STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 85348

This is to certify that: DOUGLAS L MATHERS
MATHERS RANCH INC
3485 E 3100 N
KIMBERLY, ID 83341

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
47-2279	WR/DECREED	8/27/1954	1.600 cfs	380.0 af	95.0	116.0	MC MULLEN CREEK
47-2298	WR/DECREED	3/7/1957	0.560 cfs	112.0 af	28.0	116.0	MC MULLEN CREEK

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
47-2279	NO	NO	YES	NO	NO	NO
47-2298	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
47-2279	47-2279	1.600 cfs	380.0 af	95.0	100.0	N/A	N/A	N/A	N/A	N/A
47-2298	47-2298	0.560 cfs	112.0 af	28.0	100.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		**2.000 cfs**	**400.0 af**	**100.0**	**100.0**		**N/A**	**N/A**	**N/A**	**N/A**

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 19th day of October, 2021.

Southern Region Manager

SUPPORT DATA
IN FILE # 47-2279

Transfer No. 85348

WATER RIGHT NO. 47-2279

As Modified by Transfer No. 85348

In accordance with the approval of Transfer No. 85348, Water Right No. 47-2279 is now described as follows:

Right Holder: DOUGLAS L MATHERS AND
MATHERS RANCH INC
3485 E 3100 N
KIMBERLY, ID 83341

Priority Date: 8/27/1954

Source: MC MULLEN CREEK **Tributary:** COTTONWOOD CREEK

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	03/15	to	11/15	1.600 cfs	380.0 af
				1.600 cfs	380.0 af

LOCATION OF POINT(S) OF DIVERSION

MC MULLEN CREEK SWNWNE Sec 29 Twp 11S Rge 18E TWIN FALLS County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	18E	29	10.3	20.1	29.3	38.4									1.9				100.0

Right Acre Limit: 95.0
POU Total Acres: 100.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 95.0 acres within the authorized place of use in a single irrigation season.
2. Rights 47-2279 and 47-2298 when combined shall not exceed a total diversion rate of 2.00 cfs, a total annual maximum diversion volume of 400.0 af at the field headgate, and the irrigation of 100.0 acres.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 47O.
4. Upon specific notification, the right holder shall install and maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. Use of this right is combined with water from Twin Falls Canal Co.

Transfer No. 85348

WATER RIGHT NO. 47-2279

As Modified by Transfer No. 85348

CONDITIONS OF APPROVAL

6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

9. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 47-2298

As Modified by Transfer No. 85348

In accordance with the approval of Transfer No. 85348, Water Right No. 47-2298 is now described as follows:

Right Holder: MATHERS RANCH INC AND
DOUGLAS L MATHERS
3485 E 3100 N
KIMBERLY, ID 83341

Priority Date: 3/7/1957

Source: MC MULLEN CREEK **Tributary:** COTTONWOOD CREEK

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	03/15	to	11/15	0.560 cfs	112.0 af
				0.560 cfs	112.0 af

LOCATION OF POINT(S) OF DIVERSION

MC MULLEN CREEK SWNWNE Sec 29 Twp 11S Rge 18E TWIN FALLS County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	18E	29	10.3	20.1	29.3	38.4									1.9				100.0

Right Acre Limit: 28.0
POU Total Acres: 100.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 28.0 acres within the authorized place of use in a single irrigation season.
2. Rights 47-2279 and 47-2298 when combined shall not exceed a total diversion rate of 2.00 cfs, a total annual maximum diversion volume of 400.0 af at the field headgate, and the irrigation of 100.0 acres.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 47O.
4. Upon specific notification, the right holder shall install and maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. Use of this right is combined with water from Twin Falls Canal Co.

Transfer No. 85348

WATER RIGHT NO. 47-2298

As Modified by Transfer No. 85348

CONDITIONS OF APPROVAL

6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

9. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources

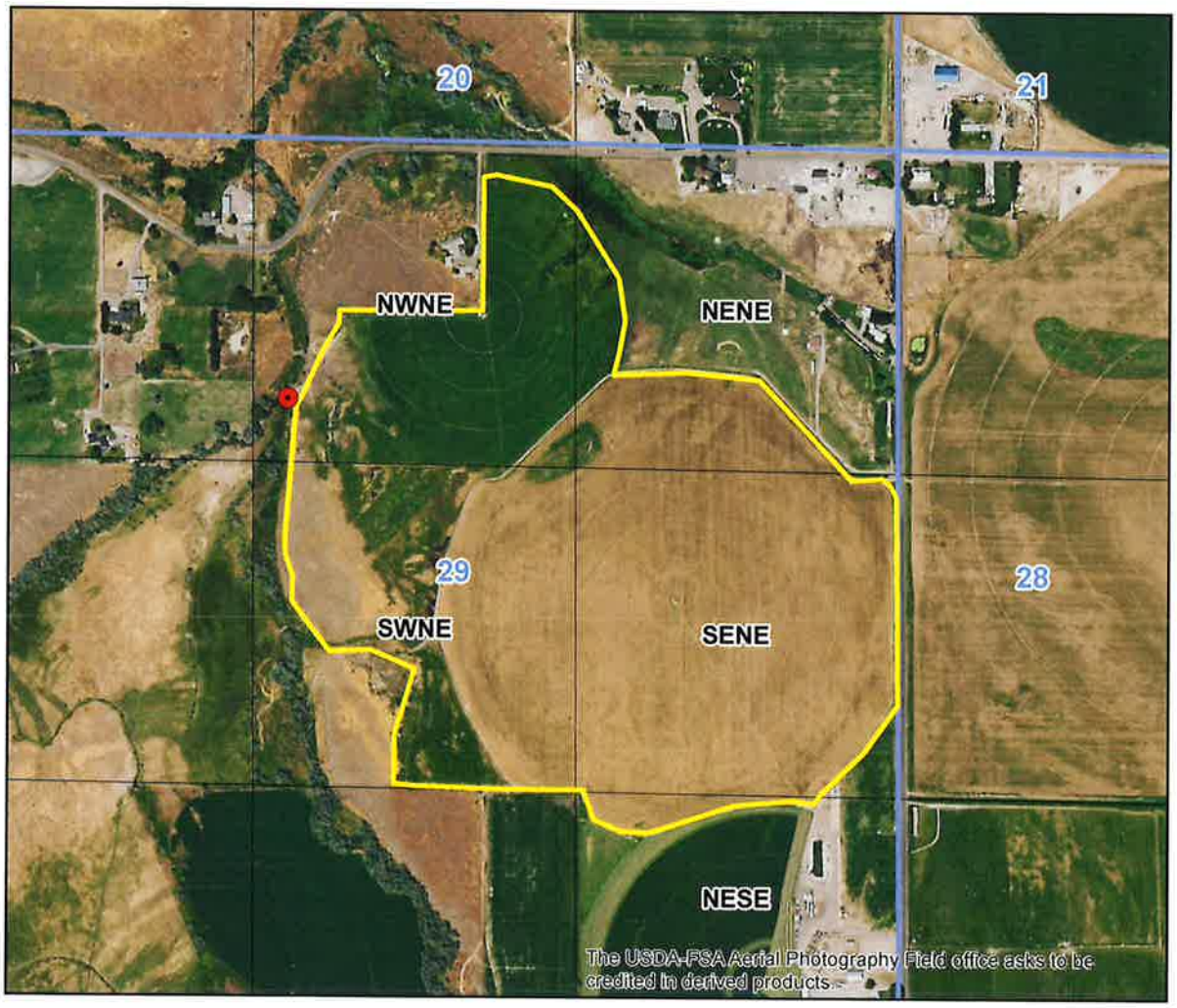
Attachment to Transfer # 85348

47-2279 and 47-2298

This map depicts the IRRIGATION place of use boundary for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.

18E

11S



Point of Diversion
Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters

0 0.075 0.15 0.3 Miles

N

Rev. 07/11

RECEIVED
OCT 13 2021
DEPT OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 85348

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at http://www.idwr.idaho.gov/ .

Name of Applicant(s) MATHERS RANCH INC; DOUGLAS L MATHERS

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A *Means the item is always required and must be included with the application.

- ☐ * Completed Application for Transfer of Water Right form, Part 1.
- ☐ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☐ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application
- ☐ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☐ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☐ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☑ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☑ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☑ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☑ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☑ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm .
- ☐ ☑ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☑ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☑ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☑ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☑ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☑ #9 Other. Please describe: _____

Transfer No. 85348

RECEIVED
OCT 13 2021
DEPT OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant MATHERS RANCH INC Phone (208) 423-5847
Mailing Address 3485 E 3100 N, KIMBERLY ID 83341 Email

Name of Applicant DOUGLAS L MATHERS Phone (208) 731-9200
Mailing Address 3485 E 3100 N, KIMBERLY ID 83341 Email

☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.

☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.

☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.

☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☑ No Representative

Name of Representative Doug Mathers Pres Phone 2087319200
Mailing Address 3035 N 3500 E Kimberly Id 83341 Email d.mathers@hotmail.com

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

☐ Send original correspondence to the applicant and copies to the representative.

☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant or Authorized Representative	Print Name and Title if applicable	Date
Doug Mathers	Doug Mathers Pres	10-8-21
Lottie L. Mathers	LOTTIE L. MATHERS	10-8-21

A. PURPOSE OF TRANSFER

1.

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
47-2279	No	No	Yes	No	No	No
47-2298	No	No	Yes	No	No	No

Transfer No. 85348

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**

Transfer will modify the place of use to match current irrigation system.

B. **DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT TO A SEPARATE SYSTEM, DESCRIBE PORTIONS TO BE CHANGED TO A SEPARATE SYSTEM AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.**

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

	Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
	47-2279	1.600 cfs	380.0 af	95.0	100.0		N/A	N/A	N/A	N/A
	47-2298	0.560 cfs	112.0 af	28.0	100.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		2.000 cfs	400.0 af	100.0	100.0		N/A	N/A	N/A	N/A

2. Total amount of water proposed to be transferred or changed 2 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:
   - ☑ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
   - ☐ As shown in Part 1.
   - ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

4. Place of Use:
   - ☐ No changes to place of use are proposed. (Proceed to #5.)
   - ☑ As shown in Part 1.
   - ☐ See Attachment.

Transfer No. 85348

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes

Proposed Water Right No. 47-2279

Current Water Right Owner

DOUGLAS L MATHERS
3485 E 3100 N
KIMBERLY, ID 83341

AND

MATHERS RANCH INC
3485 E 3100 N
KIMBERLY, ID 83341

Priority Date: 8/27/1954
Origin: Water Right
Basis: Decreed
Status Active
Source: MC MULLEN CREEK **Tributary:** COTTONWOOD CREEK

Beneficial Use	From	To	Diversion Rate		Subuse Code
IRRIGATION	03/15	11/15	1.600 CFS		
Total Diversion			1.600 CFS	380.0 AFA	

Source and Point(s) of Diversion:
MC MULLEN CREEK SWNWNE Sec. 29 Twp 11S Rge 18E TWIN FALLS County

Place of Use: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	18E	29	10.3	20.1	29.3	38.4									1.9				100.0

Right Acre Limit: 95.0
POU Total Acres: 100.0

Transfer No. 85348

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes

Proposed Water Right No. 47-2298

Current Water Right Owner

MATHERS RANCH INC
3485 E 3100 N
KIMBERLY, ID 83341

AND

DOUGLAS L MATHERS
3485 E 3100 N
KIMBERLY, ID 83341

Priority Date: 3/7/1957
Origin: Water Right
Basis: Decreed
Status Active

Source: MC MULLEN CREEK **Tributary:** COTTONWOOD CREEK

Beneficial Use	From	To	Diversion Rate		Subuse Code
IRRIGATION	03/15	11/15	0.560 CFS		
Total Diversion			0.560 CFS	112.0 AFA	

Source and Point(s) of Diversion:
MC MULLEN CREEK SWNWNE Sec. 29 Twp 11S Rge 18E TWIN FALLS County

Place of Use: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	18E	29	10.3	20.1	29.3	38.4									1.9				100.0

Right Acre Limit: 28.0
POU Total Acres: 100.0

Transfer No. 85348

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future

Pumpkin Creek with 20' Straight pipe

b. Who owns the property at the point(s) of diversion

Mathews Ranch Doug Mathews

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
No, ☑ **If Yes,** ☐
Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____
It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

No change

e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

Same

f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes	No	
☐	☑	undergone a period of five or more consecutive years of non-use,
☐	☑	currently leased to the Water Supply Bank,
☐	☑	currently used in a mitigation plan limiting the use of water under the right, or
☐	☑	currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

Transfer No. 85348

Current Water Right No. 47-2279

Current Water Right Owner

DOUGLAS L MATHERS
3485 E 3100 N
KIMBERLY, ID 83341

AND

MATHERS RANCH INC
3485 E 3100 N
KIMBERLY, ID 83341

Priority Date: 8/27/1954
Origin: Water Right
Basis: Decreed
Status: Active
Source: MC MULLEN CREEK **Tributary:** COTTONWOOD CREEK

Beneficial Use	From	To	Diversion Rate		Subuse Code
IRRIGATION	03/15	11/15	1.600 CFS		
Total Diversion			1.600 CFS	380.0 AFA	

Source and Point(s) of Diversion:
MC MULLEN CREEK SWNWNE Sec. 29 Twp 11S Rge 18E TWIN FALLS County

Place of Use: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	18E	29	18.0		22.0	40.0									36.0				116.0

Right Acre Limit: 95.0
POU Total Acres: 116.0

Conditions/Remarks:

1. 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. Use of this right is combined with water from Twin Falls Canal Co.

3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.

4. The rights listed below are limited to a total combined annual diversion volume of 400 af. Combined Right Nos.: 47-2279 & 47-2298

5. Right Nos. 47-2279 and 47-2298 are limited to the irrigation of a combined total of 100 acres in a single irrigation season.

6. This right is limited to the irrigation of 95 acres within the place of use described above in a single irrigation season.

7. Right Nos. 47-2279 and 47-2298 are limited to a total combined diversion rate of 2.0 cfs.

Transfer No. 85348

Current Water Right No. 47-2298

Current Water Right Owner

MATHERS RANCH INC
3485 E 3100 N
KIMBERLY, ID 83341

AND

DOUGLAS L MATHERS
3485 E 3100 N
KIMBERLY, ID 83341

Priority Date: 3/7/1957
Origin: Water Right
Basis: Decreed
Status: Active

Source: MC MULLEN CREEK **Tributary:** COTTONWOOD CREEK

Beneficial Use	From	To	Diversion Rate		Subuse Code
IRRIGATION	03/15	11/15	0.560 CFS		
Total Diversion			0.560 CFS	112.0 AFA	

Source and Point(s) of Diversion:
MC MULLEN CREEK SWNWNE Sec. 29 Twp 11S Rge 18E TWIN FALLS County

Place of Use: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	18E	29	18.0		22.0	40.0									36.0				116.0

Right Acre Limit: 28.0
POU Total Acres: 116.0

Conditions/Remarks:

1. 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. This right is limited to the irrigation of 28 acres within the place of use described above in a single irrigation season.

3. Use of this right is combined with water from Twin Falls Canal Co.

4. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.

5. The rights listed below are limited to a total combined diversion rate of 2.0 cfs. Combined Right Nos.: 47-2279 & 47-2298

6. The rights listed below are limited to a total combined annual diversion volume of 400 af. Combined Right Nos.: 47-2279 & 47-2298

7. Right Nos. 47-2279 and 47-2298 are limited to the irrigation of a combined total of 100 acres in a single irrigation season.

Transfer No. 85348

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements)

☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.

☑ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b.** If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

FOR DEPARTMENT USE ONLY

Transfer Contains 9 pages and 1 attachments.

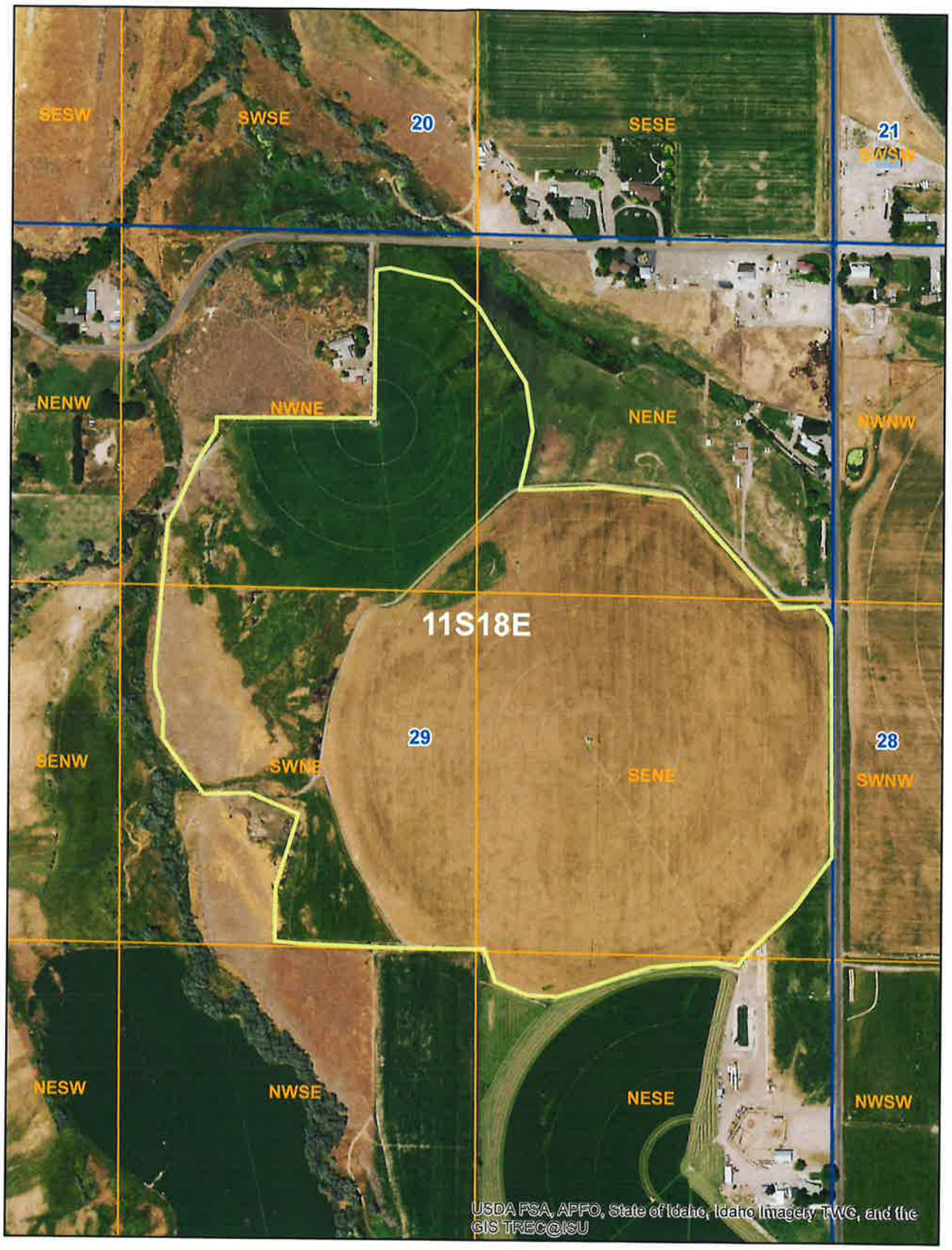
Received By SG Date _____ Prelim. Check By _____ Date _____

Fee Paid $500.00 Date 10/13/21 Receipted By SG Receipt # 5038872

Add'l Fee Paid _____ Date _____ Receipted By _____ Receipt # _____

Transfer No. 85348

Mathers - Place of Use Transfer #85348



Legend

- Proposed Place of Use
- Township/Range
- Sections
- QQ

Attachment 7b

0 0.0475 0.095 0.19 Miles

N

85348

Idaho Corporation Annual Report Form

File online at: sosbiz.idaho.gov

Due no later than: 11/30/2020

Return completed form within 30 days to:
Idaho Secretary of State
Attn: Annual Reports
450 North 4th Street
Boise, ID 83720
Phone: (208) 334-2300

Annual Report: No filing fee if received by the due date.

SOS Control Number: 157348
General Business Corporation (D)

Filing Status: Active-Good Standing
Date Formed: 11/30/1973
Formation Locale: ID

Name and Mailing Address:
MATHERS RANCH, INC.
3485 E 3100 N
KIMBERLY, ID 83341-5251

(1) Add or Change Mailing Address:

INCORPORATION DATE: 12-01-1973

Registered Agent (RA) and Registered Office (RO) Address:
DOUGLAS L. MATHERS
3485 E 3100 N
KIMBERLY, ID 83341

(2) Change RA and/or RO Address:

Note: The Registered Office address must be a physical Idaho address (no postal box).

(3) New Registered Agent (RA) Signature: _____

If a new agent is appointed in item (2) above, the new agent must sign here to accept the appointment.

(4) Corporations: Enter names and business addresses (with zip code) of the President, Vice President, Secretary, Treasurer.

Title	Name	Business Address	City, State, Zip
PRESIDENT	DOUGLAS L. MATHERS	3485 E. - 3100 N.	KIMBERLY, ID 83341
VICE PRESIDENT	JEANNE L. LAPPIN	3485 E. - 3100 N.	KIMBERLY, ID 83341
SEC./TREAS.	LOTTIE L. MATHERS	3485 E. - 3100 N.	KIMBERLY, ID. 83341

(5) Board of Directors names and business addresses (with zip code). Attach additional sheet if necessary.

Name	Business Address	City, State, Zip

(5) Signature: Lottie L. Mathers
(6) Date: OCTOBER 16, 2020
(7) Type/Print Name: LOTTIE L. MATHERS
(8) Title: SEC./TREAS.

Instructions: Legibly complete the form above. Sign and date this form and return to the address provided above.

B0538-6936 10/19/2020 10:39 AM Received by ID Secretary of State Lawrence Denney

IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858
Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

October 25, 2021

DOUGLAS L MATHERS
MATHERS RANCH INC
3485 E 3100 N
KIMBERLY ID 83341

Re: Transfer No: 85348
Water Right No(s).: 47-2279, 47-2298

Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a $100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,

Corey Skinner
Southern Regional Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on October 25, 2021 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 85348
Water Right No(s).: 47-2279, 47-2298

DOUGLAS L MATHERS
MATHERS RANCH INC
3485 E 3100 N
KIMBERLY ID 83341

Denise Maline

Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MEMORANDUM

Date: October 14, 2021

To: Transfer 85348

From: James Bitzenburg

Re: Legal Notice Not Required

Legal Notice Not Required
10/14/2021

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

Transfer only changes POU of contiguous lands.

MEMORANDUM

Date: October 14, 2021

To: Transfer #85348, Douglas Mathers; Mathers Ranch, Inc. file

From: Jim Bitzenburg

Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to change the place of use (POU) for McMullen Creek irrigation rights 47-2279 and 47-2298 (2.0 cfs combined diversion rate) which currently irrigate 100.0 acres of ground located approximately 6.3 miles south and 0.2 mile west of the intersection of Center Street and Main Street in Kimberly. The proposed POU will modify the existing POU to reflect changes in the irrigation system.

The transfer is in Water District 470, but is not administrated by the water district, so Watermaster comments were not solicited. Advertising was not necessary because the transfer will only change the POU of land contiguous to the present POU.

- **Authority to File:**
  The Department's database indicates that water rights 47-2279 and 47-2298 are owned by the applicants, Douglas Mathers and Mathers Ranch, Inc. The application was signed by Douglas Mathers, who is the president of Mathers Ranch, Inc., and by Lottie Mathers, the secretary of the corporation. The most recent Idaho Corporation Annual Report Form is included in the transfer paperwork.

- **Water Right Validity:**
  The water rights were decreed in the SRBA in 2010, and ample irrigation is evident at the current POU, so forfeiture is likely not an issue.

- **Injury to Other Water Rights:**
  None anticipated or foreseen. The POD is not moving and there is no increase in volume or acres.

- **Enlargement of Use:**
  None anticipated.

- **Local Public Interest:**
  No issues anticipated.

- **Beneficial Use/Conservation of Water Resources:**
  Proposed use is recognized as a beneficial use of water.

- **Effect on the Economy of the Local Area:**
  None Anticipated

- **Effect of the Agricultural Base of the Area:**
  None Anticipated

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

TRANSFER SYNOPSIS

Date: October 13, 2021

To: Transfer #85348, Douglas Mathers; Mathers Ranch, Inc. Transfer file

From: Jim Bitzenburg

Re: Summary of transfer

Application for transfer proposes to change the place of use (POU) for McMullen Creek irrigation rights 47-2279 and 47-2298 (2.0 cfs combined diversion rate) which currently irrigate 100.0 acres of ground located approximately 6.3 miles south and 0.2 mile west of the intersection of Center Street and Main Street in Kimberly. The proposed POU will modify the existing POU to reflect changes in the irrigation system.

The transfer is in Water District 470, but is not administrated by the water district, so Watermaster comments will not be solicited. Advertising is not necessary because the transfer will only change the POU of land contiguous to the present POU.

FEE MEMORANDUM

Date: October 13, 2021

To: Douglas Mathers; Mathers Ranch, Inc. Transfer #85348 File

From: Jim Bitzenburg

Re: Receipting/disposition of fees paid

This transfer was filed on October 13, 2021, and its purpose is to change the place of use of two irrigation rights diverted out of McMullen Creek. The number of acres of the POU that are changing is 43.4, which equates to a flow rate of 0.81 cfs, so from the transfer fee schedule, a $500.00 fee is applicable. The fee was paid by check #7265 from Mathers Ranch, Inc. at the time of filing. The IDWR receipt number is S038872.

IDAHO DEPARTMENT OF
WATER RESOURCES

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Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

September 28, 2021

DOUGLAS L MATHERS
3485 E 3100 N
KIMBERLY ID 83341

MATHERS RANCH INC
3485 E 3100 N
KIMBERLY ID 83341

Re: Water right transfer application

Dear Doug:

Enclosed is the *Application for Transfer* that you and Corey Skinner worked on last week. Please review the application carefully and don't hesitate to give me a call if you have any questions or concerns. You do not need to complete page 1, but on page 2 you will need to sign and date the application, both for you, and for Mathers Ranch, Inc. as a co-applicant. Pages 4 and 5 show the two water rights as they will appear after the transfer; the only items changing are the acres in the place of use chart. On page 6, you will find a number of questions that need answered, and if you need assistance with them, give me a call and we can work through them.

Pages 7 and 8 show the two rights as they now appear. You don't need to complete anything on page 9, and the map of the proposed place of use is shown as Attachment 7b at the end of the paperwork.

We calculate the fee based on the amount of acres changing as a percentage of the whole, then multiply that by the flow rate of the two rights. Based on the acres changing I calculated the flow rate changing to be 0.81 cfs, which translates into a fee of $500.00 from our transfer fee schedule.

After you have reviewed, signed, and completed the application, please return the application and fee to our office at the above address and let me know if you have any questions. The direct line to my office is 208-293-9909. Thank you for your help.

Sincerely,

Jim Bitzenburg
Senior Water Resource Agent

Enclosure(s)