID Zip- 0
Phone - 208-000-0000

*** O - ORIGINAL OWNER ***
MATTHEWS BROS., INC.

1 - RT. 1 BOX D
2 -
3 -
City- OAKLEY State- ID Zip- 83346
Phone - 208-862-3209

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
04/01/1881 17 SOUTHERN SEE REMARKS

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
BIRCH CREEK GOOSE CREEK
COMBINED RIGHT

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
14S 22E 14 SE SE SE (31) CASSIA
24 SE SW NW (31) CASSIA

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 3.300

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
3.300 2512.5

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
13S 22E 26 SW NW 40.0 01 IRRIGATION (31) CASSIA
13S 22E 26 SE NW 40.0 01 IRRIGATION (31) CASSIA
13S 22E 26 NE SW 40.0 01 IRRIGATION (31) CASSIA
13S 22E 26 NW SW 40.0 01 IRRIGATION (31) CASSIA
13S 22E 26 SW SW 40.0 01 IRRIGATION (31) CASSIA
13S 22E 26 SE SW 40.0 01 IRRIGATION (31) CASSIA
13S 22E 27 NE NE 20.0 01 IRRIGATION (31) CASSIA
13S 22E 27 SE NE 20.0 01 IRRIGATION (31) CASSIA
13S 22E 27 NE SE 40.0 01 IRRIGATION (31) CASSIA
13S 22E 27 SE SE 40.0 01 IRRIGATION (31) CASSIA
13S 22E 35 NW NE 40.0 01 IRRIGATION (31) CASSIA
13S 22E 35 SW NE 40.0 01 IRRIGATION (31) CASSIA
13S 22E 35 NE NW 40.0 01 IRRIGATION (31) CASSIA

MICROFILMED
MAR 20 1993

Water right number - A45-00078D

Prefix Translation: ADJUDICATION CLAIM

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
13S	22E	35	NW NW		40.0	01	IRRIGATION	(31) CASSIA
14S	22E	2	NE SW		40.0	01	IRRIGATION	(31) CASSIA
14S	22E	2	NW SW		40.0	01	IRRIGATION	(31) CASSIA
14S	22E	2	SW SW		35.0	01	IRRIGATION	(31) CASSIA
14S	22E	2	SE SW		40.0	01	IRRIGATION	(31) CASSIA
14S	22E	3	NE NE		40.0	01	IRRIGATION	(31) CASSIA
14S	22E	3	NW NE		40.0	01	IRRIGATION	(31) CASSIA
14S	22E	11	NE SW		20.0	01	IRRIGATION	(31) CASSIA
14S	22E	11	NE SE		40.0	01	IRRIGATION	(31) CASSIA
14S	22E	11	NW SE		40.0	01	IRRIGATION	(31) CASSIA
14S	22E	11	SW SE		40.0	01	IRRIGATION	(31) CASSIA
14S	22E	11	SE SE		40.0	01	IRRIGATION	(31) CASSIA
14S	22E	14	NE NE		40.0	01	IRRIGATION	(31) CASSIA
14S	22E	14	NW SE		30.0	01	IRRIGATION	(31) CASSIA

Total Acres: 1005.0

+ - - Diversion Means - HEADGATES AND DITCHES, PIPELINES & SPRINKLERS.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - SEE REMARKS.

+ - - - - - Remarks - - - - - +

TRANS. 2268.

THIS CLAIM IS A COMBINATION OF THE FOLLOWING WR'S:

45-00078D FOR 0.082 CFS TRANS. 2268, P/U LIMIT 157 AC.

45-00078F FOR 0.063 CFS TRANS. 2298

45-00081D FOR 0.033 CFS TRANS. 2268, P/U LIMIT 157 AC.

45-00081F FOR 0.164 CFS TRANS. 2298

45-00083 FOR 0.960 CFS TRANS. 2298

45-00087B FOR 0.760 CFS TRANS. 1019

45-00084 FOR 0.960 CFS TRANS. 2298

UNKNOWN WR'S FOR 0.278 CFS EXACT CORE NUMBER FOR THIS REMAINING PORTION IS NOT CLEAR.

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 *****

*****RENUMBERED TO A45-12456. HHT 1/12/93*****

- - - - - Old Water Right Numbers - - - - - +

A4500078D

A4500078F

A4500081D

A4500081F

A4500083

MICROFILMED
MAR 20 1993

Water right number - A45-00078D Prefix Translation: ADJUDICATION CLAIM

+ - - - - A4500084
A4500087B

+ - - - - 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.

+ - - - - Decree Plaintiff - - - + - - - Decree Defendant - - - +
DAYLEY ET AL DAYLEY ET AL

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

+ - - - - Audit Fields - - +
01/12/93 THORNTON

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 06/26/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X77777	Water District	- 45B
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	- D
				Notice of Error Flag	-

MICROFILMED
MAR 20 1993

Water Right Number - R45-00078D Prefix Translation: RESEARCH Old (D) Number -
+ - - - - Last Name - - - - + + - First Name - - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
COMBINED RIGHT

1 -
2 -
3 -

State- ID Zip- 0

City- X 208-000-0000
Phone -

*** O - ORIGINAL OWNER ***

MATTHEWS BROS., INC.

1 - RT. 1 BOX D
2 -
3 -

State- ID Zip- 83346

City- OAKLEY
Phone - 208-862-3209

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
04/01/1981 17 SOUTHERN 17 SOUTHERN Z - SEE REMARKS

+ - - - - Source - - - - + + - - - - Tributary - - - - - +
BIRCH CREEK GOOSE CREEK
COMBINED RIGHT

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

14S 22E 14 SE SE SE (31) CASSIA
24 SE SW NW (31) CASSIA

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 3.300

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
3.300 2512.5

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
13S 22E 26 SW NW 40.0 01 IRRIGATION (31) CASSIA
13S 22E 26 SE NW 40.0 01 IRRIGATION (31) CASSIA
13S 22E 26 NE SW 40.0 01 IRRIGATION (31) CASSIA
13S 22E 26 NW SW 40.0 01 IRRIGATION (31) CASSIA
13S 22E 26 SW SW 40.0 01 IRRIGATION (31) CASSIA
13S 22E 26 SE SW 40.0 01 IRRIGATION (31) CASSIA
13S 22E 27 NE NE 20.0 01 IRRIGATION (31) CASSIA
13S 22E 27 SE NE 20.0 01 IRRIGATION (31) CASSIA
13S 22E 27 NE SE 40.0 01 IRRIGATION (31) CASSIA
13S 22E 27 SE SE 40.0 01 IRRIGATION (31) CASSIA
13S 22E 35 NW NE 40.0 01 IRRIGATION (31) CASSIA
13S 22E 35 SW NE 40.0 01 IRRIGATION (31) CASSIA
13S 22E 35 NE NW 40.0 01 IRRIGATION (31) CASSIA

MICROFILMED
MAR 20 1993

Prefix Translation: RESEARCH

[illegible]

MICROFILMED
MAR 20 1993

Prefix Translation: RESEARCH

+ - +
Date: 01/12/1993 User Id: THORNTON Subject: COPIED FROM REMARKS
Comments- - - - -
THIS CLAIM IS A COMBINATION OF THE FOLLOWING WR'S:
TRANS. 2268.

45-00078D FOR 0.082 CFS TRANS. 2268, P/U LIMIT 157 AC. 45-00078F FOR 0.063 CFS TRANS. 2298
45-00081D FOR 0.033 CFS TRANS. 2268, P/U LIMIT 157 AC. 45-00081F FOR 0.164 CFS TRANS. 2298
45-00083 FOR 0.960 CFS TRANS. 2298 45-00087B FOR 0.760 CFS TRANS. 1019
45-00084 FOR 0.960 CFS TRANS. 2298 UNKNOWN WR'S FOR 0.278 CFS EXACT CORE NUMBER FOR THIS REMAINING
PORTION IS NOT CLEAR. OTHER WATER RIGHTS FILED AND USED IN THE SAME P/U:
45-00078D A45-00077D A45-00079D A45-00085 A45-00089C A45-00090 A45-02529A A45-04195
A45-00078D A45-00077D A45-00079D A45-00085 A45-00089C A45-00090 A45-02529A A45-04195
A45-04192 *****RENUMBERED TO A45-12456. HHT 1/12/93*****

01/12/93 THORNTON

[illegible]

MICROFILMED
MAR 20 1993

Water Right Number - 003-000787 Prefix Translation: ADJUDICATION CLAIM Old (D) Number -
+ - - - - Last Name - - - - + + - First Name - - - + + - - - - Address - - - - - + - - - - - +

*** C - CURRENT OWNER ***
COMBINED RIGHTS

1 -
2 -
3 -

State- ID Zip- 0

City- X
Phone - 208-000-0000

*** O - ORIGINAL OWNER ***
MATTHEWS BROTHERS INC.

1 - ROUTE #1
2 -
3 -

State- ID Zip- 83346

City- OAKLEY
Phone - 208-000-0000

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
04/01/1881 17 SOUTHERN

+ - - - - Source - - - - - + + - - - - Tributary - - - - - + + - - - -
BIRCH CREEK GOOSE CREEK

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

14S 22E 11 SW NW (31) CASSIA
24 SW NW (31) CASSIA

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

01 - IRRIGATION

0.063

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.063 0.0

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

| | | | | | | | | |
|-----|-----|----|-------|------|----|------------|------|--------|
| 14S | 22E | 2 | NE SW | 28.0 | 01 | IRRIGATION | (31) | CASSIA |
| 14S | 22E | 2 | SE SW | 28.0 | 01 | IRRIGATION | (31) | CASSIA |
| 14S | 22E | 11 | NE SW | 20.0 | 01 | IRRIGATION | (31) | CASSIA |
| 14S | 22E | 11 | NE SE | 28.0 | 01 | IRRIGATION | (31) | CASSIA |
| 14S | 22E | 14 | NW NE | 25.0 | 01 | IRRIGATION | (31) | CASSIA |
| 14S | 22E | 14 | SW NE | 30.0 | 01 | IRRIGATION | (31) | CASSIA |
| 14S | 22E | 14 | NE SE | 15.0 | 01 | IRRIGATION | (31) | CASSIA |
| 14S | 22E | 14 | SE SE | 10.0 | 01 | IRRIGATION | (31) | CASSIA |

Total Acres: 184.0

Diversion Means -

MICROFILMED
MAR 20 1993

Water right number - A45-00078F Prefix Translation: ADJUDICATION CLAIM

+ - - Non-Irrigation Use -
+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - - +
TRANS. 2298.
ACTUAL DIV. RATE = 0.0625 CFS.
AC. IRRIG. = 184.33. SEE TRANSFER.

THIS IS COMBINED WITH 45-00078D, 81D, 81F, 83, 84 AND 87D AND
CLAIMED AS A45-12456. HHT 1/12/93

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found
+ - - - - - Conditions of Approval - - - - - +
R01 - A measuring device of a type approved by this Department shall
- be maintained as a part of the diverting works.
R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 45DISTRICT.

+ - - - - - Decree Plaintiff - - - +
JACOB DAYLEY, ET. AL. + - - Decree Defendant - - - +
HEBER C. DAYLEY, ET. AL. + - - Decree Date - - - +
00/00/0000

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

+ - - - - - Audit Fields - - +
01/12/93 THORNTON

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +
Court Report Filing - 00/00/0000 Field Inspection Made - 00/00/0000 Civil Case Number - 39576
Objection Filed Date - 00/00/0000 Field Inspection Flag - Old Case Number -
Response Filed Date - 00/00/0000 Verified Date - 00/00/0000 Old Judicial District -
Claim Received Date - 01/12/1993 Last Amended Date - 00/00/0000 Temporary Right - P
Receipt Number - X777777 Water District - 45B
POU Ownership Flag - Y Federal/State Indicator - S
Name Connector - Presumption Flag -
Notice of Error Flag -

MICROFILMED
MAR 20 1993

Water Right Number - R45-00078F Prefix Translation: RESEARCH Old (D) Number -
 + - - - - Last Name - - - - + + - First Name - - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
 COMBINED RIGHTS

1 -
 2 -
 3 -

State- ID Zip- 0

City- X State- ID Zip- 83346
 Phone - 208-000-0000

*** O - ORIGINAL OWNER ***
 MATTHEWS BROTHERS INC.

1 - ROUTE #1
 2 -
 3 -

State- ID Zip- 83346

City- OAKLEY
 Phone - 208-000-0000

+ - - Priority Date - - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
 04/01/1881 17 SOUTHERN 17 SOUTHERN Z - SEE REMARKS

+ - - - - Source - - - - - + + - - - - Tributary - - - - - + + - - - - Goose Creek - - - - - +
 BIRCH CREEK GOOSE CREEK GOOSE CREEK

+ - - - - Point of Diversion - - - - - + + - - - - Diversion Rate - - - - - + + - - - - Diversion Volume - - - - - +
 Twn Rng Sec Tract Lot Rflg County 0.063 0.063

14S 22E 11 SW NW (31) CASSIA
 24 SW NW (31) CASSIA

+ - - - - Water Use - - - - - + + - - - - Total Consumptive Use - - - + + - - - - KW Usage - - - +
 Code Description Period From Period To Diversion Rate Diversion Volume 0.0

01 - IRRIGATION

+ - - Total Div. Rate - - + + - - Total Div. Volume - - + + - - Total Consumptive Use - - + + - - KW Usage - - +
 0.063 0.063 0.0

| Twn | Rng | Sec | Tract | Lot | Acres | Place of Use | Code | Description | County |
|-----|-----|-----|-------|------|-------|--------------|------|-------------|--------|
| 14S | 22E | 2 | NE SW | 28.0 | 01 | IRRIGATION | (31) | CASSIA | (31) |
| 14S | 22E | 2 | SE SW | 28.0 | 01 | IRRIGATION | (31) | CASSIA | (31) |
| 14S | 22E | 11 | NE SW | 20.0 | 01 | IRRIGATION | (31) | CASSIA | (31) |
| 14S | 22E | 11 | NE SE | 28.0 | 01 | IRRIGATION | (31) | CASSIA | (31) |
| 14S | 22E | 14 | NW NE | 25.0 | 01 | IRRIGATION | (31) | CASSIA | (31) |
| 14S | 22E | 14 | SW NE | 30.0 | 01 | IRRIGATION | (31) | CASSIA | (31) |
| 14S | 22E | 14 | NE SE | 15.0 | 01 | IRRIGATION | (31) | CASSIA | (31) |
| 14S | 22E | 14 | SE SE | 10.0 | 01 | IRRIGATION | (31) | CASSIA | (31) |

Total Acres: 184.0

Diversion Means -

MICROFILMED
 MAR 20 1993

MICROFILMED
MAR 20 1993

Water Right Number - **15-00001D** Prefix Translation: **ADJUDICATION CLAIM** Old (D) Number -

*** C - CURRENT OWNER ***
COMBINED RIGHT

*** O - ORIGINAL OWNER ***
MATTHEWS BROTHERS INC.

1 - RT. 1
2 -
3 -
City- X
Phone - 208-000-0000
State- ID Zip- 0

1 - RT. 1
2 -
3 -
City- OAKLEY
Phone - 208-000-0000
State- ID Zip- 83346

1 - Priority Date - - - - - +
04/01/1881
17 SOUTHERN
+ - - - - - Source - - - - - +
BIRCH CREEK
COMBINED RIGHT

+ - - - - - Region - - - - - +
17 SOUTHERN
+ - - - - - Stage - - - - - +
+ - - - - - Status - - - - - +
+ - - - - - SEE REMARKS

+ - - - - - Tributary - - - - - +
GOOSE CREEK
+ - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

14S 22E 14 SE SE (31) CASSIA
24 SE NW (31) CASSIA
+ - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION
+ - - - - - Total Div. Rate - + - - - - Total Div. Volume - +
0.033 0.033
+ - - - - - Total Consumptive Use - + - - - - KW Usage - +
0.0

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

14S 22E 11 NE SE 01 IRRIGATION (31) CASSIA
14S 22E 11 NW SE 01 IRRIGATION (31) CASSIA
14S 22E 11 SW SE 01 IRRIGATION (31) CASSIA
14S 22E 11 SE SE 01 IRRIGATION (31) CASSIA
14S 22E 14 NE NE 01 IRRIGATION (31) CASSIA
14S 22E 14 NW SE 01 IRRIGATION (31) CASSIA

Total Acres: 157.0

- Diversion Means -
- Non-Irrigation Use -

MICROFILMED
MAR 20 1993

Prefix Translation: ADJUDICATION CLAIM

TRANS. 2268.

P/U IS LIMITED TO 157 AC. AS SHOWN ON MEMORANDUM DECISION.

THIS RIGHT COMBINED WITH 45-00078D, 78F, 81F, 83, 84 AND 87D AND CLAIMED AS A45-12456. HHT 1/12/93

| Water Right Number | Old Water Right Number | + |
|--------------------|------------------------|---|
| 1 | 1 | + |
| 2 | 2 | + |
| 3 | 3 | + |
| 4 | 4 | + |
| 5 | 5 | + |
| 6 | 6 | + |
| 7 | 7 | + |
| 8 | 8 | + |
| 9 | 9 | + |
| 10 | 10 | + |
| 11 | 11 | + |
| 12 | 12 | + |
| 13 | 13 | + |
| 14 | 14 | + |
| 15 | 15 | + |
| 16 | 16 | + |
| 17 | 17 | + |
| 18 | 18 | + |
| 19 | 19 | + |
| 20 | 20 | + |
| 21 | 21 | + |
| 22 | 22 | + |
| 23 | 23 | + |
| 24 | 24 | + |
| 25 | 25 | + |
| 26 | 26 | + |
| 27 | 27 | + |
| 28 | 28 | + |
| 29 | 29 | + |
| 30 | 30 | + |
| 31 | 31 | + |
| 32 | 32 | + |
| 33 | 33 | + |
| 34 | 34 | + |
| 35 | 35 | + |
| 36 | 36 | + |
| 37 | 37 | + |
| 38 | 38 | + |
| 39 | 39 | + |
| 40 | 40 | + |
| 41 | 41 | + |
| 42 | 42 | + |
| 43 | 43 | + |
| 44 | 44 | + |
| 45 | 45 | + |
| 46 | 46 | + |
| 47 | 47 | + |
| 48 | 48 | + |
| 49 | 49 | + |
| 50 | 50 | + |
| 51 | 51 | + |
| 52 | 52 | + |
| 53 | 53 | + |
| 54 | 54 | + |
| 55 | 55 | + |
| 56 | 56 | + |
| 57 | 57 | + |
| 58 | 58 | + |
| 59 | 59 | + |
| 60 | 60 | + |
| 61 | 61 | + |
| 62 | 62 | + |
| 63 | 63 | + |
| 64 | 64 | + |
| 65 | 65 | + |
| 66 | 66 | + |
| 67 | 67 | + |
| 68 | 68 | + |
| 69 | 69 | + |
| 70 | 70 | + |
| 71 | 71 | + |
| 72 | 72 | + |
| 73 | 73 | + |
| 74 | 74 | + |
| 75 | 75 | + |
| 76 | 76 | + |
| 77 | 77 | + |
| 78 | 78 | + |
| 79 | 79 | + |
| 80 | 80 | + |
| 81 | 81 | + |
| 82 | 82 | + |
| 83 | 83 | + |
| 84 | 84 | + |
| 85 | 85 | + |
| 86 | 86 | + |
| 87 | 87 | + |
| 88 | 88 | + |
| 89 | 89 | + |
| 90 | 90 | + |
| 91 | 91 | + |
| 92 | 92 | + |
| 93 | 93 | + |
| 94 | 94 | + |
| 95 | 95 | + |
| 96 | 96 | + |
| 97 | 97 | + |
| 98 | 98 | + |
| 99 | 99 | + |
| 100 | 100 | + |

016 - See remarks for additional conditions of approval.

+ - - - Decree Defendant - - +
HEBER C. DAYLEY ET AL

+ - Decree Date - +
00/00/0000

- - -Comments- - -
No Comments Found

+ - - Audit Fields - - +
01/12/93 THORNTON

| | | | | | | | | |
|----------------------|---|------------|-----------------------|---|------------|-------------------------|---|-------|
| Court Report Filing | - | 00/00/0000 | Field Inspection Made | - | 00/00/0000 | Civil Case Number | - | 39576 |
| Objection Filed Date | - | 00/00/0000 | Field Inspection Flag | - | | Old Case Number | - | |
| Response Filed Date | - | 00/00/0000 | Verified Date | - | 00/00/0000 | Old Judicial District | - | |
| Claim Received Date | - | 01/12/1993 | Last Amended Date | - | 00/00/0000 | Temporary Right | - | P |
| | | | Receipt Number | - | x77777 | Water District | - | 45B |
| | | | POU Ownership Flag | - | Y | Federal/State Indicator | - | S |
| | | | Name Connector | - | | Presumption Flag | - | |
| | | | | | | Notice of Error Flag | - | |

MICROFILMED
MAR 20 1993

Old (D) Number -

*** C - CURRENT OWNER ***
COMBINED RIGHT

*** O - ORIGINAL OWNER ***
MATTHEWS BROTHERS INC.

| | + - - | Priority Date | - - + | + - - | Region | - - + | + - - | Stage | - - + | Status | - - - |
|--|-------|---------------|-------|-------|-------------|-------|-------|-------|-------|-----------------|-------|
| | | | | | | | | | | Z - SEE REMARKS | |
| | | 04/01/1881 | | | 17 SOUTHERN | | | | | | |

```

+ - - - - Source - - - - - +
BIRCH CREEK
COMBINED RIGHT
+ - - - - Tributary - - - - - +
GOOSE CREEK

```

| Town | Rng | Sec | Tract | Lot | Rflg | County | Point of Diversion |
|------|-----|-----|-------|-----|------|--------|--------------------|
|------|-----|-----|-------|-----|------|--------|--------------------|

| | | | | | |
|-----|-----|----|-------|------|--------|
| 14S | 22E | 14 | SE SE | (31) | CASSIA |
| | | 24 | SE NW | (31) | CASSIA |

| Code | Description | Period From | Water Use
Period To | Diversion Rate | Diversion Volume |
|------|-------------|-------------|------------------------|----------------|------------------|
| 1 | 1 | 1 | 1 | 1 | 1 |

01 - IRRIGATION

| | + - Total Div. Rate - + | + - Total Div. Volume - + | + - Total Consumptive Use - + | + - KW Usage - + |
|--|-------------------------|---------------------------|-------------------------------|------------------|
| | 0.033 | | 0.0 | |

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

| 11 | NE SE | 7.0 | 01 | IRRIGATION | (31) | CASSIA |
|----|-------|------|----|------------|------|--------|
| 11 | NW SE | 20.0 | 01 | IRRIGATION | (31) | CASSIA |
| 11 | SW SE | 30.0 | 01 | IRRIGATION | (31) | CASSIA |
| 11 | SE SE | 40.0 | 01 | IRRIGATION | (31) | CASSIA |
| 14 | NE NE | 40.0 | 01 | IRRIGATION | (31) | CASSIA |
| 14 | NW SE | 20.0 | 01 | IRRIGATION | (31) | CASSIA |

Total Acres: 157.0

Diversion Means -

Non-Irrigation Use -

MICROFILMED
MAR 20 1993

Water right number - R45-00081D Prefix Translation: RESEARCH

+ - - Other Rights for Same Use -

+ - - - - - SEE NO. 45-12456. - - - - - Remarks - - - - - +

+ - - - - - No Old Water Right Numbers Found - - - - - Old Water Right Numbers - - - - - +

+ - - - - - 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. - - - - - ++ - - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - - - +
JACOB DAYLEY ET AL HEBER C. DAYLEY ET AL 00/00/0000

+ - - - - - Date: 01/12/1993 User Id: THORNTON Subject: COPIED FROM REMARKS - - - - - Comments - - - - - +

TRANS. 2268. P/U IS LIMITED TO 157 AC. AS SHOWN ON MEMORANDUM DECISION.
***** THIS RIGHT COMBINED WITH 45-00078D, 78F, 81F, 83, 84 AND 87D AND
CLAIMED AS A45-12456. HHT 1/12/93

+ - - - - Audit Fields - - + 01/12/93 THORNTON

+ - - - - - Court Report Filing - 00/00/0000 Field Inspection Made - 00/00/0000 Civil Case Number - 39576
Objection Filed Date - 00/00/0000 Field Inspection Flag - Old Case Number -
Response Filed Date - 00/00/0000 Verified Date - 00/00/0000 Old Judicial District -
Claim Received Date - 01/12/1993 Last Amended Date - 00/00/0000 Temporary Right - P
Receipt Number - X77777 Water District - 45B
POU Ownership Flag - Y Federal/State Indicator - S
Name Connector - Presumption Flag -
Notice of Error Flag -MICROFILMED
MAR 20 1993

Water Right Number - ~~245-00081F~~ Prefix Translation: ADJUDICATION CLAIM Old (D) Number -
+ - - - - Last Name - - - - + + - First Name - - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
COMBINED RIGHT

1 -
2 -
3 -
City- X State- ID Zip- 0
Phone - 208-000-0000

*** O - ORIGINAL OWNER ***
MATTHEWS BROTHERS INC.

1 - ROUTE #1
2 -
3 -
City- OAKLEY State- ID Zip- 83346
Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
04/01/1881 17 SOUTHERN 17 SOUTHERN SEE REMARKS

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
BIRCH CREEK GOOSE CREEK
COMBINED RIGHT

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

14S 22E 11 SW NW (31) CASSIA
24 SW NW (31) CASSIA

+ - - - - Code Description Period From Water Use Period To Diversion Rate Diversion Volume
01 - IRRIGATION 0.164

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.164 0.0

| Twn | Rng | Sec | Tract | Lot | Acres | Place of Use | Code | Description | County |
|-----|-----|-----|-------|------|-------|--------------|------|-------------|--------|
| 14S | 22E | 2 | NE SW | 28.0 | 01 | IRRIGATION | (31) | CASSIA | (31) |
| 14S | 22E | 2 | SE SW | 28.0 | 01 | IRRIGATION | (31) | CASSIA | (31) |
| 14S | 22E | 11 | NE SW | 20.0 | 01 | IRRIGATION | (31) | CASSIA | (31) |
| 14S | 22E | 11 | NE SE | 28.0 | 01 | IRRIGATION | (31) | CASSIA | (31) |
| 14S | 22E | 14 | NW NE | 25.0 | 01 | IRRIGATION | (31) | CASSIA | (31) |
| 14S | 22E | 14 | SW NE | 30.0 | 01 | IRRIGATION | (31) | CASSIA | (31) |
| 14S | 22E | 14 | NE SE | 15.0 | 01 | IRRIGATION | (31) | CASSIA | (31) |
| 14S | 22E | 14 | SE SE | 10.0 | 01 | IRRIGATION | (31) | CASSIA | (31) |

Total Acres: 184.0

Diversion Means -

MICROFILMED
MAR 20 1993

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 00/00/0000 | Old Judicial District | - |
| Claim Received Date | - 01/12/1993 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - X77777 | Water District | - 45B |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - | Presumption Flag | - |
| | | | | Notice of Error Flag | - |

MICROFILMED
MAR 20 1993

Old (D) Number -

State- ID Zip- 0

1 - ROUTE #1

State- ID Zip- 83346

+

- - Tributary
GOOSE CREEK

| Town | Rng | Sec | Tract | Lot | Rflg | County | Point of Diversion |
|------|-----|-----|-------|-----|------|--------|--------------------|
| | | | | | | | |

| | | | | | |
|----|-----|----|-------|------|--------|
| 4S | 22E | 11 | SW NW | (31) | CASSIA |
| | | 24 | SW NW | (31) | CASSIA |

| Code | Description | Period From | Water Use
Period To | Diversion Rate | Diversion Volume |
|------|-------------|-------------|------------------------|----------------|------------------|
| 01 | IRRIGATION | | | 0.164 | |

| - | - Total Div. Rate - + | + - Total Div. Volume - + | + - Total Consumptive Use - + | + - KW Usage - + |
|---|-----------------------|---------------------------|-------------------------------|------------------|
| | 0.164 | | 0.0 | |

| Twn | Rng | Sec | Tract | Lot | Acres | Place of Use | Description | County |
|-----|-----|-----|-------|-----|-------|--------------|-------------|-------------|
| 14S | 22E | 2 | NE SW | | 28.0 | 01 | IRRIGATION | (31) CASSIA |
| 14S | 22E | 2 | SE SW | | 28.0 | 01 | IRRIGATION | (31) CASSIA |
| 14S | 22E | 11 | NE SW | | 20.0 | 01 | IRRIGATION | (31) CASSIA |
| 14S | 22E | 11 | NE SE | | 28.0 | 01 | IRRIGATION | (31) CASSIA |
| 14S | 22E | 14 | NW NE | | 25.0 | 01 | IRRIGATION | (31) CASSIA |
| 14S | 22E | 14 | SW NE | | 30.0 | 01 | IRRIGATION | (31) CASSIA |
| 14S | 22E | 14 | NE SE | | 15.0 | 01 | IRRIGATION | (31) CASSIA |
| 14S | 22E | 14 | SE SE | | 10.0 | 01 | IRRIGATION | (31) CASSIA |

Total Acres: 184.0

Diversion Means -

MICROFILMED
MAR 20 1993

MICROFILMED
MAR 20 1993

- Diversion Means -

MICROFILMED
MAR 20 1993

P 45B
S

MICROFILMED
MAR 20 1993

MICROFILMED
MAR 20 1993

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 00/00/0000 | Old Judicial District | - |
| Claim Received Date | - 01/12/1993 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - X77777 | Water District | - 45B |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - | Presumption Flag | - |
| | | | | Notice of Error Flag | - |

MICROFILMED
MAR 20 1993

old (D) Number -

*** C - CURRENT OWNER ***
COMBINED RIGHT

*** O - ORIGINAL OWNER ***
MATTHEWS BROTHERS INC.

| | |
|-----------|---------------------|
| + - - - - | - Source - - - - + |
| | BIRCH CREEK |
| | COMBINED RIGHT |
| | + - - - - Tributary |
| | GOOSE CREEK |

| | + - - - | Rng | Sec | Tract | Lot | Rflg | County | - - - Point of Diversion - - - | + - - - |
|--|---------|-----|-----|-------|-----|------|--------|--------------------------------|---------|
|--|---------|-----|-----|-------|-----|------|--------|--------------------------------|---------|

| | | | | | |
|-----|-----|----|-------|------|--------|
| 14S | 22E | 11 | SW NW | (31) | CASSIA |
| | | 24 | SW NW | (31) | CASSIA |

| Code | Description | Period From | Water Use
Period To | Diversion Rate | Diversion Volume |
|------|-------------|-------------|------------------------|----------------|------------------|
| 01 - | IRRIGATION | | | 0.960 | |

| | | | |
|-------------------------|---------------------------|-------------------------------|------------------|
| + - Total Div. Rate - + | + - Total Div. Volume - + | + - Total Consumptive Use - + | + - KW Usage - + |
| 0.960 | | 0.0 | |

| Twn | Rng | Sec | Tract | Lot | Acres | Place of Use | Description | County |
|-----|-----|-----|-------|-----|-------|--------------|-------------|-------------|
| 14S | 22E | 2 | NE SW | | 28.0 | 01 | IRRIGATION | (31) CASSIA |
| 14S | 22E | 2 | SE SW | | 28.0 | 01 | IRRIGATION | (31) CASSIA |
| 14S | 22E | 11 | NE SW | | 20.0 | 01 | IRRIGATION | (31) CASSIA |
| 14S | 22E | 11 | NE SE | | 28.0 | 01 | IRRIGATION | (31) CASSIA |
| 14S | 22E | 14 | NW NE | | 25.0 | 01 | IRRIGATION | (31) CASSIA |
| 14S | 22E | 14 | SW NE | | 30.0 | 01 | IRRIGATION | (31) CASSIA |
| 14S | 22E | 14 | NE SE | | 15.0 | 01 | IRRIGATION | (31) CASSIA |
| 14S | 22E | 14 | SE SE | | 10.0 | 01 | IRRIGATION | (31) CASSIA |

Total Acres: 184.0

Diversion Means -

MICROFILMED
MAR 20 1993

MICROFILMED
MAR 20 1993

MICROFILMED
MAR 20 1993

MICROFILMED
MAR 20 1993

Water Right Number - A45-000087D Prefix Translation: ADJUDICATION CLAIM Old (D) Number -
+ - - - - Last Name - - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
COMBINED RIGHT

1 -
2 -
3 -

City- OAKLEY State- ID Zip- 83346
Phone - 208-000-0000

*** O - ORIGINAL OWNER ***
BUCKLEY

ROYCE G.

1 - 109 S. WILSON
2 -
3 -

State- ID Zip- 83346

City- OAKLEY
Phone - 208-000-0000

PATRICIA J.

1 - 109 S. WILSON
2 -
3 -

State- ID Zip- 83346

City- OAKLEY
Phone - 208-000-0000

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
04/01/1981 17 SOUTHERN Z - SEE REMARKS

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
BIRCH CREEK GOOSE CREEK
COMBINED RIGHT

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

14S 22E 3 NW SE (31) CASSIA

+ - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 0.050

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.050 0.0

+ - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
14S 22E 3 NW NW 4 3.0 01 IRRIGATION (31) CASSIA

Total Acres: 3.0

Diversion Means -

Non-Irrigation Use -

MICROFILMED
MAR 20 1993

Prefix Translation: ADJUDICATION CLAIM

+ - - - - -

THIS WR IS SPLIT AND COMBINED***

THIS RIGHT COMBINED WITH 45-00078F, 81, 81F, 83, 84 AND 87D AND
CLAIMED AS A45-12456. HHT 1/12/93

- - - - - Old Water Right Numbers

- - - - - Conditions of Approval - - - - -
 R01 - A measuring device of a type approved by this Department shall
 - be maintained as a part of the diverting works.
 R02 - A lockable device subject to the approval of the Department
 - shall be maintained on the diverting works in a manner that will
 - provide the watermaster suitable control of the diversion.
 R04 - Use of water under this water right will be regulated by the
 - watermaster of State Water District No. 8 DISTRICT.

+ - - - Decree Defendant - - +
HEBER C. DAYLEY, ET. AL.

+ - Decree Date - +
00/00/0000

01/12/93 THORNTON

----- Adjudication Rights Dates and Flags Area

| | | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---|-------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - | 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - | |
| Response Filed Date | - 00/00/0000 | Verified Date | - 00/00/0000 | Old Judicial District | - | |
| Claim Received Date | - 05/19/1989 | Last Amended Date | - 00/00/0000 | Temporary Right | - | P |
| | | Receipt Number | - X77777 | Water District | - | 45B |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - | S |
| | | Name Connector | - | Presumption Flag | - | |
| | | | | Notice of Error Flag | - | |

MICROFILMED
MAR 20 1993

ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - R45-00087D Prefix Translation: RESEARCH Old (D) Number -
+ - - - - Last Name - - - - + + - First Name - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
COMBINED RIGHT

1 -
2 -
3 -

State- ID Zip- 83346

City- OAKLEY
Phone - 208-000-0000

*** O - ORIGINAL OWNER ***
BUCKLEY

ROYCE G.

1 - 109 S. WILSON
2 -
3 -

State- ID Zip- 83346

City- OAKLEY
Phone - 208-000-0000

PATRICIA J.

1 - 109 S. WILSON
2 -
3 -

State- ID Zip- 83346

City- OAKLEY
Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
04/01/1981 17 SOUTHERN 0.050 Z - SEE REMARKS

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
BIRCH CREEK GOOSE CREEK
COMBINED RIGHT

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

14S 22E 3 NW SE (31) CASSIA Water Use Diversion Rate Diversion Volume

+ - - - - Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

0.050

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.050 0.050 0.0

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

(31) CASSIA

01 IRRIGATION

Total Acres: 3.0

Diversion Means -

Non-Irrigation Use -

MICROFILMED
MAR 20 1993

Water right number - R45-00087D Prefix Translation: RESEARCH

+ - - Other Rights for Same Use -

+ - - - - - SEE NO. 45-12456.

+ - - - - - No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - -

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

- be maintained as a part of the diverting works.

R02 - A lockable device subject to the approval of the Department

- shall be maintained on the diverting works in a manner that will

- provide the watermaster suitable control of the diversion.

R04 - Use of water under this water right will be regulated by the

- watermaster of State Water District No. 45-DISTRICT.

+ - - - - Decree Plaintiff - - - + - - - Decree Defendant - - - + - Decree Date - - +

JACOB DAYLEY, ET. AL. HEBER C. DAYLEY, ET. AL. 00/00/0000

+ - - - - - Comments - - - - -

Date: 01/12/1993 User Id: THORNTON Subject: COPIED FROM REMARKS

TRANS. 1019, 2853.

THIS WR IS SPLIT AND COMBINED**

SPLIT: A45-00087E FOR 0.05 CFS ERNEST ADAMS

THIS RIGHT COMBINED WITH 45-00078F, 81, 81F, 83, 84 AND 87D AND CLAIMED AS A45-12456. HHT 1/12/93

+ - - Audit Fields - - +

01/12/93 THORNTON

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

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - | Old Judicial District | - |
| Claim Received Date | - 05/19/1989 | Last Amended Date | - | Temporary Right | - P |
| | | Receipt Number | - X77777 | Water District | - 45B |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - | Presumption Flag | - |
| | | | | Notice of Error Flag | - |

MICROFILMED

MAR 20 1993

09/14/2006

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

RIGHT NUMBER: 45-12456

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

SOURCE: BIRCH CREEK

TRIBUTARY: GOOSE CREEK

QUANTITY: 3.122 CFS

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

PRIORITY DATE: 04/01/1881

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 | 02/28 11/15 | 3.122 CFS |

PLACE OF USE: IRRIGATION Within CASSIA County

| | | | | | |
|---------------------|------|-------|---------------|------|-------|
| T13S R22E S26 | SWNW | 40.00 | T13S R22E S26 | SESW | 40.00 |
| T13S R22E S26 | NESW | 39.00 | T13S R22E S26 | NWSW | 40.00 |
| T13S R22E S26 | SWSW | 40.00 | T13S R22E S26 | SESW | 40.00 |
| T13S R22E S27 | NESE | 40.00 | T13S R22E S27 | SESE | 40.00 |
| T13S R22E S35 | NWNE | 35.00 | T13S R22E S35 | SWNE | 40.00 |
| T13S R22E S35 | NENW | 40.00 | T13S R22E S35 | NWNW | 39.00 |
| T14S R22E S02 | SWNW | 11.00 | T14S R22E S02 | SESW | 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 | 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 | | | |

1011 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 1011 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-12456, 45-13489, & 45-13496.

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

09/14/2006

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

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.

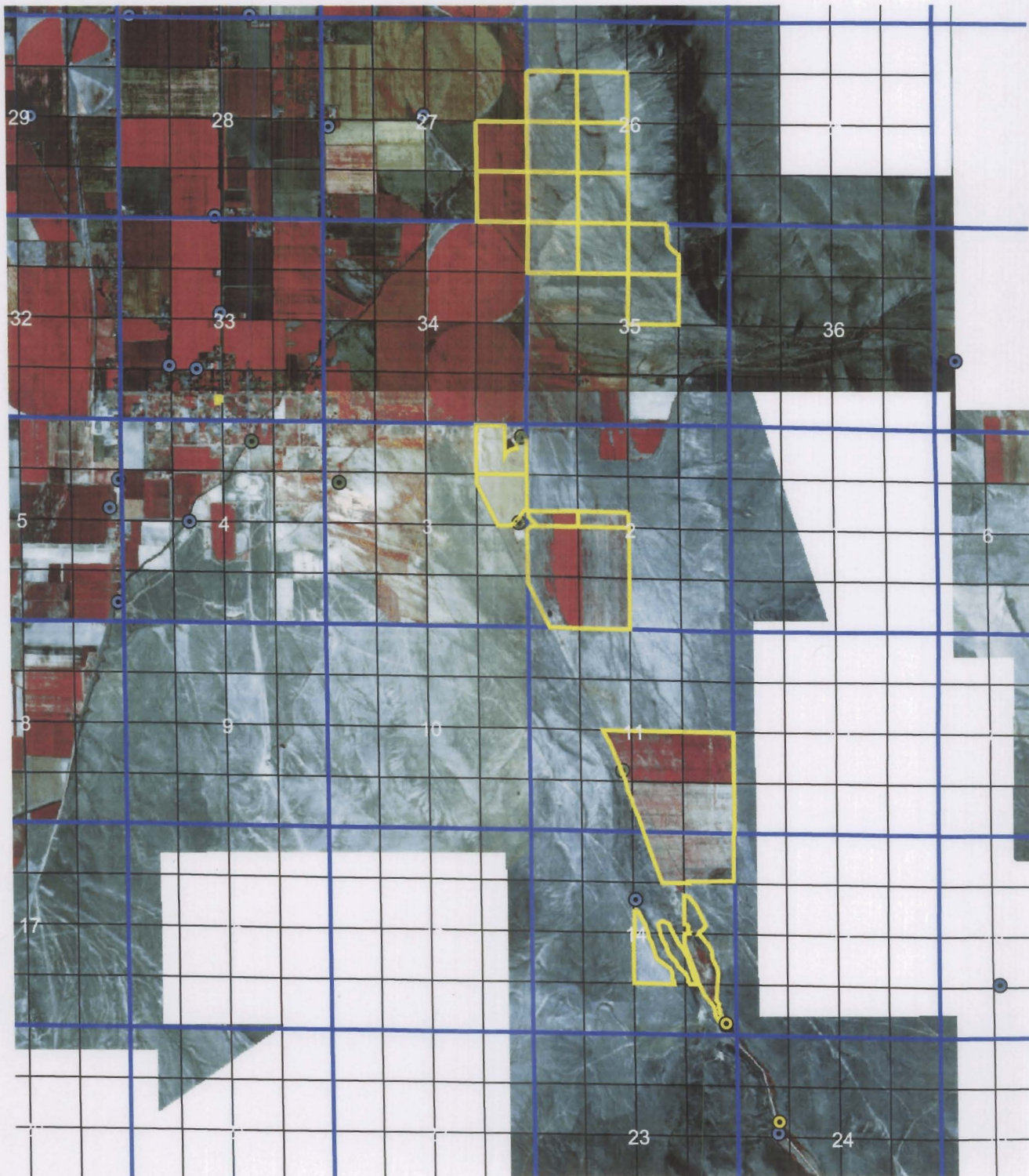
The operation and use of this water right is also subject to the terms and conditions of the Water Rotation Agreement ("Agreement") entered into by certain users on 10 September, 1992. The Agreement was filed and recorded in the office of the Cassia County Recorder on 27 May, 1993 as Instrument No.: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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 45-78D FOR 0.082 CFS, 45-78F FOR 0.063 CFS, 45-81D FOR 0.033 CFS, 45-81F FOR 0.164 CFS, 45-81G FOR 0.04 CFS, 45-83 FOR 0.94 CFS, 45-84 FOR 0.94 CFS, 45-87B FOR 0.76 CFS, AND 0.1 CFS UNCLAIMED FROM 45-87.

Idaho Department of Water Resources
45-12456, 45-13489, & 45-13496



RECOMMENDED PLACE OF USE
DATA ENTRY ON Sept.13, 2006
TWP 13S, RNG 22E, SEC. 26, 27 & 35
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
QNT
SDU
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

Case No. 39576

A. Subcase 45-12456

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: 3.288 cfs
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)

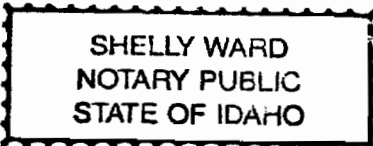
R.C. Stone, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: March 10, 2006



[Signature]
Notary Public for _____
Residing at: Carlaugh
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:

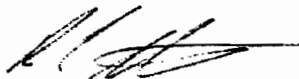
Name: Manning Ranches, Inc.
Address: 2233 Birch Creek Road
Oakley, ID 83346
3. Copies to:

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

09/14/2006

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

RIGHT NUMBER: 45-12456

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

SOURCE: BIRCH CREEK

TRIBUTARY: GOOSE CREEK

QUANTITY: 3.122 CFS

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

PRIORITY DATE: 04/01/1881

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 | 02/28 11/15 | 3.122 CFS |

PLACE OF USE: IRRIGATION Within CASSIA County

| | | | | | |
|---------------------|------|-------|---------------|------|-------|
| T13S R22E S26 | SWNW | 40.00 | T13S R22E S26 | SESW | 40.00 |
| T13S R22E S26 | NESW | 39.00 | T13S R22E S26 | NWSW | 40.00 |
| T13S R22E S26 | SWSW | 40.00 | T13S R22E S26 | SESW | 40.00 |
| T13S R22E S27 | NESE | 40.00 | T13S R22E S27 | SESE | 40.00 |
| T13S R22E S35 | NWNE | 35.00 | T13S R22E S35 | SWNE | 40.00 |
| T13S R22E S35 | NENW | 40.00 | T13S R22E S35 | NWNW | 39.00 |
| T14S R22E S02 | SWNW | 11.00 | T14S R22E S02 | SESW | 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 | 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 | | | |

1011 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 1011 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-12456, 45-13489, & 45-13496.

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

09/14/2006

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

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.

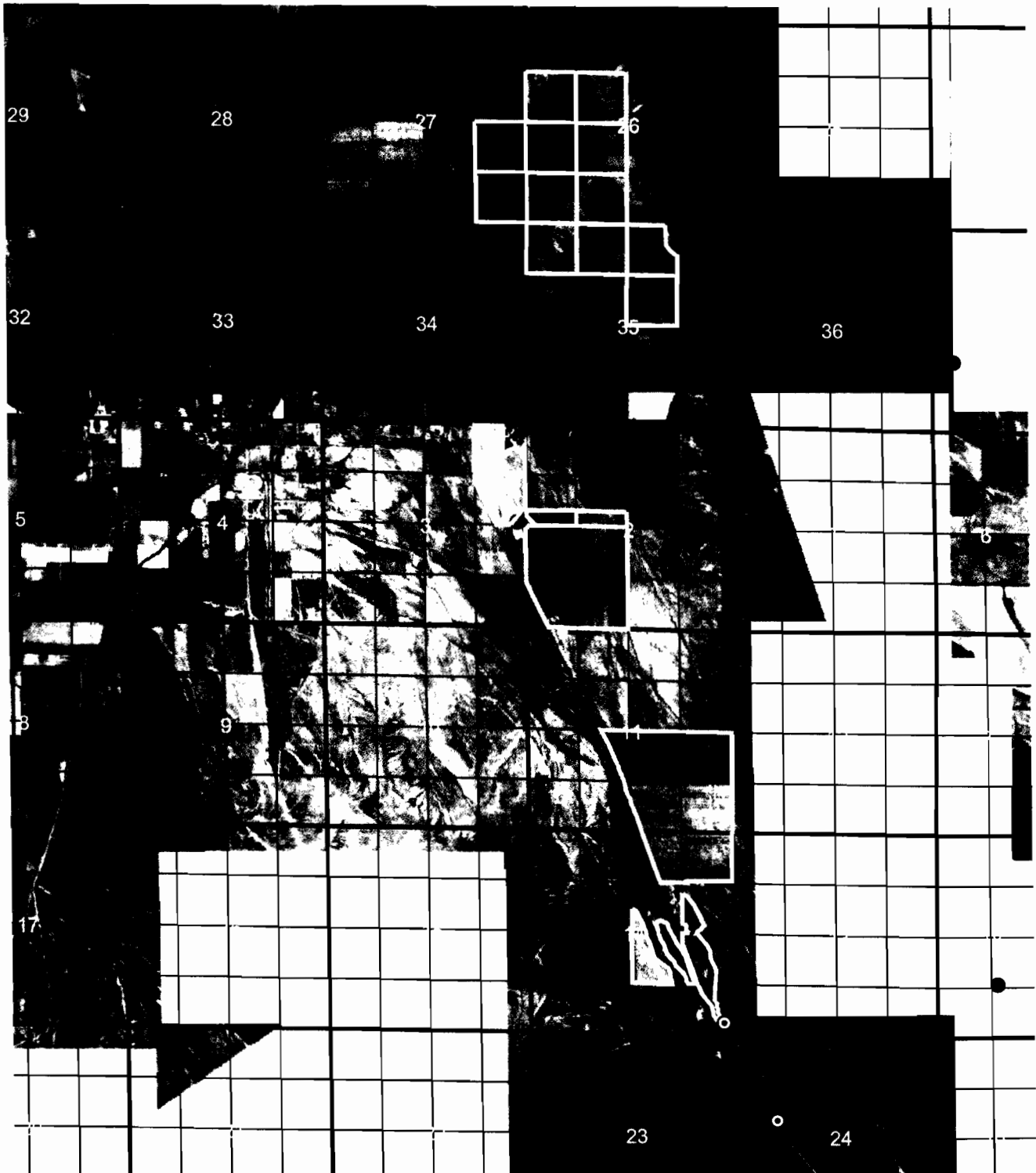
The operation and use of this water right is also subject to the terms and conditions of the Water Rotation Agreement ("Agreement") entered into by certain users on 10 September, 1992. The Agreement was filed and recorded in the office of the Cassia County Recorder on 27 May, 1993 as Instrument No.: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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 45-78D FOR 0.082 CFS, 45-78F FOR 0.063 CFS, 45-81D FOR 0.033 CFS, 45-81F FOR 0.164 CFS, 45-81G FOR 0.04 CFS, 45-83 FOR 0.94 CFS, 45-84 FOR 0.94 CFS, 45-87B FOR 0.76 CFS, AND 0.1 CFS UNCLAIMED FROM 45-87.

Idaho Department of Water Resources
45-12456, 45-13489, & 45-13496



RECOMMENDED PLACE OF USE
DATA ENTRY ON Sept.13, 2006
TWP 13S, RNG 22E, SEC. 26, 27 & 35
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 45-12456 V2

WATER RIGHT NUMBER: 45-12456 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: 04/01/1881

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 | 02/28 to 11/15 | 3.122 CFS | |
| | <u>Total Diversion:</u> | 3.122 CFS | |

Location of Point(s) of Diversion

| | | |
|---------------|-----------------|---------------------------------|
| BIRCH CREEK | SE1/4SE1/4SE1/4 | Sec. 14, Twp 14S, Rge 22E, B.M. |
| CASSIA County | | |
| BIRCH CREEK | SE1/4SW1/4NW1/4 | Sec. 24, 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 | |
| 13S | 22E | 26 | | | | | | | 40.0 | 40.0 | 39.0 | 40.0 | 40.0 | 40.0 | | | | | 239.0 |
| 13S | 22E | 27 | | | | | | | | | | | | | 40.0 | | | 40.0 | 80.0 |
| 13S | 22E | 35 | | 35.0 | 40.0 | | 40.0 | 39.0 | | | | | | | | | | | 154.0 |
| 14S | 22E | 2 | | | | | | 11.0 | 12.0 | 40.0 | 40.0 | 33.0 | 40.0 | | | | | | 176.0 |
| 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 |

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 45-12456 V2

Total Acres: 1011

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. E56 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1011 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-12456, 45-13489, & 45-13496.
3. 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.
4. P29 THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 45-78D FOR 0.082 CFS, 45-78F FOR 0.063 CFS, 45-81D FOR 0.033 CFS, 45-81F FOR 0.164 CFS, 45-81G FOR 0.04 CFS, 45-83 FOR 0.94 CFS, 45-84 FOR 0.94 CFS, 45-87B FOR 0.76 CFS, AND 0.1 CFS UNCLAIMED FROM 45-87.
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.
6. E62 THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

Remarks:

Comments:

1. jroberts 1/30/2006 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 1005 to 1021 but only 988 can be recommended per 1987 aerial photo. Amendment actually decreased diversion rate from 3.3 cfs to 3.288 cfs. This claim was a combination of several water rights with a common priority date. The original claimant stated that there was an additional 0.278 cfs from which he could not determine the original water right. I am recommending an additional 0.1 cfs (5 inches) which were an unclaimed part of 45-87 for a total diversion rate of 3.122 cfs. Added Remark 177 about the Birch Creek Rotation Agreement.

2. jroberts 9/12/2006 Revised V2 Rec.

Comment: PoU per GIS of claimed areas per 1987 aerial photography, resulting in a reduction from 1021 claimed acres to 1011 rec. acres.

02/13/2006

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

RIGHT NUMBER: 45-12456

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

SOURCE: BIRCH CREEK

TRIBUTARY: GOOSE CREEK

QUANTITY: 3.122 CFS

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

PRIORITY DATE: 04/01/1881

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 | 02/28 11/15 | 3.122 CFS |

PLACE OF USE: IRRIGATION Within CASSIA County

| | | | | | |
|---------------------|------|-------|---------------|------|-------|
| T13S R22E S26 | SWNW | 40.00 | T13S R22E S26 | SESW | 40.00 |
| T13S R22E S26 | NESW | 39.00 | T13S R22E S26 | NWSW | 40.00 |
| T13S R22E S26 | SWSW | 40.00 | T13S R22E S26 | SESE | 40.00 |
| T13S R22E S27 | NESE | 40.00 | T13S R22E S27 | SESE | 40.00 |
| T13S R22E S35 | NWNE | 35.00 | T13S R22E S35 | SWNE | 40.00 |
| T13S R22E S35 | NENW | 40.00 | T13S R22E S35 | NWNW | 39.00 |
| 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 | 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 | | | |

988 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 988 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-12456, 45-13489, & 45-13496.

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

02/13/2006

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

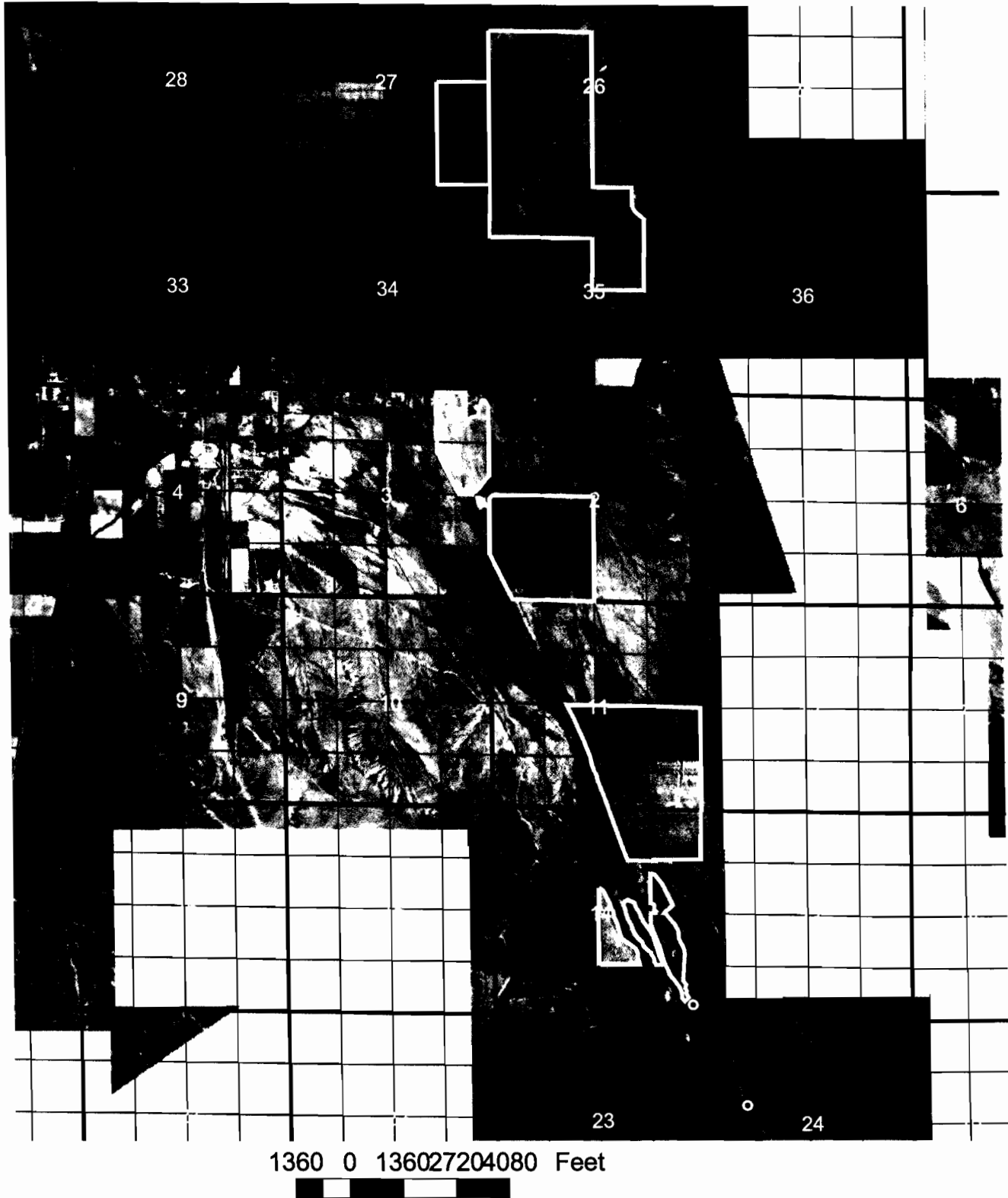
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

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

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 45-78D FOR 0.082 CFS, 45-78F FOR 0.063 CFS, 45-81D FOR 0.033 CFS, 45-81F FOR 0.164 CFS, 45-81G FOR 0.04 CFS, 45-83 FOR 0.94 CFS, 45-84 FOR 0.94 CFS, 45-87B FOR 0.76 CFS, AND 0.1 CFS UNCLAIMED FROM 45-87.

Idaho Department of Water Resources
45-12456, 45-13489, & 45-13496



RECOMMENDED PLACE OF USE
DATA ENTRY ON FEB. 13, 2006
TWP 13S, RNG 22E, SEC. 26, 27, & 35
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

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 45-12456

) 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)

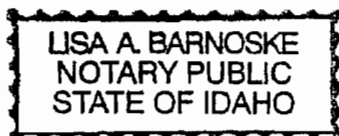
R.C. Stone, duly sworn, upon oath, deposes and says:
(Name of person filing form)

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:

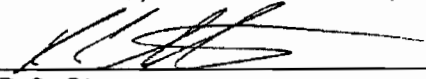
IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

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) 04/01/1881
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>3.288 cfs</u> | Use <u>Irrigation</u> | Period of Use From <u>2/25</u> to <u>11/15</u> | | |
| Quantity _____ | Use _____ | Period of Use From _____ to _____ | | |
| Quantity _____ | Use _____ | Period of Use From _____ to _____ | | |
| Quantity _____ | Use _____ | Period of Use From _____ to _____ | | |

4. 3.288 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 14S Range 22E B.M., Cassia County;
additional points of diversion, if any: SESWNW T.14S R22E S24

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 | |
| 13S | 22E | 26 | | | | | | | 40 ✓ | 40 ✓ | 39 ✓ | 40 ✓ | 40 ✓ | 40 ✓ | | | | | 239 |
| 13S | 22E | 27 | | | | | | | | | | | | | 40 ✓ | | | 40 ✓ | 80 |
| 13S | 22E | 35 | | 35 ✓ | 40 ✓ | | 40 ✓ | 39 ✓ | | | | | | | | | | | 154 |
| 14S | 22E | 02 | | | | | | | | | 40 ✓ | 40 ✓ | 35 33 | 40 ✓ | | | | | 155 |
| 14S | 22E | 03 | 39 ✓ | 5 | | 35 31 | | | | | | | | | | | | | 74 |
| 14S | 22E | 11 | | | | | | | | | 20 13 | | | 1 ✓ | 40 ✓ | 40 ✓ | 40 37 | 40 ✓ | 181 |
| 14S | 22E | 14 | 40 28 | 30 24 | 5 | 8 | | | | | | | | | 20 | 30 28 | | 5 | 138 |

TOTAL ACRES 1021

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 8½"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 7½ 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 12 day of October, 2005.

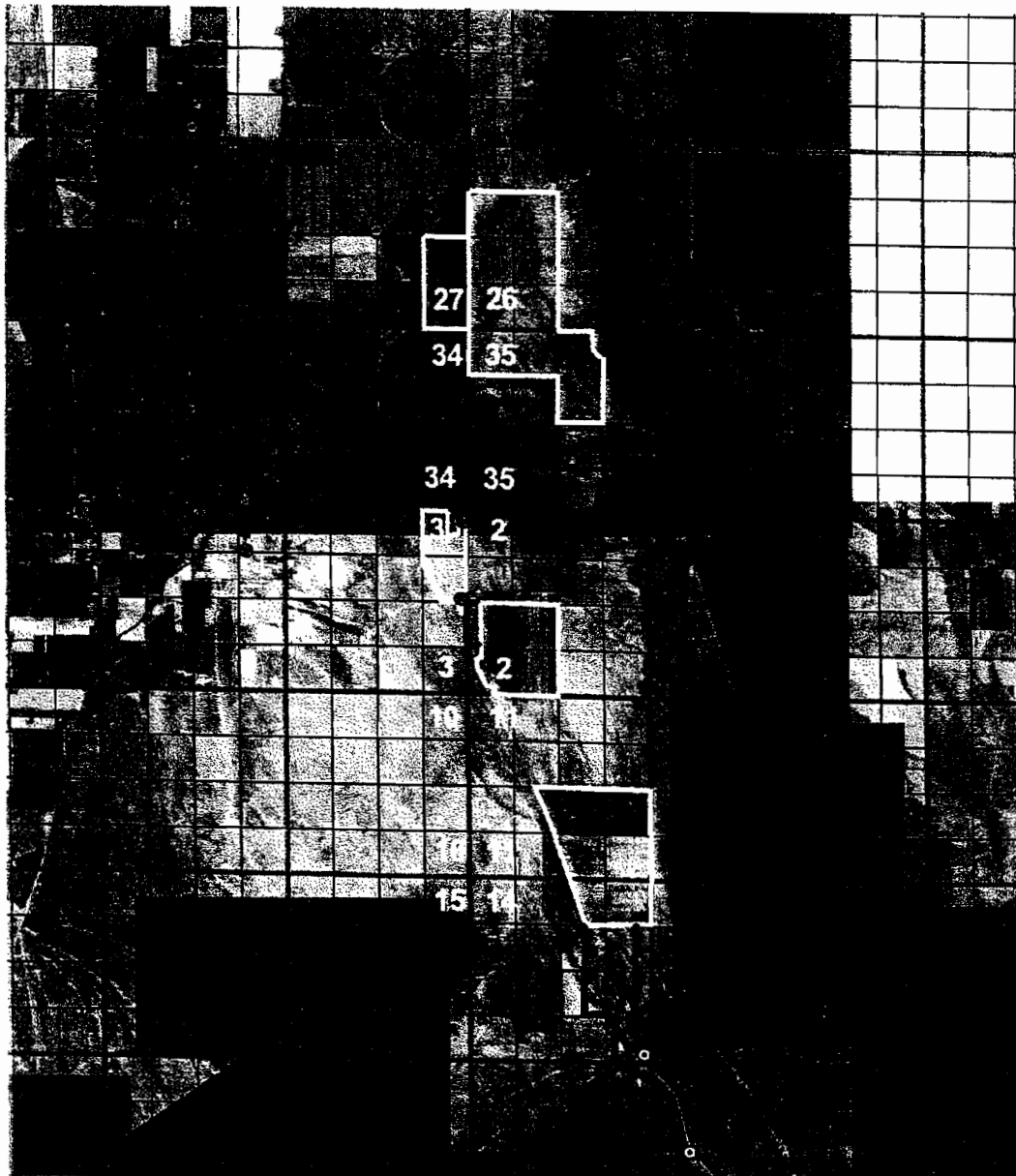
R.C. Stone
Notary Public
State of Idaho

[Signature]
Notary Public
Residing at: Burley
My commission expires: 5/15/06

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Published in _____
Prelim. check by _____ Date _____ Publication dates _____
Fee _____ Receipt # _____ Publication checked by _____ Date _____
Receipt prepared by _____ Date _____ Exceptions filed by _____

Idaho Department of Water Resources
45-12456, 45-13489, & 45-13496



0 1320 640 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON OCT. 22, 2002
TWP 13S, RNG 22E, SEC. 26, 27, & 35
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 45-12456

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: TIM PAYTON, PRESIDENT BIRCH CREEK WATERUSERS

Address: 1900 SOUTH 478 WEST

OAKLEY, IDAHO 83346

Daytime Phone: (208) 862-3224

Name & Address of Attorney, if any:

TRAVIS L THOMPSON

113 MAIN AVENUE WEST, SUITE 303

TWIN FALLS, IDAHO 83301-6167

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 of Diversion**
Should be: SEE E BELOW
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☒ **Period of Year**
Should be: SEE E BELOW
9. ☐ **Place of Use**
Should be: _____
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 OBJECTIONS(S): VARIOUS ISSUES WITH ADDITIONAL POINTS OF DIVERSION, POINT OF WATER MEASUREMENT, HISTORICAL EARLY SEASON USE PRIOR TO 3/15, AND REFERENCE TO SEPTEMBER 10, 1992 WATER ROTATION AGREEMENT.

F.

VERIFICATION (must be completed)

State of IDAHO)
)ss.
County of TWIN FALLS)

TRAVIS L THOMPSON, 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)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: DECEMBER 30, 2004



Crystal Winney Vincent
Notary Public for STATE OF IDAHO

Residing at: TWIN FALLS

My Commission Expires: APRIL 8, 2010

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 DECEMBER 30, 200 , 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
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

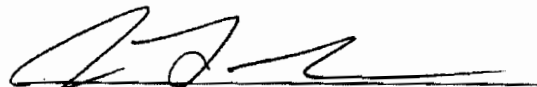
Name: _____
Address: _____ MANNING RANCHES INC
2233 BIRCH CREEK ROAD
OAKLEY ID 83346

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Signature of objector or attorney
mailing on Objector's behalf

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 45-12456

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

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: 3.3 cfs.
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 - 11/15
9. ☒ **Place of Use**
Should be: See Exhibit A. Should not be limited to 897 acres in combination with 45-12456, 45-13489, and 45-13496.

10. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommenced with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** Recommendation does not reflect actual appropriation and application to beneficial use.

F. VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Cassia)

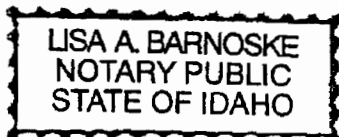
R.C. Stone _____, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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)

[Signature]
(Attorney signing in representative capacity)

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



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.** 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 December 23, 2004, 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, Idaho 83346

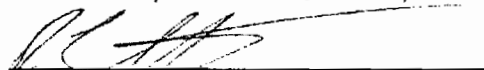
3. Copies to:

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 Manning Ranches, Inc.
P.O. Box 910
Burley, Idaho 83318

Exhibit A

Place of Use:

Irrigation within Cassia County

| | | | | | |
|---------------------|------|------|---------------|------|------|
| T13S R22E S26 | SWNW | 40.0 | T13S R22E S26 | SENE | 40.0 |
| T13S R22E S26 | NESW | 40.0 | T13S R22E S26 | NWSW | 40.0 |
| T13S R22E S26 | SWSW | 40.0 | T13S R22E S26 | SESW | 40.0 |
| T13S R22E S27 | NESE | 40.0 | T13S R22E S27 | SESE | 40.0 |
| T13S R22E S35 | NWNE | 40.0 | T13S R22E S35 | SWNE | 40.0 |
| T13S R22E S35 | NENW | 40.0 | T13S R22E S35 | NWNW | 40.0 |
| T14S R22E S02 | NESW | 40.0 | T14S R22E S02 | NWSW | 40.0 |
| T14S R22E S02 | SWSW | 35.0 | T14S R22E S02 | SESW | 40.0 |
| T14S R22E S03 Lot 1 | NENE | 40.0 | T14S R22E S03 | SENE | 40.0 |
| 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 | 30.0 |
| T14S R22E S14 | SWNE | 5.0 | T14S R22E S14 | NESE | 25.0 |

996 - Acres Total

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-12456 V2

WATER RIGHT NUMBER: 45-12456 V2

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

Priority Date: 04/01/1881

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 | 02/28 to 11/15 | 3.122 CFS | |
| | <u>Total Diversion:</u> | 3.122 CFS | |

Location of Point(s) of Diversion

| | | |
|---------------|-----------------|---------------------------------|
| BIRCH CREEK | SE1/4SE1/4SE1/4 | Sec. 14, Twp 14S, Rge 22E, B.M. |
| CASSIA County | | |
| BIRCH CREEK | SE1/4SW1/4NW1/4 | Sec. 24, 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 | |
| 13S | 22E | 26 | | | | | | | 40.0 | 40.0 | 39.0 | 40.0 | 40.0 | 40.0 | | | | | 239.0 |
| 13S | 22E | 27 | | | | | | | | | | | | | 40.0 | | | 40.0 | 80.0 |
| 13S | 22E | 35 | | | 35.0 | 40.0 | 40.0 | 39.0 | | | | | | | | | | | 154.0 |
| 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 |

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-12456 V2

Total Acres: 988

Conditions of Approval:

1. E56 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 988 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-12456, 45-13489, & 45-13496.
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. P29 THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 45-78D FOR 0.082 CFS, 45-78F FOR 0.063 CFS, 45-81D FOR 0.033 CFS, 45-81F FOR 0.164 CFS, 45-81G FOR 0.04 CFS, 45-83 FOR 0.94 CFS, 45-84 FOR 0.94 CFS, 45-87B FOR 0.76 CFS, AND 0.1 CFS UNCLAIMED FROM 45-87.
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.
5. E62 THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

Remarks:

Comments:

1. jroberts 1/30/2006 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 1005 to 1021 but only 988 can be recommended per 1987 aerial photo. Amendment actually decreased diversion rate from 3.3 cfs to 3.288 cfs. This claim was a combination of several water rights with a common priority date. The original claimant stated that there was an additional 0.278 cfs from which he could not determine the original water right. I am recommending an additional 0.1 cfs (5 inches) which were an unclaimed part of 45-87 for a total diversion rate of 3.122 cfs. Added Remark 177 about the Birch Creek Rotation Agreement.

Hello Randy,

The Ownership Change has been completed on all of the rights **except for 45-80B and 45-81B**. Ennis Matthews filed these and the ownership change was for Matthews Brothers claims, so a little more information for these two is needed. The place of use is 11 acres SWNW of Section 2, T14S, R22E. (Perhaps there is a deed that will convey this...) The recommended acres do not always agree with the claimed acres because I used the 1987 aerial photo to outline irrigated acres as of 1987 through GIS. Also there were times when claimed acres were owned by someone else so I did not recommend these acres to Manning.

Here are my reasons for the recommendations on each right:

45-41 - claimed acres in the NENE and SENE of Section 26 owned by Hilton Critchfield

45-85 - limited to 232 acres because those are the recommended acres from the original decreed place of use

45-90 - this decree was only for 80 acres (NESE & SESE of Section 34, T13S, R22E)

45-622A - claimed on 1280 acres, yet only 960 acres owned (rest owned by Hilton Critchfield in Sections 22 & 27), recommended only irrigated acres (937) in 1987 of owned acres, diversion rate calculated as 10.85 cfs divided by 1280 acres X 937 rec. acres = 7.94 cfs

45-622B - claimed on 607 acres but only the 32 acres in the NWNE of Section 14 owned by Manning, diversion rate is proportionate share- 5.15 cfs divided by 607 acres X 32 ac = 0.271 cfs

45-674 - **claimed 7/1/1882**, not 6/1/1882 (decree is for 7/1/1882 as claimed) **claimed** place of use in Section 34, as recommended and decreed, if in Section 14 now, needs **Transfer**

45-2529 - claim was filed for 4.46 cfs but only 198 acres (remarks stated that it was a combination of water rights parts A & B) Part A was for 198 acres and 3.88 cfs, part B was for 0.58 cfs and 99 acres. Looks like the total diversion rate was claimed but the other 99 acres were left off the place of use. We can probably amend this. (The 99 acres were transferred to Section 3 in 1986.) Will then be limited to 297 acres.

45-4192 - was disallowed because the two wells claimed here (and in 45-4195) were the same two wells already licensed under 45-2529. The licensing field exam was done in 1969. Actually, the well in the SENE was examined and licensed and the other well in the NENE was added during a transfer in 1986, but only adding another point of diversion, with no additional rate. As you know, this area was closed to further development in January of 1962, so these wells are already fully licensed under 45-2529. I disallowed this one and recommended the expanded use under 45-4195 because it was for more acres, but **either** could be the **expansion**.

45-4195 - again, the same two wells already licensed so I recommended this as an expansion claim per 42-1416B of license 45-2529, which gets a priority date of 6/30/1985, and no additional diversion rate or volume, but does recognize the extra 444 acres not covered by the license.

45-12456 - This right is a combination of several old decrees and in the remarks stated that an additional **0.278 cfs was from an unknown decree**. I need more information as to **which decree** in order to recommend the final 0.278 cfs. There are some possible unclaimed portions of 45-78E, 45-81E, and 45-87C available. Perhaps we can work together to figure this out.

45-13489 - acres were reduced, some owned by Hilton Critchfield

45-13496 - acres reduced, some owned by Critchfield. I actually **increased the recommended diversion rate on this one!** I found a mistake in an old transfer (#2268) that assigned 2.8 inches to right 45-79F (which is a part of this combined right) and it should have been 6.67 inches.

45-13497 - claimed 565 acres, irrigated acres were 509. This is a combination of 45-89D for 157 acres and 45-89C for 80 acres, therefore limited to a total of 237 acres.

I understand a transfer is needed to show how the rights are now used and if we can agree on the recommendations, the transfer process can begin. Looking forward to hearing from you. Jeanie Robertson

01/23/2004

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: 45-12456

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, quantity, place of use, acreage limitation in combination.

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

*Name - Manning Ranches, Inc.
Quantity - 3.3 cfs
Place of use - as per claim
Acreage limitation - should not be limited to 897 acres nor in combination*

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

The recommendation is not consistent with the right.

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

DATE: 5/27/04 SIGNATURE: [Signature]

Please print your name: R.C. Stone Attorney for Manning Ranches, Inc

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

** 0.278 needs clarification (what decree?)*

*POU per GIS, reduced 20 in NENE & 20 in SENE of Sec. 27
(owned by Hilton Critchfield)*

RECEIVED

MAY 28 2004

Department of Water Resources
Southern Region

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-12456 V1

WATER RIGHT NUMBER: 45-12456 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: 04/01/1881

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 | 3.022 CFS | |
| | <u>Total Diversion:</u> | 3.022 CFS | |

Location of Point(s) of Diversion

| | | |
|---------------|-----------------|---------------------------------|
| BIRCH CREEK | SE1/4SE1/4SE1/4 | Sec. 14, Twp 14S, Rge 22E, B.M. |
| CASSIA County | | |
| BIRCH CREEK | SE1/4SW1/4NW1/4 | Sec. 24, 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 | |
| 13S | 22E | 26 | | | | | | | 40.0 | 40.0 | 39.0 | 39.0 | 39.0 | 39.0 | | | | | 236.0 |
| 13S | 22E | 27 | | | | | | | | | | | | | 40.0 | | 40.0 | | 80.0 |
| 13S | 22E | 35 | | 35.0 | 39.0 | | 39.0 | 39.0 | | | | | | | | | | | 152.0 |
| 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: 897

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 45-12456 V1

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.

Remarks:

1. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 897 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-12456, 45-13489, & 45-13496.
2. Quantity THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.
3. Explanatory THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 45-78D FOR 0.082 CFS, 45-78F FOR 0.063 CFS, 45-81D FOR 0.033 CFS, 45-81F FOR 0.164 CFS, 45-81G FOR 0.04 CFS, 45-83 FOR 0.94 CFS, 45-84 FOR 0.94 CFS, & 45-87B FOR 0.76 CFS.

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 Birch Creek Rd.

City, State and ZIP Code

Oakley, Id. 83346

New Telephone Number

908 862-3884

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: | | |
| Amended article | Shares for | Shares against |
| | 3175 | 0 |
| Customer Acct #:
<small>(if using pre-paid account)</small> | | |
| 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> | | |

 0:\script\articles of amendment
 general business.pdf
 Revised 07/2002

 IDAHO SECRETARY OF STATE
 03/03/2004 05:00
 CK: 18195 CT: 3788 BK: 738588
 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 |
|--------------|-----------|----------------|------------|----------------|------|----------------|------|

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.

04/30/2004

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

RIGHT NUMBER: 45-12456

NAME AND ADDRESS: MATTHEWS BROTHERS INC
C/O ROBERT MANNING
2233 BIRCH CREEK RD
OAKLEY ID 83346

SOURCE: BIRCH CREEK

TRIBUTARY: GOOSE CREEK

QUANTITY: 3.022 CFS

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

PRIORITY DATE: 04/01/1881

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 | 03/15 11/15 | 3.022 CFS |

PLACE OF USE: IRRIGATION Within CASSIA County

| | | | | | |
|---------------------|------|------|---------------|------|------|
| T13S R22E S26 | SWNW | 40.0 | T13S R22E S26 | SENE | 40.0 |
| T13S R22E S26 | NESW | 39.0 | T13S R22E S26 | NWSW | 39.0 |
| T13S R22E S26 | SWSW | 39.0 | T13S R22E S26 | SESW | 39.0 |
| T13S R22E S27 | NESE | 40.0 | T13S R22E S27 | SESE | 40.0 |
| T13S R22E S35 | NWNE | 35.0 | T13S R22E S35 | SWNE | 39.0 |
| T13S R22E S35 | NENW | 39.0 | T13S R22E S35 | NWNW | 39.0 |
| T14S R22E S02 | NESW | 40.0 | T14S R22E S02 | NWSW | 28.0 |
| T14S R22E S02 | SWSW | 27.0 | T14S R22E S02 | SESW | 40.0 |
| T14S R22E S03 Lot 1 | NENE | 32.0 | T14S R22E S03 | SENE | 30.0 |
| 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 |

897 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 897 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-12456, 45-13489, & 45-13496.

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

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 45-78D FOR 0.082
CFS, 45-78F FOR 0.063 CFS, 45-81D FOR 0.033 CFS, 45-81F FOR 0.164
CFS, 45-81G FOR 0.04 CFS, 45-83 FOR 0.94 CFS, 45-84 FOR 0.94 CFS, & 45-87B FOR
0.76 CFS.

Robertson, Jean

From: Robertson, Jean
Sent: Friday, April 30, 2004 11:02 AM
To: 'rcstone@pmt.org'
Subject: Matthews Brothers Adjudication claims

Hi Randy,

I think you told me you were now handling matters for Matthews Brothers (Robert Manning).

Anyway, I wanted to let you know of a recent change I made in my recommendation for 45-12456. It is for a combination of several old decrees and I originally came up with a total diversion rate of 3.02 cfs. I have since been given copies of old deeds from the Fonnesbecks for their property in Section 24, T14S, R22E. These deeds show the original decree owners L.A.Nelson (45-83) and James Worhtington (45-84) each quitclaimed an inch of 3/1/1881 Birch Creek water to William Martindale in 1909. This property is now claimed by the Fonnesbecks and I have taken 2 inches from 45-12456 to account for this.

Give me a call if you have any questions.

Jeanie Robertson
Sr. Water Resource Agent

4/30/2004

04/30/2004

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

RIGHT NUMBER: 45-12456

NAME AND ADDRESS: MATTHEWS BROTHERS INC
C/O ROBERT MANNING
2233 BIRCH CREEK RD
OAKLEY ID 83346

*file w
Matthews Bros*

SOURCE: BIRCH CREEK

TRIBUTARY: GOOSE C

QUANTITY: 3.022 CFS

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

PRIORITY DATE: 04/01/1881

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 | 03/15 11/15 | 3.022 CFS |

PLACE OF USE: IRRIGATION Within CASSIA County

| | | | | | |
|---------------------|------|------|---------------|------|------|
| T13S R22E S26 | SWNW | 40.0 | T13S R22E S26 | SENE | 40.0 |
| T13S R22E S26 | NESW | 39.0 | T13S R22E S26 | NWSW | 39.0 |
| T13S R22E S26 | SWSW | 39.0 | T13S R22E S26 | SESW | 39.0 |
| T13S R22E S27 | NESE | 40.0 | T13S R22E S27 | SESE | 40.0 |
| T13S R22E S35 | NWNE | 35.0 | T13S R22E S35 | SWNE | 39.0 |
| T13S R22E S35 | NENW | 39.0 | T13S R22E S35 | NWNW | 39.0 |
| T14S R22E S02 | NESW | 40.0 | T14S R22E S02 | NWSW | 28.0 |
| T14S R22E S02 | SWSW | 27.0 | T14S R22E S02 | SESW | 40.0 |
| T14S R22E S03 Lot 1 | NENE | 32.0 | T14S R22E S03 | SENE | 30.0 |
| 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 |

897 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 897 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-12456, 45-13489, & 45-13496.

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

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 45-78D FOR 0.082 CFS, 45-78F FOR 0.063 CFS, 45-81D FOR 0.033 CFS, 45-81F FOR 0.164 CFS, 45-81G FOR 0.04 CFS, 45-83 FOR 0.94 CFS, 45-84 FOR 0.94 CFS, & 45-87B FOR 0.76 CFS.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-12456 V1

WATER RIGHT NUMBER: 45-12456 V1

Owner Type

Name and Address

Current Owner

MATTHEWS BROTHERS INC
C/O ROBERT MANNING
2233 BIRCH CREEK RD

OAKLEY, ID 83346
(208)862-3884

Priority Date: 04/01/1881

Basis: Decreed

Status: Active

Source

Tributary

BIRCH CREEK

GOOSE CREEK

Beneficial Use

From _____ To _____

Diversion Rate

03/15 to 11/15

3.022 CFS

Annual Volume

Total Diversion:

3.022 CFS

Location of Point(s) of Diversion

BIRCH CREEK

SE1/4SE1/4SE1/4

Sec. 14, Twp 14S, Rge 22E, B.M.

CASSIA County

BIRCH CREEK

SE1/4SW1/4NW1/4

Sec. 24, Twp 14S, Rge 22E, B.M.

CASSIA County

Place of Use

IRRIGATION

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 45-12456 V1

Total Acres: 897

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.

Remarks:

1. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 897 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-12456, 45-13489, & 45-13496.
2. Quantity THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.
3. Explanatory THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 45-78D FOR 0.082 CFS, 45-78F FOR 0.063 CFS, 45-81D FOR 0.033 CFS, 45-81F FOR 0.164 CFS, 45-81G FOR 0.04 CFS, 45-83 FOR 0.94 CFS, 45-84 FOR 0.94 CFS, & 45-87B FOR 0.76 CFS.

Comments:

1. JROBERTS 10/17/2002 Basis of Recommendation

Comment: The claimed diversion rate of 3.3 cfs was reduced to 3.062 cfs. The original claim 45-78D was a combination of many old decreed rights with the same priority date of 4/1/1881 so was renumbered to 45-12456. The remarks stated that there was an additional 0.278 cfs which could not be determined from a particular decree. I found 45-81G to Ennis Matthews for 0.04 cfs had not been claimed so have included it in this recommendation. There is some possible 1881 water available water from 45-78E, 45-81E, and 45-87C but proof will be needed to recommend any of that. The PoU was reduced per GIS.

2. jroberts 4/30/2004 Reduced rec diversion rate

Comment: Deeds submitted by Fannesbeck (45-11149) showed the original decree owners for 45-83 (Nelson) and 45-84 (Worthington) each quitclaimed 1" of water to Martindale in 1909. Deed in 1917 from William Martindale to John Martindale mentions these and other water rights appurtenant to the E 1/2 of the SW 1/4 of Section 24, T14S, R22E, which are now part of 45-11149 as claimed by Fannesbeck. Will recommend these amounts to Fannesbeck and have reduced this recommendation by 2 inches accordingly.

#7495.

THIS INDENTURE, Made this 6th day of March, in the year of our Lord one thousand nine hundred and nine (1909), between Heber C. Dayley and Adriann Ann Dayley, of Oakley, County of Cassia, State of Idaho, the parties of the first part, and William A. Martindale of Oakley, Cassia County, State of Idaho, the party of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Eight hundred (800.00) Dollars, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all the following described real estate, situated in Cassia County, State of Idaho, to wit:

The East half of the South-west quarter of Section Twenty four in Township Fourteen South of Range twenty-two, East of the Boise Meridian, in Idaho, containing Eighty acres of land more or less, also the following amounts of Birch Creek water; Eighty inches of flood waters of said creek, which has been appropriated and used upon said land from the first day of May 1896; and 4 1/2 inches of the water from what is known as the North Carson Creek, the right to the use of which was acquired by the party of the first part by taking said water from North Carson creek and running it into what is known as the South Carson creek at the season of the year when the water in North Carson creek fails to reach birch creek, the amount of water transferred from North Carson creek being five miners inches, and when taken out from Birch creek on to the above land it is (4 1/2) inches, the appropriation and use of said water commenced on the 15th of June, 1904.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part:

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with the appurtenances unto the party of the second part, and to his heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever lawfully claiming or to claim the same shall and will WARRANT and by these presents forever defend.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered

in the presence of

Henry W. Tucker

Katherine Dayley

Heber C. Dayley

Adriann A. Dayley (X) (her mark)

State of Idaho,)

County of Cassia) ss.

On this 8 day of March, in the year 1909, before me, Henry W. Tucker, a Justice of the Peace in and for Oakley Precinct, Cassia County, personally appeared Heber C. Dayley, and Adriann Ann Dayley, husband and wife, personally known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(.....)

Henry W. Tucker, Justice of the Peace,
Oakley Precinct, Cassia County.

Filed for record at the request of J. B. Randall at 9:18 A.M. May 31st, 1909.

Jos. Y. Haight, County Recorder.

45-84

#7496.

THIS INDENTURE, Made the seventeenth day of May, in the year of our Lord one thousand nine hundred and nine, between James Worthington and _____ Worthington, his wife, of Oakley, County of Cassia, State of Idaho, the parties of the first part, and William A. Martindale of Oakley, County of Cassia, State of Idaho, the party of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of One Dollar, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents remise, release and forever QUITCLAIM, unto the said party of the second part, and to his heirs and assigns, all that certain water right, situate, lying and being in County of Cassia, State of Idaho, bounded and particularly described as follows, to wit:

The right to the use of the waters of Birch Creek as follows: One (1) inch of March 1

unto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular the said water, together with the appurtenances, unto the said party of the second part and to his heirs and assigns forever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of

Henry W. Tucker
H. C. Dayley

James Worthington (Seal)
Dora Worthington (Seal)

State of Idaho,)
County of Cassia)ss.

On this 17 day of May, 1909, before me, Henry W. Tucker, a Justice of Peace in and for said County, personally appeared Jas. Worthington and Dora Worthington, his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(.....)

Henry W. Tucker, Justice of Peace.

Filed for record at the request of J. B. Randall at 9:20 A.M. May 31st, 1909.

Jos. Y. Haight, County Recorder.

6 #7497.

45-83

THIS INDENTURE, Made the 24th day of April, in the year of our Lord one thousand nine hundred and nine, between L. A. Nelson and Annie Nelson, his wife, of Oakley, County of Cassia, State of Idaho, the parties of the first part, and William Martindale of Oakley, County of Cassia State of Idaho, the party of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of (\$1.00) One Dollar, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents remise, release and forever QUITCLAIM, unto the said party of the second part, and to his heirs and assigns, all that certain water right, situate, lying and being in Cassia County of the State of Idaho, bounded and particularly described as follows, to wit:

The right to the use of the water of Birch Creek as Follows: One (1) inch of March 1 1881 water; said water is a portion of the water decreed to L. A. Nelson by the Fourth Judicial District Court in and for Cassia County, Idaho, on the 10th day of October, A.D. 1903.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular, the said water, together with the appurtenances unto the said party of the second part, and to his heirs and assigns forever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of

Henry W. Tucker
O. H. Tuttle

L. A. Nelson (Seal)
Annie Nelson (Seal)

State of Idaho,)
County of Cassia)ss.

On this 24 day of April, in the year 1909, before me, Henry W. Tucker, a Justice of Peace in and for said County, personally appeared, LA. Nelson and Annie Nelson, his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(.....)

Henry W. Tucker, Justice of Peace.
Oakley Precinct.

Filed for record at the request of J. B. Randall at 9:22 A.M. May 31st, 1909.

Jos. Y. Haight, County Recorder

#7495.

THIS INDENTURE, Made this 6th day of March, in the year of our Lord one thousand nine hundred and nine (1909), between Heber C. Dayley and Adriann Ann Dayley, of Oakley, County of Cassia, State of Idaho, the parties of the first part, and William A. Martindale of Oakley, Cassia County, State of Idaho, the party of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Eight hundred (800.00) Dollars, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all the following described real estate, situated in Cassia County, State of Idaho, to wit:

The East half of the South-west quarter of Section Twenty four in Township Fourteen South of Range twenty-two, East of the Boise Meridian, in Idaho, containing Eighty acres of land more or less, also the following amounts of Birch Creek water; Eighty inches of flood waters of said creek, which has been appropriated and used upon said land from the first day of May 1896; and 4, 1/2 inches of the water from what is known as the North Carson Creek, the right to the use of which was acquired by the party of the first part by taking said water from North Carson creek and running it into what is known as the South Carson creek at the season of the year when the water in North Carson creek fails to reach birch creek, the amount of water transferred from North Carson creek being five miners inches, and when taken out from Birch creek on to the above land it is (4, 1/2) inches, the appropriation and use of said water commenced on the 15th of June, 1904.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part:

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with the appurtenances unto the party of the second part, and to his heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever lawfully claiming or to claim the same shall and will WARRANT and by these presents forever defend.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered

in the presence of

Henry W. Tucker

Katherine Dayley

Heber C. Dayley

Adriann A. Dayley (X) (her mark)

State of Idaho,)

County of Cassia) ss.

On this 8 day of March, in the year 1909, before me, Henry W. Tucker, a Justice of the Peace in and for Oakley Precinct, Cassia County, personally appeared Heber C. Dayley, and Adriann Ann Dayley, husband and wife, personally known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(.....)

Henry W. Tucker, Justice of the Peace,
Oakley Precinct, Cassia County.

Filed for record at the request of J. B. Randall at 9:18 A.M. May 31st, 1909.

Jos. Y. Haight, County Recorder.

45-84

#7496.

THIS INDENTURE, Made the seventeenth day of May, in the year of our Lord one thousand nine hundred and nine, between James Worthington and _____ Worthington, his wife, of Oakley, County of Cassia, State of Idaho, the parties of the first part, and William A. Martindale of Oakley, County of Cassia, State of Idaho, the party of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of One Dollar, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents remise, release and forever QUITCLAIM, unto the said party of the second part, and to his heirs and assigns, all that certain water right, situate, lying and being in County of Cassia, State of Idaho, bounded and particularly described as follows, to wit:

The right to the use of the waters of Birch Creek as follows: One (1) inch of March 1

unto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular the said water, together with the appurtenances, unto the said party of the second part and to his heirs and assigns forever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of

Henry W. Tucker
H. C. Dayley

James Worthington (Seal)
Dora Worthington (Seal)

State of Idaho,)
County of Cassia)ss.

On this 17 day of May, 1909, before me, Henry W. Tucker, a Justice of Peace in and for said County, personally appeared Jas. Worthington and Dora Worthington, his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(.....)

Henry W. Tucker, Justice of Peace.

Filed for record at the request of J. B. Randall at 9:20 A.M. May 31st, 1909.

Jos. Y. Haight, County Recorder.

45-83

6 #7497.

THIS INDENTURE, Made the 24th day of April, in the year of our Lord one thousand nine hundred and nine, between L. A. Nelson and Annie Nelson, his wife, of Oakley, County of Cassia, State of Idaho, the parties of the first part, and William Martindale of Oakley, County of Cassia State of Idaho, the party of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of (\$1.00) One Dollar, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents remise, release and forever QUITCLAIM, unto the said party of the second part, and to his heirs and assigns, all that certain water right, situate, lying and being in Cassia County of the State of Idaho, bounded and particularly described as follows, to wit:

The right to the use of the water of Birch Creek as Follows: One (1) inch of March 1 1881 water; said water is a portion of the water decreed to L. A. Nelson by the Fourth Judicial District Court in and for Cassia County, Idaho, on the 10th day of October, A.D. 1903.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular, the said water, together with the appurtenances unto the said party of the second part, and to his heirs and assigns forever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of

Henry W. Tucker
O. H. Tuttle

L. A. Nelson (Seal)
Annie Nelson (Seal)

State of Idaho,)
County of Cassia)ss.

On this 24 day of April, in the year 1909, before me, Henry W. Tucker, a Justice of Peace in and for said County, personally appeared, L.A. Nelson and Annie Nelson, his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(.....)

Henry W. Tucker, Justice of Peace.
Oakley Precinct.

Filed for record at the request of J. B. Randall at 9:22 A.M. May 31st, 1909.

Jos. Y. Haight, County Recorder

01/30/2004

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

RIGHT NUMBER: 45-12456

NAME AND ADDRESS: MATTHEWS BROTHERS INC
C/O ROBERT MANNING
2233 BIRCH CREEK RD
OAKLEY ID 83346

SOURCE: BIRCH CREEK

TRIBUTARY: GOOSE CREEK

QUANTITY: 3.062 CFS

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

PRIORITY DATE: 04/01/1881

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 | 03/15 11/15 | 3.062 CFS |

PLACE OF USE: IRRIGATION Within CASSIA County

| | | | | | |
|---------------------|------|------|---------------|------|------|
| T13S R22E S26 | SWNW | 40.0 | T13S R22E S26 | SESW | 40.0 |
| T13S R22E S26 | NESW | 39.0 | T13S R22E S26 | NWSW | 39.0 |
| T13S R22E S26 | SWSW | 39.0 | T13S R22E S26 | SESW | 39.0 |
| T13S R22E S27 | NESE | 40.0 | T13S R22E S27 | SESE | 40.0 |
| T13S R22E S35 | NWNE | 35.0 | T13S R22E S35 | SWNE | 39.0 |
| T13S R22E S35 | NENW | 39.0 | T13S R22E S35 | NWNW | 39.0 |
| T14S R22E S02 | NESW | 40.0 | T14S R22E S02 | NWSW | 28.0 |
| T14S R22E S02 | SWSW | 27.0 | T14S R22E S02 | SESW | 40.0 |
| T14S R22E S03 Lot 1 | NENE | 32.0 | T14S R22E S03 | SENE | 30.0 |
| 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 |

897 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 897 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-12456, 45-13489, & 45-13496.

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

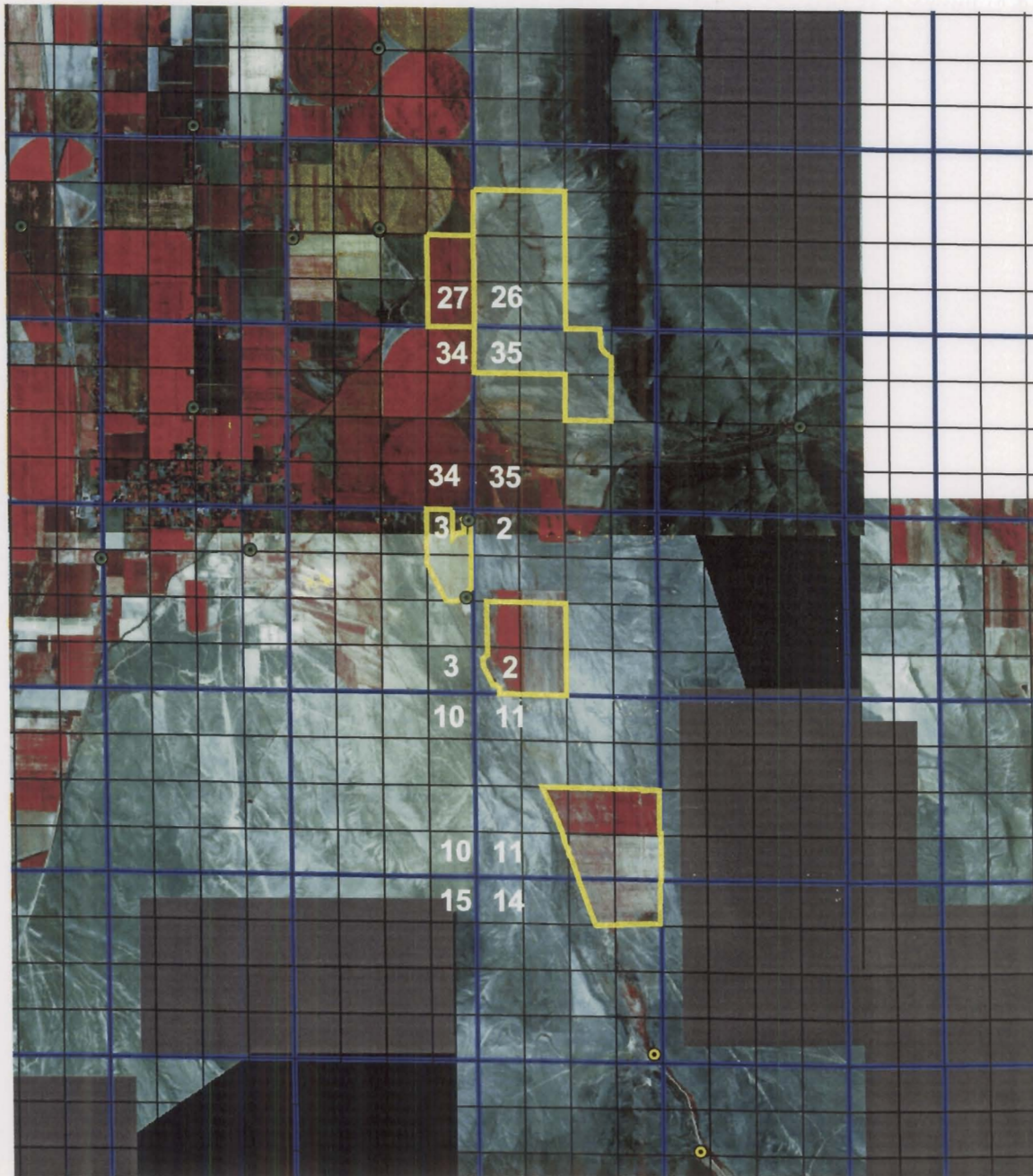
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Decreed

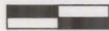
THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 45-78D FOR 0.082 CFS, 45-78F FOR 0.063 CFS, 45-81D FOR 0.033 CFS, 45-81F FOR 0.164 CFS, 45-81G FOR 0.04 CFS, 45-83 FOR 0.96 CFS, 45-84 FOR 0.96 CFS, & 45-87B 0.76 CFS.

Idaho Department of Water Resources

45-12456, 45-13489, & 45-13496



0 1320640 Feet



RECOMMENDED PLACE OF USE
DATA ENTRY ON OCT. 22, 2002
TWP 13S, RNG 22E, SEC. 26, 27, & 35
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

Adjudication Recommendation Report 45-12456 V1

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|---|
| Current Owner | MATTHEWS BROTHERS INC
C/O ROBERT MANNING
2233 BIRCH CREEK RD

OAKLEY, ID 83346
(208)862-3884 |

Priority Date: 04/01/1881
Basis: Deceased
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 | 3.062 CFS | |
| | <u>Total Diversion:</u> | 3.062 CFS | |

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

IRRIGATION

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 45-12456 V1

Total Acres: 897

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.

Remarks:

1. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 897 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-12456, 45-13489, & 45-13496.
2. Quantity THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.
3. Explanatory THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 45-78D FOR 0.082 CFS, 45-78F FOR 0.063 CFS, 45-81D FOR 0.033 CFS, 45-81F FOR 0.164 CFS, 45-81G FOR 0.04 CFS, 45-83 FOR 0.96 CFS, 45-84 FOR 0.96 CFS, & 45-87B 0.76 CFS.

Comments:

1. JROBERTS 10/17/2002 Basis of Recommendation

Comment: The claimed diversion rate of 3.3 cfs was reduced to 3.062 cfs. The original claim 45-78D was a combination of many old decreed rights with the same priority date of 4/1/1881 so was renumbered to 45-12456. The remarks stated that there was an additional 0.278 cfs which could not be determined from a particular decree. I found 45-81G to Ennis Matthews for 0.04 cfs had not been claimed so have included it in this recommendation. There is some possible 1881 water available water from 45-78E, 45-81E, and 45-87C but proof will be needed to recommend any of that. The PoU was reduced per GIS.

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

Combined Use Limits:

Water Right Report 45-78D

WATER RIGHT NUMBER: 45-78D

ZZ

ZZ

Status: Active

Tributary
GOOSE CREEK

Total Diversion: 0.082 CFS

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

| | | | | | |
|------------------|------|------|---------------|------|------|
| T14S R22E S11 | NESE | 7.0 | T14S R22E S11 | NWSE | 20.0 |
| T14S R22E S11 | SWSE | 30.0 | T14S R22E S11 | SESE | 40.0 |
| T14S R22E S14 | NENE | 40.0 | T14S R22E S14 | NWSE | 20.0 |
| Total Acres: 157 | | | | | |

1. 016 See remarks for additional conditions of approval.
2. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

1. General TRANS. 2268.
P/U IS LIMITED TO 157 AC. AS SHOWN IN MEMORANDUM DECISION.
ACTUAL DIV. RATE = 0.0823 CFS.

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-78F

WATER RIGHT NUMBER: 45-78F

| | |
|-------------------|---|
| <u>Owner Type</u> | <u>Name and Address</u> |
| Original Owner | JACOB DAYLEY |
| | , ZZ |
| Current Owner | MATTHEWS BROTHERS INC
2233 BIRCH CREEK RD
OAKLEY, ID 83346
(208)862-3884 |

Priority Date: 04/01/1881

Basis: Decreed

Status: Active

Source

BIRCH CREEK

Tributary

GOOSE CREEK

Beneficial Use

IRRIGATION

From To

/ to /

Diversion Rate

0.063 CFS

Annual VolumeTotal Diversion

0.063 CFS

Location of Point(s) of Diversion

BIRCH CREEK

SW1/4NW1/4

Sec. 11, Twp 14S, Rge 22E, B.M.

CASSIA County

BIRCH CREEK

SW1/4NW1/4

Sec. 24, Twp 14S, Rge 22E, B.M.

CASSIA County

Place of UseIRRIGATION Within CASSIA County

| | | | | | |
|------------------|------|------|---------------|------|------|
| T14S R22E S02 | NESW | 28.0 | T14S R22E S02 | SESW | 28.0 |
| T14S R22E S11 | NESW | 20.0 | T14S R22E S11 | NESE | 28.0 |
| T14S R22E S14 | NWNE | 25.0 | T14S R22E S14 | SWNE | 30.0 |
| T14S R22E S14 | NESE | 15.0 | T14S R22E S14 | SESE | 10.0 |
| Total Acres: 184 | | | | | |

Conditions of Approval:

1. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
2. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

Remarks:

1. General TRANS. 2298.
ACTUAL DIV. RATE = 0.0625 CFS.
AC. IRRIG. = 184.33. SEE TRANSFER.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-81D

WATER RIGHT NUMBER: 45-81D

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|---|
| Current Owner | MATTHEWS BROTHERS INC
2233 BIRCH CREEK RD
OAKLEY, ID 83346
(208)862-3884 |
| Original Owner | E R DAYLEY

, ZZ |

Priority Date: 04/01/1881

Basis: Decreed

Status: Active

Source

BIRCH CREEK

Tributary

GOOSE CREEK

Beneficial Use

IRRIGATION

From To

/ to /

Diversion Rate

0.033 CFS

Annual VolumeTotal Diversion

0.033 CFS

Location of Point(s) of Diversion

BIRCH CREEK

SE1/4SE1/4

Sec. 14, Twp 14S, Rge 22E, B.M.

CASSIA County

BIRCH CREEK

SE1/4NW1/4

Sec. 24, Twp 14S, Rge 22E, B.M.

CASSIA County

Place of UseIRRIGATION Within CASSIA County

| | | | | | |
|------------------|------|------|---------------|------|------|
| T14S R22E S11 | NESE | 7.0 | T14S R22E S11 | NWSE | 20.0 |
| T14S R22E S11 | SWSE | 30.0 | T14S R22E S11 | SESE | 40.0 |
| T14S R22E S14 | NENE | 40.0 | T14S R22E S14 | NWSE | 20.0 |
| Total Acres: 157 | | | | | |

Conditions of Approval:

1. 016 See remarks for additional conditions of approval.
2. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

Remarks:

1. General TRANS. 2268.
P/U IS LIMITED TO 157 AC. AS SHOWN ON MEMORANDUM DECISION.

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-81F

WATER RIGHT NUMBER: 45-81F

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|---|
| Original Owner | E R DAYLEY |
| | , ZZ |
| Current Owner | MATTHEWS BROTHERS INC
2233 BIRCH CREEK RD
OAKLEY, ID 83346
(208)862-3884 |

Priority Date: 04/01/1881

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|------------------|-------------|-------------------------|-----------------------|----------------------|
| BIRCH CREEK | GOOSE CREEK | | | | |
| <u>Beneficial Use</u> | | | | | |
| IRRIGATION | | / to / | | 0.164 CFS | |
| | | | <u>Total Diversion:</u> | 0.164 CFS | |

Location of Point(s) of Diversion

| | | |
|---------------|------------|---------------------------------|
| BIRCH CREEK | SW1/4NW1/4 | Sec. 24, Twp 14S, Rge 22E, B.M. |
| CASSIA County | | |
| BIRCH CREEK | SW1/4NW1/4 | Sec. 11, Twp 14S, Rge 22E, B.M. |
| CASSIA County | | |

Place of UseIRRIGATION Within CASSIA County

| | | | | | |
|------------------|------|------|---------------|------|------|
| T14S R22E S02 | NESW | 28.0 | T14S R22E S02 | SESW | 28.0 |
| T14S R22E S11 | NESW | 20.0 | T14S R22E S11 | NESE | 28.0 |
| T14S R22E S14 | NWNE | 25.0 | T14S R22E S14 | SWNE | 30.0 |
| T14S R22E S14 | NESE | 15.0 | T14S R22E S14 | SESE | 10.0 |
| Total Acres: 184 | | | | | |

Conditions of Approval:

1. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
2. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

Remarks:

1. General TRANS. 2298.
AC. IRRIG. = 184.33. SEE TRANSFER.
ACTUAL DIV. RATE = 0.1638 CFS.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-81G

WATER RIGHT NUMBER: 45-81G

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|---|
| Original Owner | E R DAYLEY |
| | , ZZ |
| Current Owner | ENNIS B MATTHEWS
RT 1 BOX D
OAKLEY, ID 83346
(208)862-3239 |

Priority Date: 04/01/1881

Basis: Decreed

Status: Active

Source
BIRCH CREEK

Tributary
GOOSE CREEK

| <u>Beneficial Use</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| DOMESTIC | / to / | | |
| IRRIGATION | / to / | 0.040 CFS | |
| | <u>Total Diversion:</u> | 0.048 CFS | |

Location of Point(s) of Diversion

BIRCH CREEK
CASSIA County

SW1/4SW1/4

Sec. 33, Twp 13S, Rge 22E, B.M.

Place of UseIRRIGATION Within CASSIA County

T13S R22E S29 NESE 9.0

Total Acres: 9

DOMESTIC same as IRRIGATIONConditions of Approval:Remarks:

- General TRANS. 538.
RT. SHOWN INCORRECTLY IN TRANS. AS BEING DECREEED TO JACOB DAYLEY. P/U IS S1/2NE1/4SE1/4 S29.

Comments:

- SKAGGS 6/11/1993 TRANSFER #3626

Comment: Transfer #3626 was filed to change the point of diversion and the place of use, resulting in 45-00081B being split into parts G and H. The transfer was originally denied per the Order dated 11-06-90. An Amended Final Memorandum Decision and Order is currently pending that will approve this transfer.

Dates and Other Information:

Water Right Report 45-83

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|---|
| Original Owner | L A NELSON

, ID |
| Current Owner | MATTHEWS BROTHERS INC
2233 BIRCH CREEK RD
OAKLEY, ID 83346
(208)862-3884 |

Status: Active

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

(.94
(inch for ~~forward~~ back)

| <u>Beneficial Use</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-----------------------|-----------------------|----------------------|
| IRRIGATION | / to / | 0.960 CFS | |
| | Total Diversion: | 0.960 CFS | |

| | | |
|------------------------------|------------|---------------------------------|
| BIRCH CREEK
CASSIA County | SW1/4NW1/4 | Sec. 11, Twp 14S, Rge 22E, B.M. |
| BIRCH CREEK
CASSIA County | SW1/4NW1/4 | Sec. 24, Twp 14S, Rge 22E, B.M. |

IRRIGATION Within CASSIA County

| | | | | | |
|------------------|------|------|---------------|------|------|
| T14S R22E S02 | NESW | 28.0 | T14S R22E S02 | SESW | 28.0 |
| T14S R22E S11 | NESW | 20.0 | T14S R22E S11 | NESE | 28.0 |
| T14S R22E S14 | NWNE | 25.0 | T14S R22E S14 | SWNE | 30.0 |
| T14S R22E S14 | NESE | 15.0 | T14S R22E S14 | SESE | 10.0 |
| Total Acres: 184 | | | | | |

1. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
2. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

1. General TRANS. 2298.
AC. IRRIG. = 184.33 AC.

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-84

WATER RIGHT NUMBER: 45-84

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|---|
| Current Owner | MATTHEWS BROTHERS INC
2233 BIRCH CREEK RD
OAKLEY, ID 83346
(208)862-3884 |
| Original Owner | JAMES WORTHINGTON

, ID |

Priority Date: 04/01/1881

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 | / to / | 0.960 CFS | |
| | <u>Total Diversion:</u> | 0.960 CFS | |

Location of Point(s) of Diversion

| | | |
|---------------|------------|---------------------------------|
| BIRCH CREEK | SW1/4NW1/4 | Sec. 11, Twp 14S, Rge 22E, B.M. |
| CASSIA County | | |
| BIRCH CREEK | SW1/4NW1/4 | Sec. 24, Twp 14S, Rge 22E, B.M. |
| CASSIA County | | |

Place of UseIRRIGATION Within CASSIA County

| | | | | | |
|------------------|------|------|---------------|------|------|
| T14S R22E S02 | NESW | 28.0 | T14S R22E S02 | SESW | 28.0 |
| T14S R22E S11 | NESW | 20.0 | T14S R22E S11 | NESE | 28.0 |
| T14S R22E S14 | NWNE | 25.0 | T14S R22E S14 | SWNE | 30.0 |
| T14S R22E S14 | NESE | 15.0 | T14S R22E S14 | SESE | 10.0 |
| Total Acres: 184 | | | | | |

Conditions of Approval:

1. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
2. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

Remarks:

1. General TRANS. 2298.
AC. IRRIG. = 184.33 AC.

Comments:

.94
(inch for Fournesbeck)

WATER RIGHT NUMBER: 45-87B

Sec. 11, Twp 14S, Rge 22E, B.M.

1. General T1019; P/D SHOWN IN T13S BY T1019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-78E

WATER RIGHT NUMBER: 45-78E

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|----------------------------------|
| Current Owner | JACOB DAYLEY
OAKLEY, ID 83342 |

Priority Date: 04/01/1881

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 | / to / | 0.455 CFS | |
| | <u>Total Diversion:</u> | 0.455 CFS | |

Location of Point(s) of Diversion

BIRCH CREEK

Place of UseIRRIGATION Within CASSIA County

| | | | |
|---------------|------|---------------|------|
| T13S R22E S33 | NENW | T13S R22E S33 | SENW |
| T13S R22E S33 | NESW | T13S R22E S33 | SESW |

Conditions of Approval:Remarks:

- General TRANS. 824, 2268, 2298.
ACTUAL DIV. RATE = 0.4552 CFS.
P/D UNKNOWN; SHOWN DIFFERENTLY IN TRANS. 2268 & 2298.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-81E

WATER RIGHT NUMBER: 45-81E

Owner Type Name and Address

Current Owner E R DAYLEY

, ZZ

Priority Date: 04/01/1881

Basis: Decreed

Status: Active

Source

BIRCH CREEK

Tributary

GOOSE CREEK

Beneficial Use

IRRIGATION

From To

/ to /

Diversion Rate

0.334 CFS

Annual VolumeTotal Diversion: 0.334 CFSLocation of Point(s) of Diversion

BIRCH CREEK

Place of UseIRRIGATION Within CASSIA County

T13S R22E S33 SWNW

T13S R22E S33 NWSW

Conditions of Approval:Remarks:

1. General TRANS. 538, 2268, 2298.
P/D UNKNOWN; DESCRIBED DIFFERENTLY IN TRANS. 2268 & 2298.
ACTUAL DIV. RATE = 0.3344 CFS.

Comments:Dates and Other Information:

WATER RIGHT NUMBER: 45-87C

Priority Date: 04/01/1881
Basis: Deceased
Status: Active

.1 cts available
(0.05 cts claimed
by Adams as E)

2



1

Remarks:

- Comments:

Dates and Other Information: