

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 45-622B
Date Received: 5/26/1989
Receipt No: X999999
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: 04/01/1960

3. Source: MILL CREEK

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
13S	22E	36	NE SE	CASSIA	

5. Description of diverting works:

HEADGATES AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	02/25	11/15	5.15	

7. Total Quantity Appropriated is:
5.15 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	11	SE SE	IRRIGATION	(30)
Section Acres					30

13S	22E	14	NW	NE	IRRIGATION	32
					Section Acres	32
13S	22E	26	SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	39
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			NW	SE	IRRIGATION	15
			SW	SE	IRRIGATION	20
					Section Acres	274
13S	22E	27	NE	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	80
13S	22E	34	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	15
			SW	NW	IRRIGATION	10
			SE	NW	IRRIGATION	35
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	380
					Total Acres	796

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:

Claim amended per SF4. (Extended Season & changed place of use)

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: A45-00622B
Date Received: 5/26/1989
Receipt No: X999999
Received By: _____

COPY

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MATTHEWS BROTHERS, INC. 208-862-3239
Address: RT. 1 BOX D
OAKLEY, ID 83346

2. Date of Priority: APR 01, 1960

3. Source: MILL CREEK Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
13S	22E	36	NE SE		CASSIA

5. Description of diverting works:
HEADGATES AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	5.150		

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

8. Total consumptive use is 1821.0 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	11	SE NE		IRR	40.0
			NE SE		IRR	40.0
			SE SE		IRR	30.0

Section Acres 110.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	22E	12	SW	NW		IRR	40.0
			NW	SW		IRR	25.0
					Section Acres		65.0
		14	NW	NE		IRR	32.0
					Section Acres		32.0
		15	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
					Section Acres		400.0
					Total Acres		607.0

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 A45-00041

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 3/27/1987

A. KENNETH DUNN
Decree Plaintiff

vs

KYLE ADAMS
Decree Defendant

09/14/2006

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

RIGHT NUMBER: 45-622B

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

SOURCE: MILL CREEK

TRIBUTARY: SINKS

QUANTITY: 5.150 CFS

PRIORITY DATE: 04/01/1960

POINT OF DIVERSION:

T13S R22E S36 NESE 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	5.150 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R22E S11	SESE	30.00	T13S R22E S14	NWNE	32.00
T13S R22E S26	SWNW	40.00	T13S R22E S26	SENE	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 S26	NWSE	15.00	T13S R22E S26	SWSE	20.00
T13S R22E S27	NESE	40.00	T13S R22E S27	SESE	40.00
T13S R22E S34	NENE	40.00	T13S R22E S34	NWNE	40.00
T13S R22E S34	SWNE	40.00	T13S R22E S34	SENE	40.00
T13S R22E S34	NENW	19.00	T13S R22E S34	SWNW	3.00
T13S R22E S34	SENE	35.00	T13S R22E S34	NESE	40.00
T13S R22E S34	NWSE	40.00	T13S R22E S34	SWSE	40.00
T13S R22E S34	SESE	40.00			

793 ACRES TOTAL

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

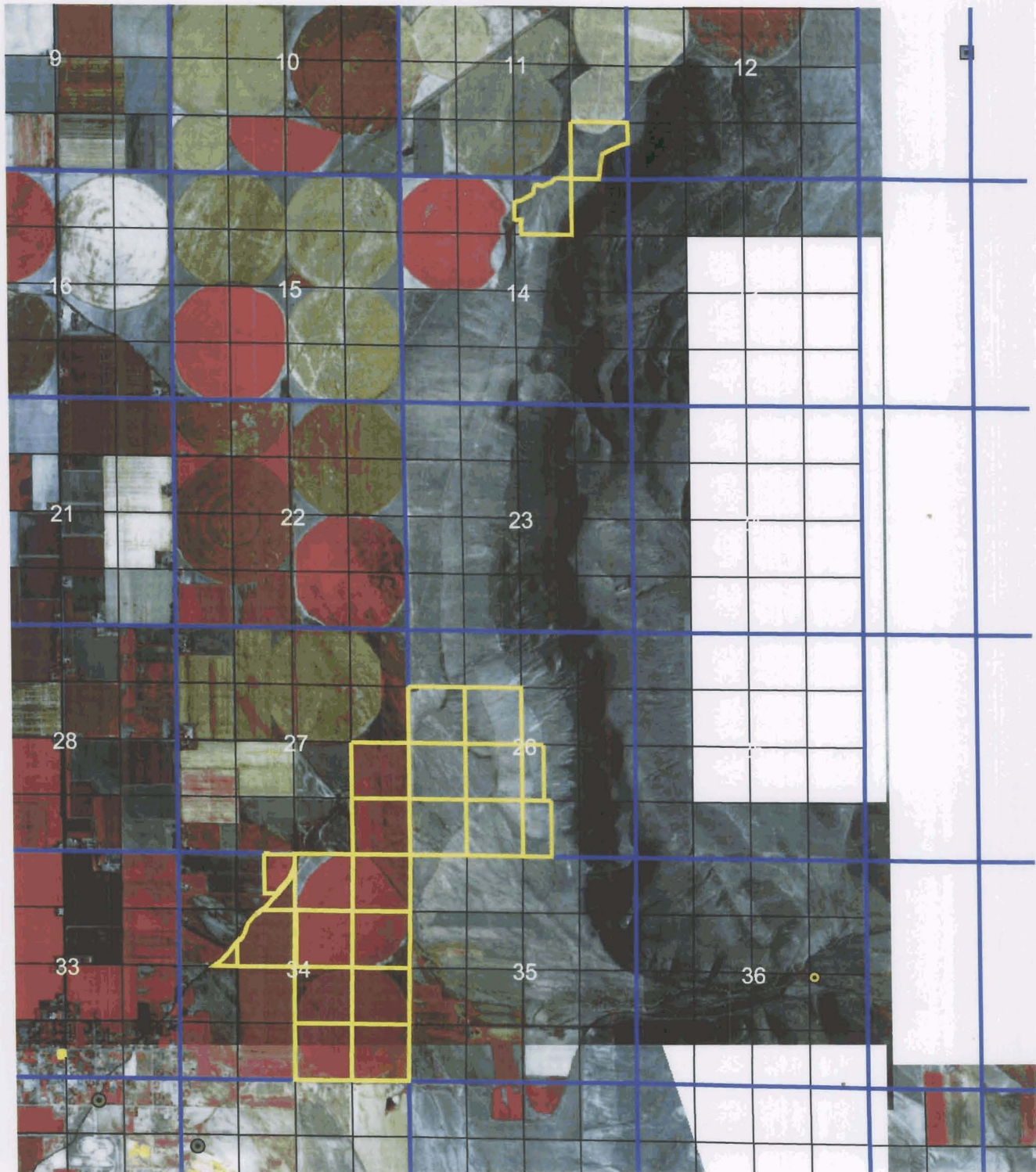
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

45-622B



RECOMMENDED PLACE OF USE

DATA ENTRY ON Sept.13, 2006

TWP 13S, RNG 22E, SEC. 11, 14, 26, 27 & 34



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

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

Obj. to
SOU
POU

RECEIVED
MAR 13 2006
DEPARTMENT OF
WATER RESOURCES

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

In Re: SRBA
Case No. 39576

A. Subcase 45-622B
STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

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

Name and Address of Attorney, if any:

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

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

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

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

(Please check the appropriate box(es))

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

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

F. VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Cassia)

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

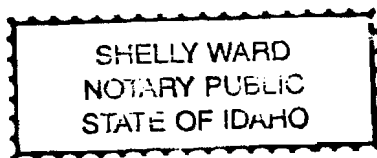
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(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: [Signature]

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: 45-622B

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

SOURCE: MILL CREEK

TRIBUTARY: SINKS

QUANTITY: 5.150 CFS

PRIORITY DATE: 04/01/1960

POINT OF DIVERSION:

T13S R22E S36 NESE 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	5.150 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R22E S11	SESE	30.00	T13S R22E S14	NWNE	32.00
T13S R22E S26	SWNW	40.00	T13S R22E S26	SENW	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 S26	NWSE	15.00	T13S R22E S26	SWSE	20.00
T13S R22E S27	NESE	40.00	T13S R22E S27	SESE	40.00
T13S R22E S34	NENE	40.00	T13S R22E S34	NWNE	40.00
T13S R22E S34	SWNE	40.00	T13S R22E S34	SENE	40.00
T13S R22E S34	NENW	19.00	T13S R22E S34	SWNW	3.00
T13S R22E S34	SENW	35.00	T13S R22E S34	NESE	40.00
T13S R22E S34	NWSE	40.00	T13S R22E S34	SWSE	40.00
T13S R22E S34	SESE	40.00			

793 ACRES TOTAL

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

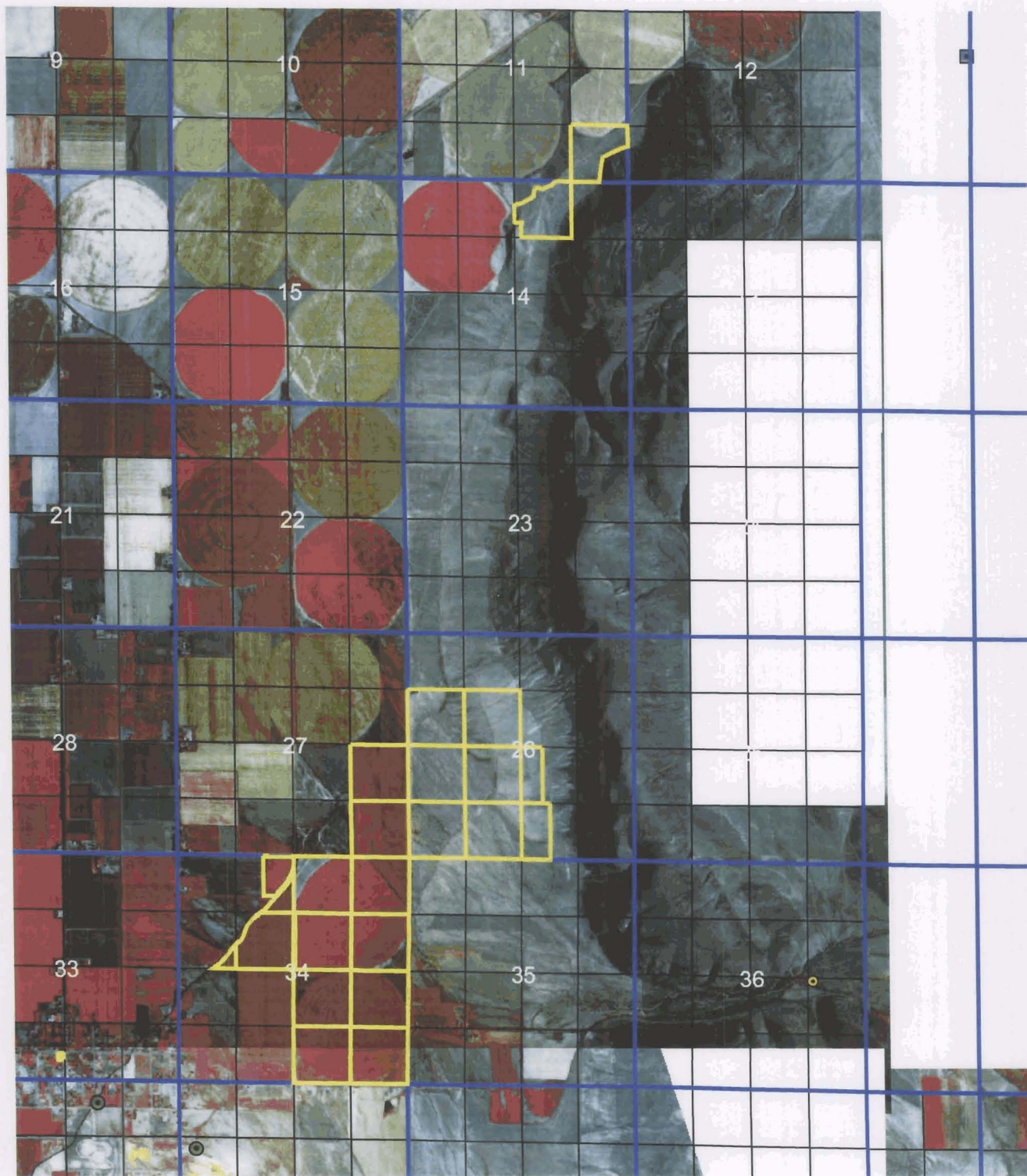
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

45-622B



RECOMMENDED PLACE OF USE
DATA ENTRY ON Sept. 13, 2006
TWP 13S, RNG 22E, SEC. 11, 14, 26, 27 & 34



- 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 45-622B V2

WATER RIGHT NUMBER: 45-622B V2

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

Priority Date: 04/01/1960

Basis: Decreed

Status: Active

Source Tributary
 MILL CREEK SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	5.150 CFS	
	<u>Total Diversion:</u>	5.150 CFS	

Location of Point(s) of Diversion

MILL CREEK NE1/4SE1/4 Sec. 36, Twp 13S, 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	11																30.0	30.0
13S	22E	14		32.0															32.0
13S	22E	26						40.0	40.0	39.0	40.0	40.0	40.0		15.0	20.0			274.0
13S	22E	27													40.0			40.0	80.0
13S	22E	34	40.0	40.0	40.0	40.0	19.0		3.0	35.0					40.0	40.0	40.0	40.0	377.0

Total Acres: 793

Conditions of Approval:

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-622B V2

2. C22 Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Remarks:

Comments:

1. jroberts 1/23/2006 Version 2 Rec.

Comment: Claim amended per SF4. Extended SoU from 2/25 but only Birch Creek got extended season, this is Mill Creek, recommended standard season. Recommended as originally claimed and decreed in Basin Adjudication of 1987 even though all but 32 acres are now owned by other claimants. Transfer and appropriate deeds will be necessary to correct the pou and move the right to acres owned and irrigated by this claimant.

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

Comment: In an effort to settle the Objections, it has been determined that we can recognize an accomplished transfer occurred sometime between March 1987 (Basin Decree) and November 1987 (Commencement of SRBA) on these lands, even though fees should have been collected at the time of claims-taking but were not. Quit claim deeds were received which showed the SENE, NESE and the SESE of Sec. 11; the SWNW and NWSW of Sec. 12; and the NE ¼, NW ¼, NWSE and SWSE of Sec. 15 were conveyed without Mill Creek water. PoU was recommended per amended claim, added Condition C05.

QUITCLAIM DEED

This indenture, made this 21 day of Feb, 2006, between Oakley Valley Farms, Inc., herein called the "Grantor", and Manning Ranches, Inc. of 2233 Birch Creek Road, Oakley, ID 83346, herein called the "Grantee".

WITNESSETH:

The said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), lawful money of the United States of America, and other valuable consideration to Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever quitclaim unto the Grantee and the heirs and assigns of the Grantee, all of the interest of the Grantor in that certain lot, piece or parcel of land situated, lying and being in the County of Cassia, State of Idaho, bounded and particularly described as follows, to-wit:

All water rights to and in Mill Creek appurtenant to, or having been appurtenant to, the following described real estate:

TOWNSHIP 13 SOUTH RANGE 22 E.B.M., CASSIA COUNTY,
IDAHO

Section 11: SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$

TOWNSHIP 13 SOUTH RANGE 22 E.B.M., CASSIA COUNTY,
IDAHO

Section 12: SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$

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

hold all and singular the said premises, together with the appurtenances, unto the
Grantee, and to the heirs and assigns of Grantee forever.

IN WITNESS WHEREOF, the Grantor has executed this Quitclaim Deed.

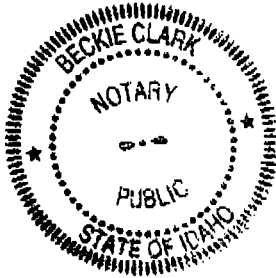
OAKLEY VALLEY FARMS, INC.

By: [Signature]
Randall L. Robinson, President (Vice)

State of Idaho)
) ss
County of Cassia)

On this 21 day of Feb, in the year 2006, before me, the undersigned,
a Notary Public in and for said State, personally appeared Randall L. Robinson known
or identified to me to be the President of the corporation that executed the instrument or
the person who executed the instrument on behalf of said corporation, and
acknowledged to me that such corporation executed the same.

[Signature]
Notary Public for Idaho
Residing at Danbury, ID
My commission expires 7-8-2011



PARSONS, SMITH & STONE, LLP
LAWYERS
BURLEY, IDAHO

1
2 QUITCLAIM DEED

3
4 This indenture, made this 21 day of July, 2006, between Keith and
5 Jan Farms Limited Partnership herein called the "Grantor", and Manning Ranches, Inc.
6 of 2233 Birch Creek Road, Oakley, ID 83346, herein called the "Grantee".

7 WITNESSETH:

8
9 The said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00),
10 lawful money of the United States of America, and other valuable consideration to
11 Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does
12 by these presents remise, release and forever quitclaim unto the Grantee and the heirs
13 and assigns of the Grantee, all of the interest of the Grantor in that certain lot, piece or
14 parcel of land situated, lying and being in the County of Cassia, State of Idaho,
15 bounded and particularly described as follows, to-wit:

16
17 All water rights to and in Mill Creek appurtenant to, or having been appurtenant
18 to, the following described real estate:

19 TOWNSHIP 13 SOUTH RANGE 22 E.B.M., CASSIA COUNTY,
20 IDAHO

21 Section 15: NE 1/4

22 TOGETHER with all and singular the tenements, hereditaments, and
23 appurtenances thereunto belonging or in anywise appertaining, the reversion and
24 reversions, remainder and remainders, rents, issues, and profits thereof. To have and to
25 hold all and singular the said premises, together with the appurtenances, unto the
26 Grantee, and to the heirs and assigns of Grantee forever.

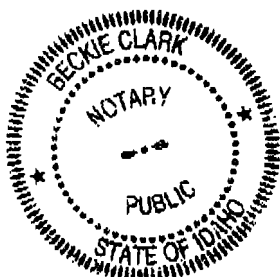
IN WITNESS WHEREOF, the Grantor has executed this Quitclaim Deed.

Keith and Jan Farms Limited Partnership

By: Keith P. Critchfield
Keith P. Critchfield, General Partner

State of Idaho)
County of Cassia) ss

On this 21 day of February, in the year 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared Keith P. Critchfield, known or identified to me to be a General Partner in the partnership known as Keith and Jan Farms Limited Partnership and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.



Beckie Clark
Notary Public for Idaho
Residing at Dahley In
My commission expires 7-8-2011

PARSONS, SMITH & STONE, LLP
LAWYERS
BURLEY, IDAHO



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

January 23, 2006

KARL J. DREHER
Director

ROBERT MANNING
2233 BIRCH CREEK RD
OAKLEY ID 83346

RE: 45-41, 45-622A, 45-622B - Amended Claims & New Recommendations

Dear Mr. Manning,

I have been working on new recommendations of your rights after receiving the amended claims. (The deadline for filing new recommendations at the SRBA court is February 24th.) 45-41, 45-622A and 45-622B are rights from Mill Creek and were decreed in the Basin Creek Decree in March of 1987. The Snake River Basin Adjudication began in November of 1987 and the filing fees were waived for all claims of Basin Decree rights as long as the new claims were filed just like the recent decree. As you can see, these rights were originally claimed-as-decreed by Matthews Brothers so no filing fees were collected.

The newly amended claims leave off some of the original decreed acres, which are now owned by other individuals. I need documentation that the lands left off of the amended filings were sold **without** Mill Creek rights. This can be in the form of the original warranty deeds or quit claim deeds from the new owners. The NENE and SENE in Section 27, Township 13S, Range 22E on rights 45-41 and 45-622A fall into this category as do the 240 acres in Section 22 from 45-622A and the acres in Sections 11, 12 and 15 on 45-622B.

45-622B also claims acres in new sections (26, 27, & 34) that were not part of the decreed place of use. When did these changes occur? If it was before November of 1987, the original claims should have been filed that way and filing fees collected. If the changes occurred after that time, a water transfer is needed.

86 additional acres that had never been previously claimed were claimed on the amendments for 45-85 and 45-90, which are Birch Creek rights. These are the 18 acres in Section 3 and the 68 acres in the NE ¼ and SE ¼ of Section 14. A one-time charge of \$1.00 per acre is assessed and I couldn't find where these acres had ever been paid for.

Please get the required documentation and fees to me as soon as possible so I can meet the court deadline. If you have any questions, feel free to give me a call.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

Cc: Randy Stone

02/13/2006

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

VERIFIED BY *[Signature]* 2/13/06

RIGHT NUMBER: 45-622B

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

SOURCE: MILL CREEK

TRIBUTARY: SINKS

QUANTITY: 5.150 CFS

PRIORITY DATE: 04/01/1960

POINT OF DIVERSION:

T13S R22E S36 NESE 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	5.150 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R22E S11	SENE	40.00	T13S R22E S11	NESE	40.00
T13S R22E S11	SESE	30.00	T13S R22E S12	SWNW	40.00
T13S R22E S12	NWSW	25.00	T13S R22E S14	NWNE	32.00
T13S R22E S15	NENE	40.00	T13S R22E S15	NWNE	40.00
T13S R22E S15	SWNE	40.00	T13S R22E S15	SENE	40.00
T13S R22E S15	NESW	40.00	T13S R22E S15	NWSW	40.00
T13S R22E S15	SWSW	40.00	T13S R22E S15	SESW	40.00
T13S R22E S15	NWSE	40.00	T13S R22E S15	SWSE	40.00

607 ACRES TOTAL

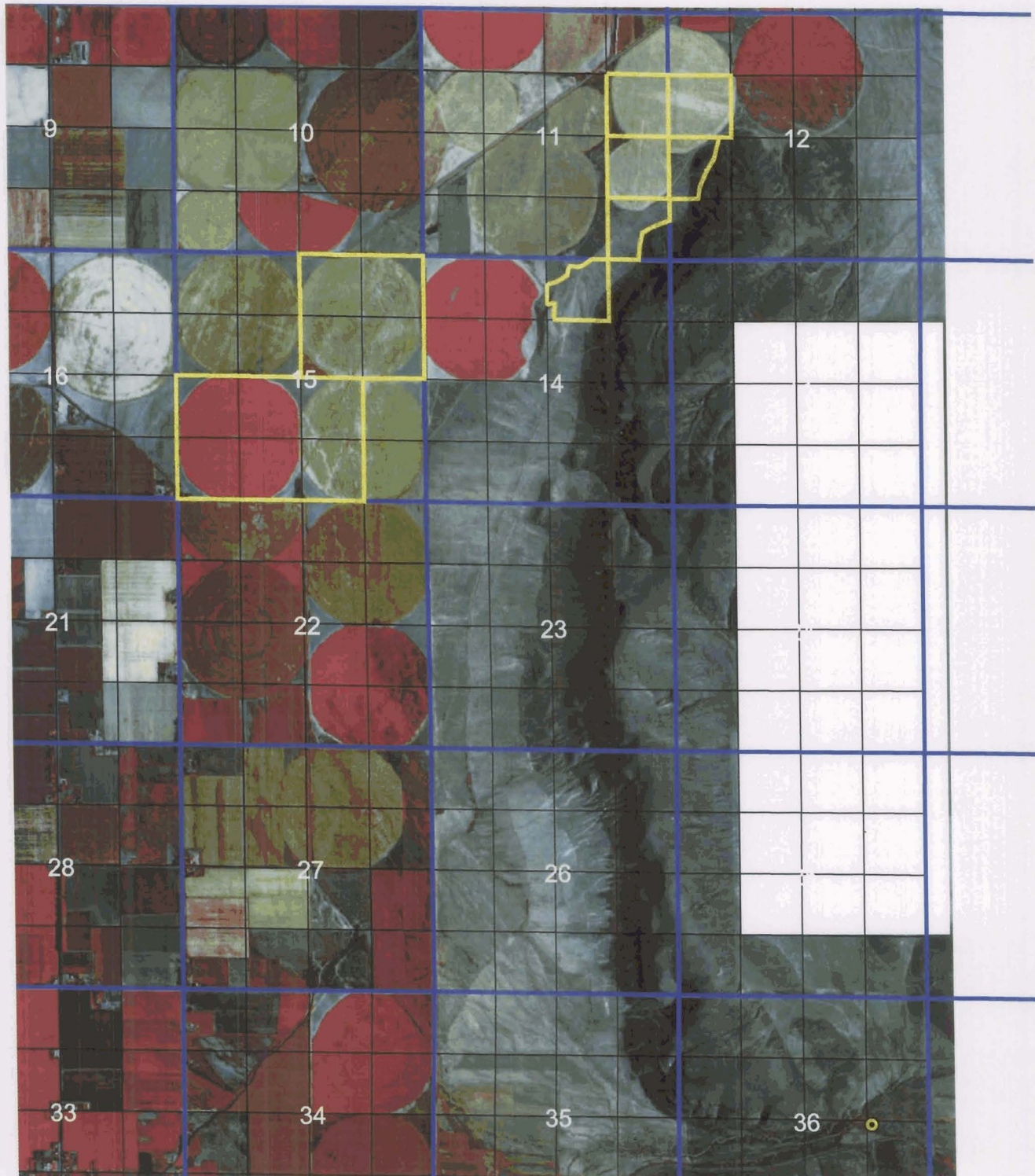
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

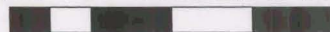
Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

45-622B



1360 0 1360 2720 4080 Feet



RECOMMENDED PLACE OF USE
DATA ENTRY ON FEB. 13, 2006
TWP 13S, RNG 22E, SEC. 11, 12, 14, & 15

- 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 45-622B V2

WATER RIGHT NUMBER: 45-622B 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: 04/01/1960

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MILL CREEK	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	5.150 CFS	
	<u>Total Diversion:</u>	5.150 CFS	

Location of Point(s) of Diversion

MILL CREEK	NE1/4SE1/4	Sec. 36, Twp 13S, 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	11				40.0									40.0			30.0	110.0
13S	22E	12						40.0				25.0							65.0
13S	22E	14			32.0														32.0
13S	22E	15	40.0	40.0	40.0	40.0					40.0	40.0	40.0	40.0		40.0	40.0		400.0

Total Acres: 607

Conditions of Approval:

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-622B V2

2. C22 Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.

Remarks:

Comments:

1. jroberts 1/23/2006 Version 2 Rec.

Comment: Claim amended per SF4. Extended SoU from 2/25 but only Birch Creek got extended season, this is Mill Creek, recommended standard season. Recommended as originally claimed and decreed in Basin Adjudication of 1987 even though all but 32 acres are now owned by other claimants. Transfer and appropriate deeds will be necessary to correct the pou and move the right to acres owned and irrigated by this claimant.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-622B

WATER RIGHT NUMBER: 45-622B

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

Priority Date: 04/01/1960

Basis: Decreed

Status: Active

Source Tributary
 MILL CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	5.150 CFS	
	<u>Total Diversion:</u>	5.150 CFS	

Location of Point(s) of Diversion

MILL CREEK NE1/4SE1/4 Sec. 36, Twp 13S, 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	11				40.0									40.0		1.5	30.0	110.0
13S	22E	12						40.0			25.0								65.0
13S	22E	14			32.0														32.0
13S	22E	15	40.0	40.0	40.0	40.0				40.0	40.0	40.0	40.0		40.0	40.0			400.0

Total Acres: 607

Conditions of Approval:Remarks:

only 24 Ac
owned by Manning

25.5

not owned

32

not owned

24 Ac
owned by Manning

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	)	A. Subcase <u>45-622B</u>
	)	
Case No. 39576	)	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)

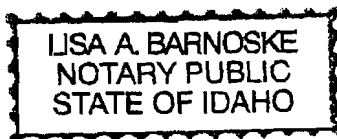
R.C. Stone, duly sworn, upon oath, deposes and says:
(Name of person filing form)

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)


(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) 04/01/1960
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)

Mill Creek tributary to _____

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>5.15 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. 5.15 cfs TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is _____ ¼ of _____ ¼ of _____ ¼, Govt. Lot _____
Sec. _____ Township _____ Range _____ B.M., _____ County; additional
points of diversion, if any: _____

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	11															1.5	30 ²⁴	30
13S	22E	14		32 [✓]															32
13S	22E	26							40	40	39	40	40	40		15	20		274
13S	22E	27													40			40	80
13S	22E	34	40	40	40	40	15		10	35					40	40	40	40	380

TOTAL ACRES 7

B) If water is used

13S 22E 26 SWNW 40 acres pd.

SE NW 40 acres pd.

SW 1/4 159 acres pd.

NWSE 15 owe 15th

SWSE 20 owe 20th

27 NESE 40 acres pd.

SESE 40 acres pd.

34 NE 1/4 160 acres pd.

NENW 15 acres pd.

SWNW 10 acres pd.

SE NW 35 acres pd.

SE 1/4 160 acres pd.

50th

+ 35th

85th

Received by _____

Prelim. check by _____ Date _____

Fee _____ Receipt # _____

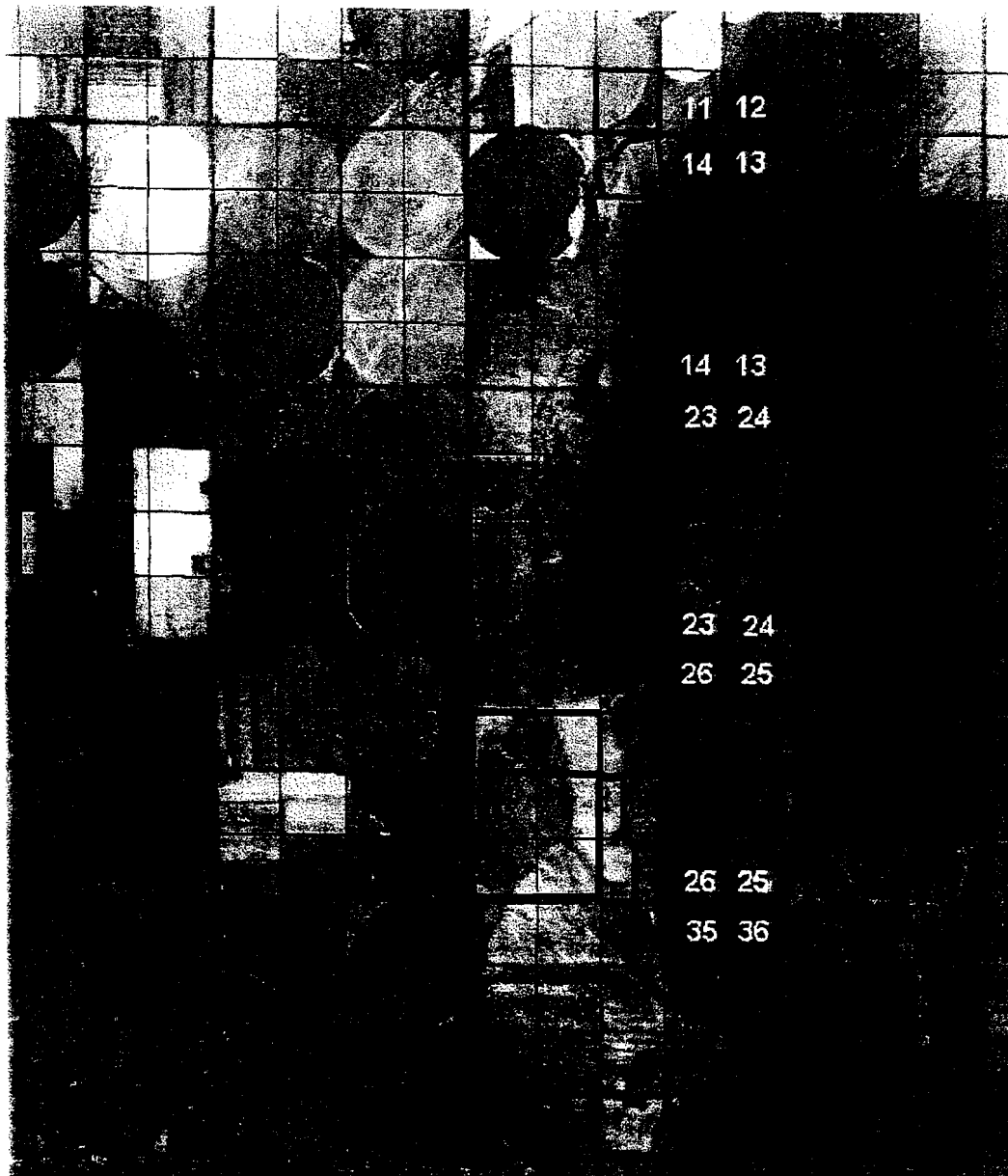
Receipt prepared by _____ Date _____

Publication dates _____

Publication checked by _____ Date _____

Exceptions filed by _____

45-622B



0 1320 2640 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON OCT. 22, 2002
TWP 13S, RNG 22E, SEC. 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 45-622B

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

*Only 32 acres in
NWNE of Sec. 14
owned by Manning
(prop. div. rate)*

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: 5.15 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 attached Exhibit A.
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 does not reflect actual appropriation and application to beneficial use.

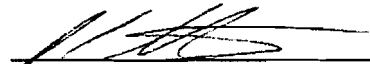
F. VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Cassia)

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

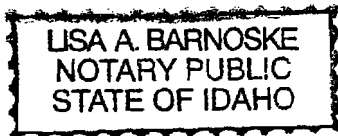
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)



(Attorney signing in representative capacity)

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





Notary Public for Idaho
Residing at: Burley
My commission Expires: 09/28/10

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 S11	SENE	40.0	T13S R22E S11	NESE	40.0
T13S R22E S11	SESE	30.0	T13S R22E S12	SWNW	40.0
T13S R22E S12	NWSW	25.0	T13S R22E S14	NWNE	32.0
T13S R22E S15	NENE	40.0	T13S R22E S15	NESW	40.0
T13S R22E S15	NWSE	40.0	T13S R22E S15	NWNE	40.0
T13S R22E S15	SWNE	40.0	T13S R22E S15	SENE	40.0
T13S R22E S15	NWSW	40.0	T13S R22E S15	SWSW	40.0
T13S R22E S15	SESW	40.0	T13S R22E S15	SWSE	40.0

607 Acres Total

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

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: 45-622B

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

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

*Name - Manning Ranches, Inc.
* Quantity - 5.15 cfs
place of use - As per claim*

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

Recommendation inconsistent with Pgt.

___ 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

** this was claimed on 607 Ac. but only the 32 Ac. in the NWNE of Sec. 14
are now owned by Manning Ranches - diversion rate proportionate share
 $5.15 \text{ cfs} \div 607 \text{ Ac.} \times 32 \text{ Ac.} = 0.271 \text{ cfs}$*

RECEIVED

MAY 28 2004

Department of Water Resources
Southern Region

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-622B V1

WATER RIGHT NUMBER: 45-622B 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: 04/01/1960

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MILL 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	0.271 CFS	
	<u>Total Diversion:</u>	0.271 CFS	

Location of Point(s) of Diversion

MILL CREEK	NW1/4NE1/4SE1/4	Sec. 36, Twp 13S, 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	14		32.0															32.0

Total Acres: 32

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.
2. C22 Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.

Page 2

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 45-622B V1

Remarks:

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

Osage 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 _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

210

	ARTICLES OF AMENDMENT (General Business)	FILED EFFECTIVE MAR -3 AM 8:43 SECRETARY OF STATE STATE OF IDAHO						
To the Secretary of State of the State of Idaho Pursuant to Title 30, Chapter 1, Idaho Code, the undersigned corporation amends its articles of incorporation as follows:								
1. The name of the corporation is: <u>Matthews Brothers, Inc.</u>								
2. The text of each amendment is as follows: Section I will be amended to read as follows: Section I. The name of the corporation is Manning Ranches, Inc.								
3. The date of adoption of the amendment(s) was: <u>February 27, 2004</u>								
4. Manner of adoption (check one): ☐ The amendment consists exclusively of matters which do not require shareholder action pursuant to section 30-1-1002, Idaho Code, and was, therefore, adopted by the board of directors. ☐ None of the corporation's shares have been issued and was, therefore, adopted by the ☐ incorporator ☐ board of directors. ☒ The number of shares outstanding and entitled to vote was <u>3175</u> The number of shares cast for and against each amendment was: <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Amended article</th> <th style="text-align: center;">Shares for</th> <th style="text-align: center;">Shares against</th> </tr> </thead> <tbody> <tr> <td></td> <td style="text-align: center;">3175</td> <td style="text-align: center;">0</td> </tr> </tbody> </table>			Amended article	Shares for	Shares against		3175	0
Amended article	Shares for	Shares against						
	3175	0						
Dated: <u>2/27/04</u> Signed: <u>Robert Manning</u> Typed Name: <u>Robert Manning</u> Capacity: <u>President</u>		Customer Acct #: (if using pre-paid account) Secretary of State use only 9 Corporations of amendment General Business fees Received 02/27/04						
IDAHO SECRETARY OF STATE 03/03/2004 05:00 CK: 18195 CT: 3700 NH: 730500 1 @ 30.00 = 30.00 AMEND PROF 1 2 C39377								

MetLife Agricultural Investments Loan Application

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

Address: 2233 Birch Creek Rd.
Oakley, ID 83346

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

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

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

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

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

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

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

Security Offered (the "Property"):

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

Legal Description: See Attached Legal and all Water Rights

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

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

Brent Searle Tenant

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

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

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

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

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

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

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

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

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

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

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

Additional Terms and Covenants:

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

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

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

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

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

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

Income Statement
Balance Sheet
Tax Returns

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

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

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

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

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

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

Default Rate of Interest:

The default rate shall be 13.00 percent.

Collateral Assignments:

Applicant shall grant Lender a security interest in all riparian rights associated with the Property.

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

Miscellaneous Terms and Conditions:

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

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

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

Witnesses

Deanne Manning

Dated: May 28 1998

Signature of Applicants

1) Robert Manning
2) Deanne Manning

Dated: May 28 1998

ROBERT H. MANNING
LEGAL DESCRIPTION

TRACT I

Township 13 South, Range 22 East of the Boise Meridian

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

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

Section 14: NW1/4NE1/4

Section 23: E1/2W1/2

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

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

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

Also the NE1/4SW1/4

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

Township 14 South, Range 22 East of the Boise Meridian

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

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

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

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

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

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

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

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

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

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

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

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

TRACT II

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

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

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

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

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

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

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

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

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

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

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



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

ALL THE ABOVE LOCATED IN CASSIA COUNTY, IDAHO.

10/23/02

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

RIGHT NUMBER: 45-622B

NAME AND ADDRESS: MATTHEWS BROTHERS INC
2233 BIRCH CREEK RD
OAKLEY ID 83346

SOURCE: MILL CREEK

TRIBUTARY:

QUANTITY: 0.271 CFS

PRIORITY DATE: 04/01/1960

POINT OF DIVERSION:

T13S R22E S36 NESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/15 11/15

QUANTITY
0.271 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R22E S14 NWNE 32.0

32 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: Decreed

45-622B



0 13202640 Feet



RECOMMENDED PLACE OF USE
DATA ENTRY ON OCT. 22, 2002
TWP 13S, RNG 22E, SEC. 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 45-622B V1

WATER RIGHT NUMBER: 45-622B V1

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

Priority Date: 04/01/1960

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MILL 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	0.271 CFS	
	<u>Total Diversion:</u>	0.271 CFS	

Location of Point(s) of Diversion

MILL CREEK	NE1/4SE1/4	Sec. 36, Twp 13S, 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	14				32.0													32.0

Total Acres: 32

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:Comments:

1. JROBERTS 10/23/2002 Basis of Recommendation
Comment: Recommendation per the Basin Creek Decree of 3/27/1987, but since only 32 acres are now owned by this claimant, diversion rate has been reduced proportionately (5.15 cfs divided by 607 ac X 32 ac = 0.271 cfs).

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-622B V1

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: 45A
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	10/23/2002 2:24:13 PM	JROBERTS			Active
POD	10/23/2002 2:24:36 PM	JROBERTS			Active
Source	10/23/2002 2:25:41 PM	JROBERTS			Active
POU	10/23/2002 2:26:04 PM	JROBERTS			Active
Use	10/23/2002 2:28:16 PM	JROBERTS			Active
Season	10/23/2002 2:29:27 PM	JROBERTS			Active
Quantity	10/23/2002 2:31:24 PM	JROBERTS			Active
Summary			10/23/2002	JROBERTS	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	10/23/2002 2:24:50 PM	JROBERTS	Edited point location
Source	10/23/2002 2:25:40 PM	JROBERTS	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	10/23/2002 2:27:39 PM	JROBERTS	Edited shape boundary
Priority Date	10/23/2002 2:24:12 PM	JROBERTS	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-622B V1

POD	10/23/2002 2:24:35 PM	JROBERTS	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POD	10/23/2002 2:25:20 PM	JROBERTS	Edited PLS
POU	10/23/2002 2:26:03 PM	JROBERTS	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POU	10/23/2002 2:27:48 PM	JROBERTS	Edited PLS
Use	10/23/2002 2:28:15 PM	JROBERTS	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	10/23/2002 2:29:26 PM	JROBERTS	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	10/23/2002 2:31:23 PM	JROBERTS	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (No) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Reduced diversion rate proportionately for acres now owned: (5.15 cfs divided by 607 acres X 32 acres = 0.271 cfs)

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-622B V1

Summary	10/23/2002 2:32:48 PM	JROBERTS	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (Yes) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?
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IDAHO DEPARTMENT OF WATER RESOURCES

~~Application Claim Report 45-622B~~WATER RIGHT NUMBER: ~~45-622B~~

Owner Type Name and Address
 Current Owner MATTHEWS BROTHERS INC
 RT 1 BOX D
 OAKLEY, ID 83346
 (208)862-3239

Priority Date: 04/01/1960

Basis: Decreed

Status: Active

Source Tributary
 MILL CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	5.150 CFS	
	<u>Total Diversion:</u>	5.150 CFS	

Location of Point(s) of Diversion

MILL CREEK NE1/4SE1/4 Sec. 36, Twp 13S, Rge 22E, B.M.
 CASSIA County

Place of Use
 IRRIGATION

Joe Matthews

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	11				40.0									40.0			30.0	110.0
13S	22E	12						40.0			25.0								65.0
13S	22E	14			32.0														32.0
13S	22E	15	40.0	40.0	40.0	40.0					40.0	40.0	40.0	40.0		40.0	40.0		400.0

only land owned by Matthews Bros

Total Acres: 607

Conditions of Approval:Remarks:

$$5.15 \div 607 \times 32 = 0.271 \text{ cfs}$$

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-622B

WATER RIGHT NUMBER: 45-622B

Owner Type Name and Address
 Current Owner MATTHEWS BROTHERS INC
 OAKLEY, ID 83346

Priority Date: 04/01/1960

Basis: Decreed

Status: Active

Source Tributary
 MILL CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	5.150 CFS	
	<u>Total Diversion:</u>	5.150 CFS	

Location of Point(s) of Diversion

MILL CREEK NE1/4SE1/4 Sec. 36, Twp 13S, 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	11				40.0													40.0		30.0	110.0
13S	22E	12							40.0				25.0									65.0
13S	22E	14			32.0																32.0	
13S	22E	15	40.0	40.0	40.0	40.0						40.0	40.0	40.0	40.0		40.0	40.0				400.0

Total Acres: 607

Conditions of Approval:Remarks:Comments:

Log for claim A45-00622B

Spatial Dynamics LRR

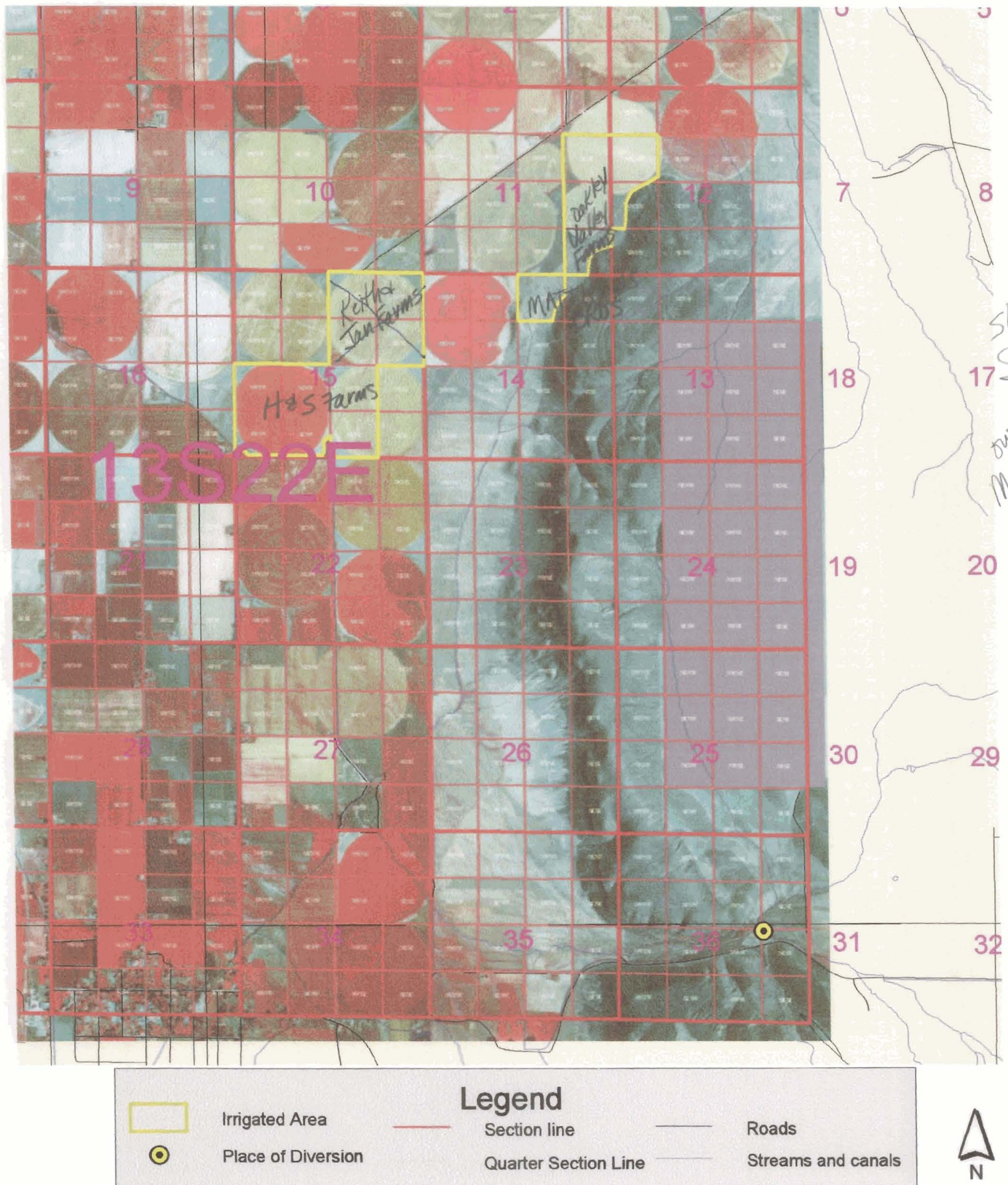
3/16/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
13s22e	11	SENE	40	40 ✓	
13s22e	11	NESE	40	40 ✓	
13s22e	11	SESE	30	29	
13s22e	12	SWNW	40	40 ✓	
13s22e	12	NWSW	25	15 ✓	
13s22e	14	NWNE	32	36	
13s22e	15	NENE	40	40 ✓	
13s22e	15	NWNE	40	40 ✓	
13s22e	15	SWNE	40	40 ✓	
13s22e	15	SENE	40	40 ✓	
13s22e	15	NESW	40	40	
13s22e	15	NWSW	40	40	
13s22e	15	SWSW	40	38	
13s22e	15	SESW	40	37	
13s22e	15	NWSE	40	40	
13s22e	15	SWSE	40	39	
Totals:			607	594	

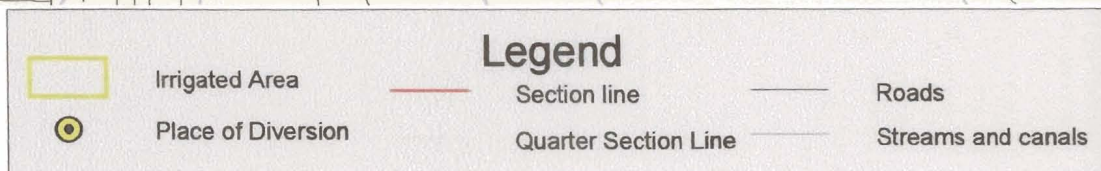
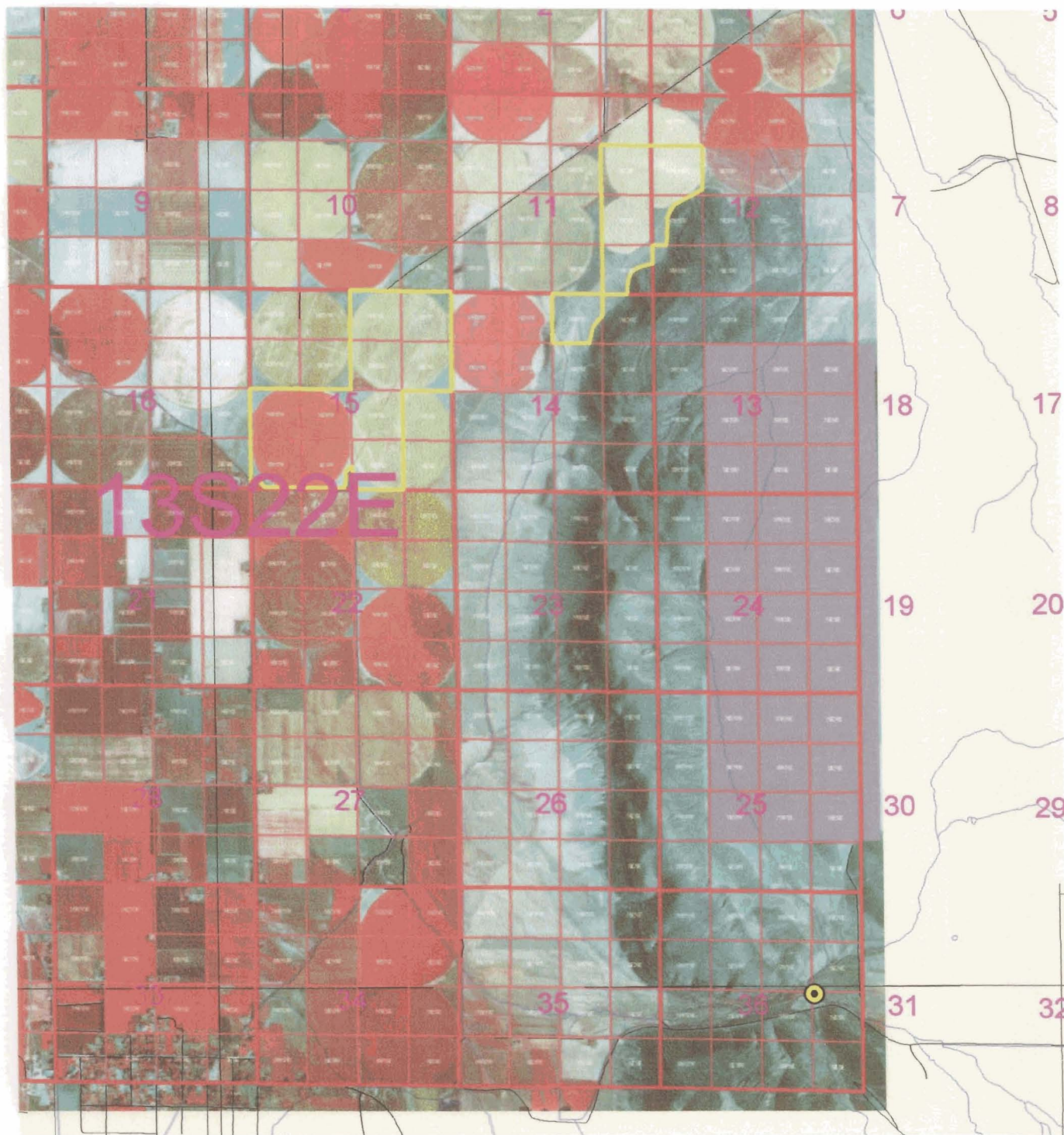
only 1/4 1/4 still owned
these lands
not owned by
Matthews Bros.!

$$5.15 \text{ ac} \div 607 \times 32 = 0.271 \text{ ac}$$

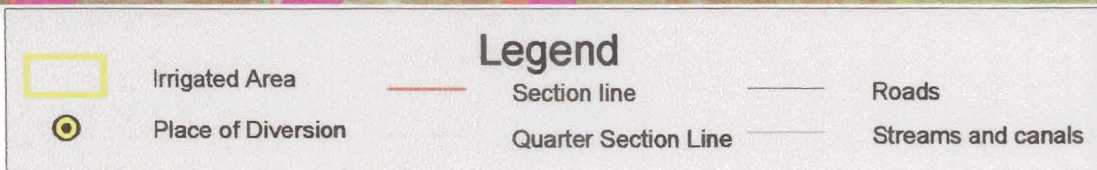
Township , 13S22E



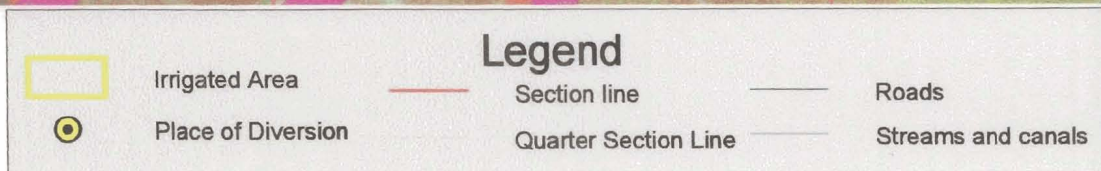
Township , 13S22E



Township , 13S22E



Township , 13S22E



Township , 13S22E



Irrigated Area

Section line

Roads

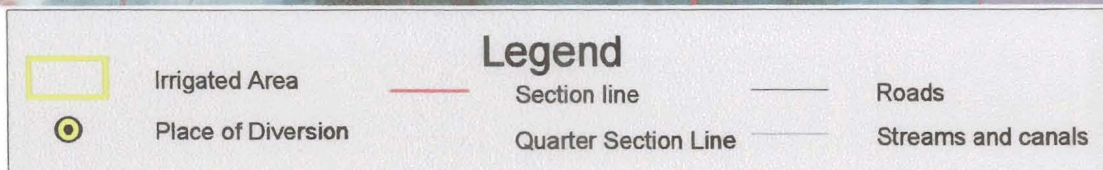
Place of Diversion

Quarter Section Line

Streams and canals



Township , 13S22E



Township , 13S22E



Irrigated Area

Section line

Roads

Place of Diversion

Quarter Section Line

Streams and canals



Township , 13S22E



●

Legend

Irrigated Area

Place of Diversion

Section line

Quarter Section Line

Roads

Streams and canals



AJ5809NP
No. A45-00622B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/25/00
PAGE: 108

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MATTHEWS BROTHERS INC RT 1 BOX D OAKLEY ID 83346 (208) 862-3239	04/01/1960	IRRIGATION	03-15 11-15	5.150 CFS	
TOTAL DIVERSION:					5.150 CFS	
CONSUMPTIVE USE:						1821.00 AFA

Water Source: MILL CREEK

Tributary to:

Stage: DECREED

Point(s) of Diversion: T13S R22E S36 NESE CASSIA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE																				
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
13S	22E	11	:				40	:																40				30	:	110.0		
13S	22E	12	:					:		40						25															65.0	
13S	22E	14	:			32		:																							32.0	
13S	22E	15	:	40		40		40		40	:			40		40		40		40				40		40					400.0	
TOTAL ACRES																												607.0				

POU County: CASSIA

Other Rights: SEE A45-00041

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

A45-00041 A45-00596 A45-00597 A45-00622A A45-00660 A45-00663 A45-00674 A45-00680 A45-00688

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

A45-00093 A45-00094 A45-00131 A45-00132 A45-00133 A45-02040 A45-02250B A45-02496 A45-02525 A45-02647
A45-04100 A45-04168 A45-12438 A45-12442 A45-12443 A45-12449 A45-12455 A45-12749 A45-12750 R45-00106
R45-00116 R45-00128 R45-00131 R45-02059 R45-04230

Dates: Exam Made Date: Verified Date: 06/10/1985 Objection Filed Date:

Misc: Water District Number: 45A Field Inspection Flag:
Presumption Flag:

Audit: 05/26/89 MOBILE2 03/30/95 POST-STD

AJ5809NP
No. A45-006228

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/24/00
PAGE: 13

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MATTHEWS BROTHERS INC	04/01/1960	IRRIGATION	03-15 11-15	5.150 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					5.150 CFS	1821.00 AFA

Water Source: MILL CREEK Tributary to: Stage: DECREED
Point(s) of Diversion: T13S R22E S36 NESE CASSIA County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM			
13S	22E	11	:					40	:									40		30	:	110.0		
13S	22E	12	:						:		40				25						:	65.0		
13S	22E	14	:			32			:												:	32.0		
13S	22E	15	:	40		40		40		40				40		40		40		40	:	400.0		
																				TOTAL ACRES		607.0		

POU County: CASSIA

Other Rights: SEE A45-00041

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

A45-00041 A45-00596 A45-00597 A45-00622A A45-00660 A45-00663 A45-00674 A45-00680 A45-00688

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

A45-00093 A45-00094 A45-00131 A45-00132 A45-00133 A45-02040 A45-02250B A45-02496 A45-02525 A45-02647
A45-04100 A45-04168 A45-12438 A45-12442 A45-12443 A45-12449 A45-12455 A45-12749 A45-12750 R45-00106
R45-00116 R45-00128 R45-00131 R45-02059 R45-04230

Dates: Exam Made Date: Verified Date: 06/10/1985 Objection Filed Date:

Misc: Water District Number: 45A Field Inspection Flag:
Presumption Flag:

Audit: 05/26/89 MOBILE2 03/30/95 POST-STD