



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave West, Suite 500 • Twin Falls, Idaho 83301

Phone: (208) 736-3033 • FAX: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER

GARY SPACKMAN

December 2, 2015

RE: Transfer No. 80058 in the name of Mathers Ranch Inc.

Gentlemen:

Pursuant to the pre-hearing conference held on November 30, 2015, please find enclosed drafts of water right records 47-17650, 47-17651, 47-17652 and 47-17653 with their respective maps that are proposed to be the end result of transfer No. 80058 initially filed to modify decreed water right 47-16397. As discussed these drafts are intended to resolve the protests of the transfer.

In summary:

- 47-17650 is the remaining portion of 47-16397 after other portions are split off to form the following rights. This right includes stockwater from the Williams ditch from Cottonwood Creek crossing Mathers's property and the remaining 8.3 acres not modified.

- 47-17651 is the portion to record the wildlife pond on Cottonwood Creek.

- 47-17652 is the portion to record the ground water recharge pond.

- 47-17653 is the portion to record stockwater drinking from the Kinsey-Williams ditch on the Mathers's property.

Note that 47-17650 and 47-17652 are intended to be diverted from the spillway at McMullen Dam.

Please note that the drafts do not include all conditions of approval that would normally be placed on the rights as a result of a transfer. These will be added at time of approval.

Additionally discussed at the conference:

- 47-17652 is to be conveyed to Williams (Note that an ownership change with conveyance document will need to be filed with IDWR with \$25.00 processing fee to accomplish ownership change).

- Agreement between Williams and Mathers for use of 47-17652 by Williams on Mathers's property.

- Right of way needs to be sought from BLM for use of 47-17652.

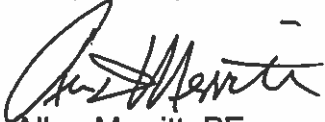
- Original transfer needs to be amended by Mathers to conform with proposed draft rights.

-All protests to be withdrawn in writing.

Please look these drafts over and if you have questions or proposed modifications let me know. Please try to get comments back to me within 14 days. If needed we can schedule another telephone conference to address any further issues.

Thanks again for your cooperation in working toward resolution of this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Allen Merritt", with a stylized flourish at the end.

Allen Merritt, PE
Southern Region Manager

Enclosures:

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of December, 2015, true and correct copies of the documents described below were served by placing a copy of the same with the United States Postal Service, postage prepaid and properly addressed to the following:

Document Served: **Cover letter & attachments describing proposed water right splits, related to protested transfer no. 80058 in the name of Mathers Ranch Inc.**

MATHERS RANCH INC
DOUG MATHERS
3485 E 3100 N
KIMBERLY, ID 83341

N RANCH LLC
JAMEY KINSEY
3497 E 3000 N
KIMBERLY, ID 83341

BUREAU OF LAND MANAGEMENT
FRED PRICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

W T WILLIAMS INC
3094 N 3200 E
TWIN FALLS, ID 83301

TOM WILLIAMS
2600 N 2991 E
TWIN FALLS, ID 83301

COLEMAN RITCHIE & CLUFF
DAVID A COLEMAN
PO BOX 525
TWIN FALLS, ID 83303-0525

A handwritten signature in cursive script, reading "Denise Maline", is written over a solid horizontal line.

Denise Maline
Administrative Assistant

12/1/2015

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 47-17650

12/1/2015

2.	amerritt	12/1/2015	POD
	Updated Shape		
3.	amerritt	12/1/2015	POU
	Updated Shape		

Dates and Other Information

Decreed Date: 6/1/2010
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Mitigation Plan: False

Combined Use Limits

N/A

Verification Log

SubCase:

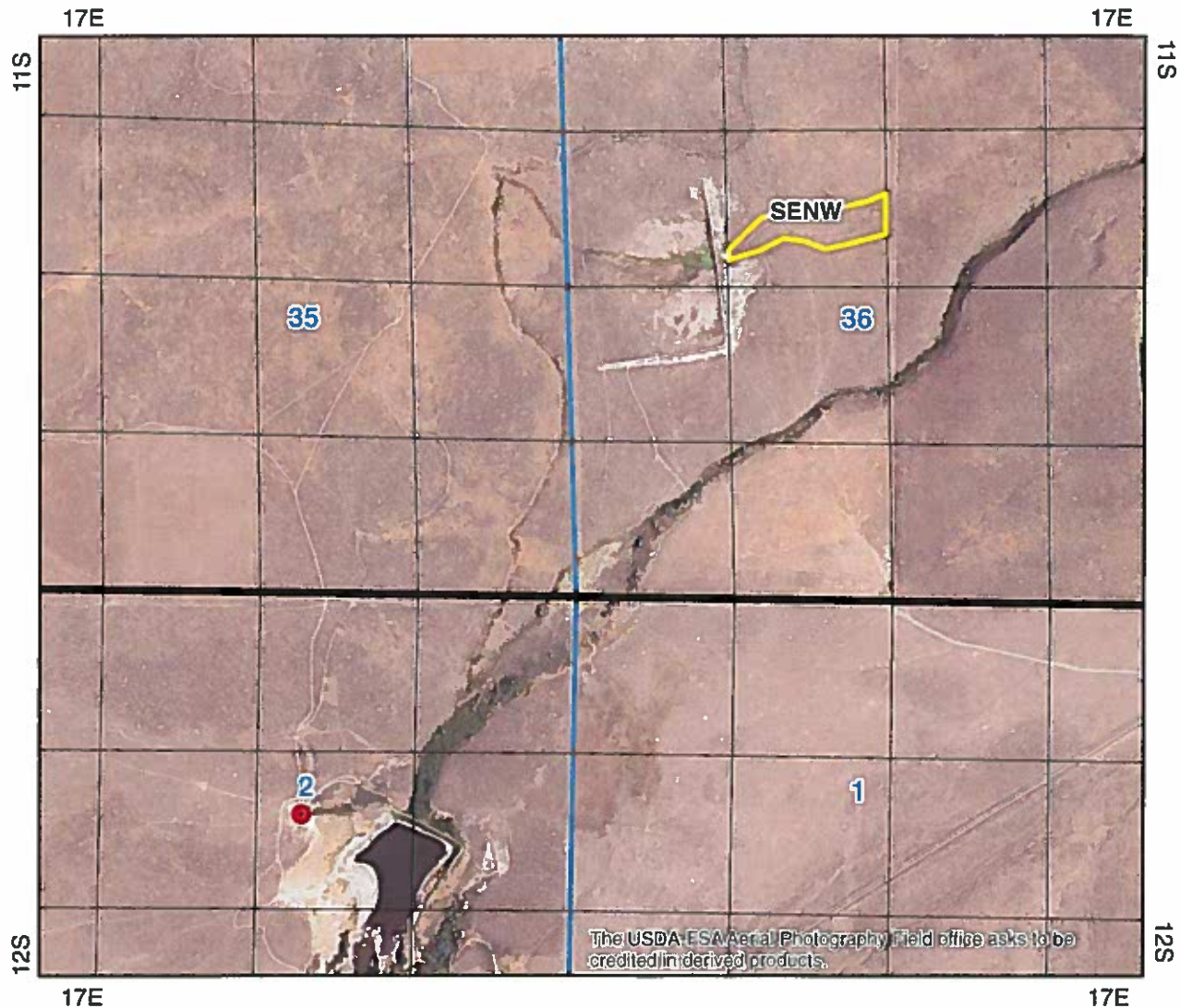
N/A

Water Supply Bank:

N/A

State of Idaho
Department of Water Resources
DRAFT Water Right
47-17650

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



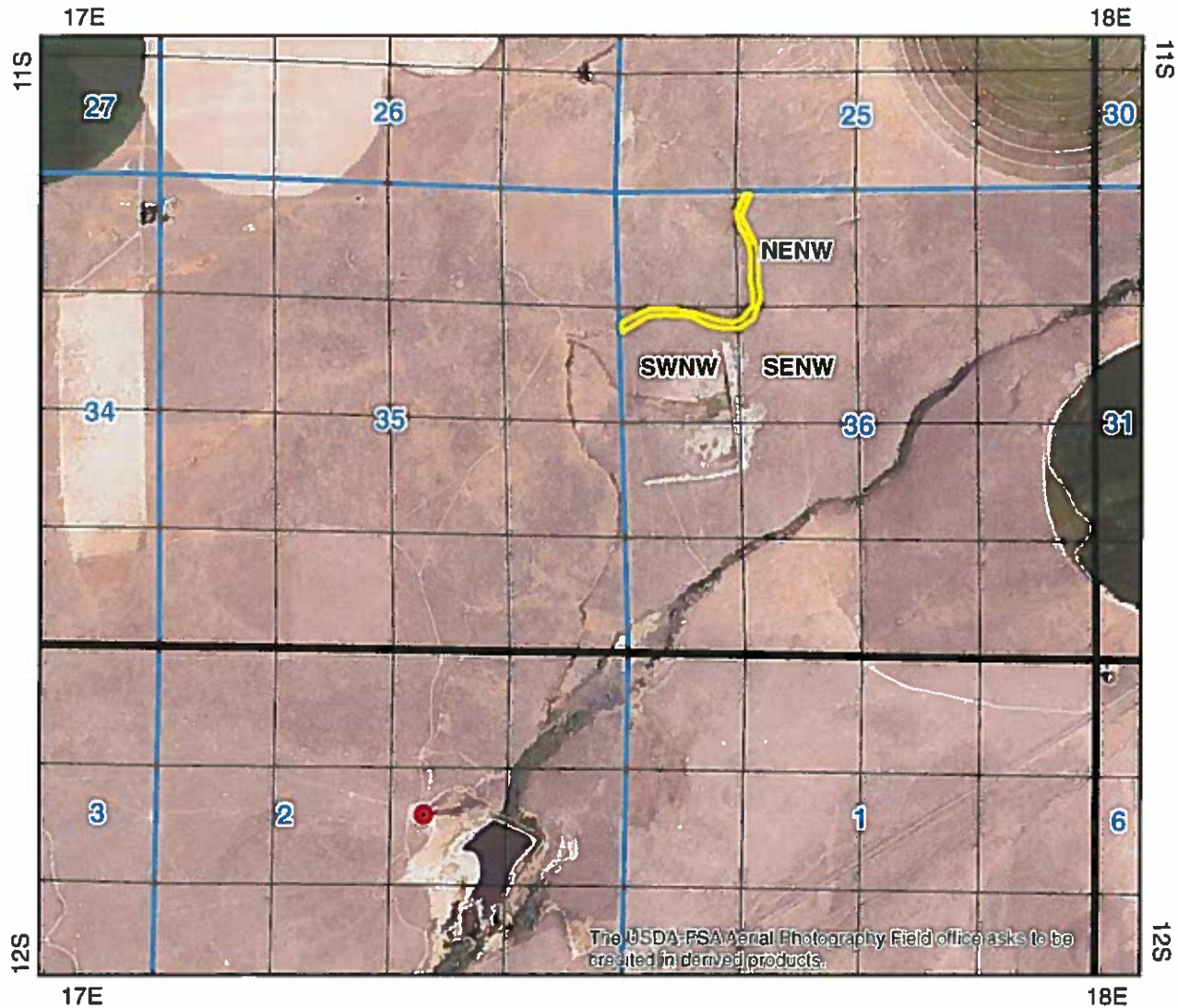
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.175 0.35 0.7 Miles



State of Idaho
Department of Water Resources
DRAFT Water Right
47-17650

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



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.225 0.45 0.9 Miles



12/1/2015

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IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 47-17651

12/1/2015

Dates and Other Information

Decreed Date: 6/1/2010
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Mitigation Plan: False

Combined Use Limits

N/A

Verification Log

SubCase:

N/A

Water Supply Bank:

N/A

State of Idaho
Department of Water Resources
DRAFT Water Right
47-17651

This map depicts the WILDLIFE STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

17E



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.035 0.07 0.14 Miles



12/1/2015

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 47-17652

12/1/2015

- other proposal to utilize credit for the recharge effort.
4. 922 This approval does not constitute approval by the Idaho Water Resource Board, which may also be required pursuant to Section 42-1737, Idaho Code.
 5. 921 Pursuant to Section 42-234(3), Idaho Code, the Director may reduce the amount of water that may be diverted for recharge purposes under this right even though there is sufficient water to supply the entire amount authorized for appropriation under this right.
 6. 920 Pursuant to Section 42-234(4), Idaho Code, to ensure that other water rights are not injured by the operations of the recharge project authorized by this right, the Director has authority to approve, disapprove, or require alterations in the methods employed to achieve ground water recharge.
 7. 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.

Comments:

1. amerritt 11/30/2015 draft
Created to resolve protest. This record is to describe the GW recharge pond. This right intended to be conveyed to Williams.
2. amerritt 12/1/2015 POU
Updated Shape
3. amerritt 12/1/2015 POD
Updated Shape

Dates and Other Information

Decreed Date: 6/1/2010
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Mitigation Plan: False

Combined Use Limits

N/A

Verification Log

SubCase:

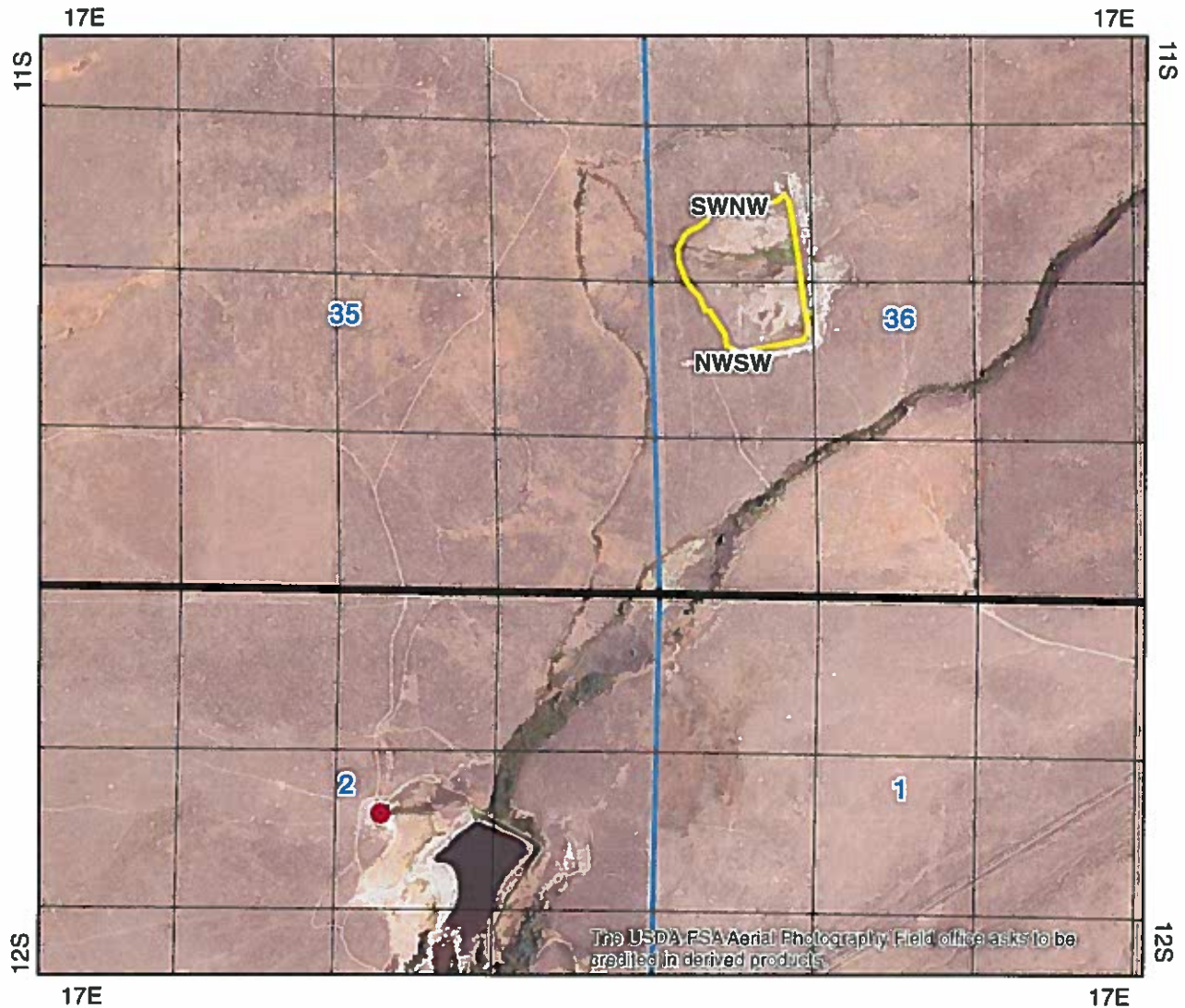
N/A

Water Supply Bank:

N/A

State of Idaho
Department of Water Resources
DRAFT Water Right
47-17652

This map depicts the GROUND WATER RECHARGE STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.175 0.35 0.7 Miles



12/1/2015

Priority Date: 3/15/1958
Basis: Decead
Status: Active Draft DRAFT

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01	12/31	0.020 CFS	
	Total Diversion		0.020 CFS	

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
12S	18E	8		X	X											X			

1.	N11	The quantity of water decreed for this water right is not a determination of historical beneficial use.
2.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3.	N05	The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
4.	X02	Stockwater use is for 200 range cattle.

1.	amerritt	11/30/2015	draft	
	Drafted to resolve protest. Record to record stockwater drinking from existing ditch to Kinsey and Williams on Mathers property.			
2.	amerritt	12/1/2015	POD	
	Updated Shape			
3.	amerritt	12/1/2015	POU	
	Updated Shape			

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 47-17653

12/1/2015

Dates and Other Information

Decreed Date: 6/1/2010
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Mitigation Plan: False

Combined Use Limits

N/A

Verification Log

SubCase:

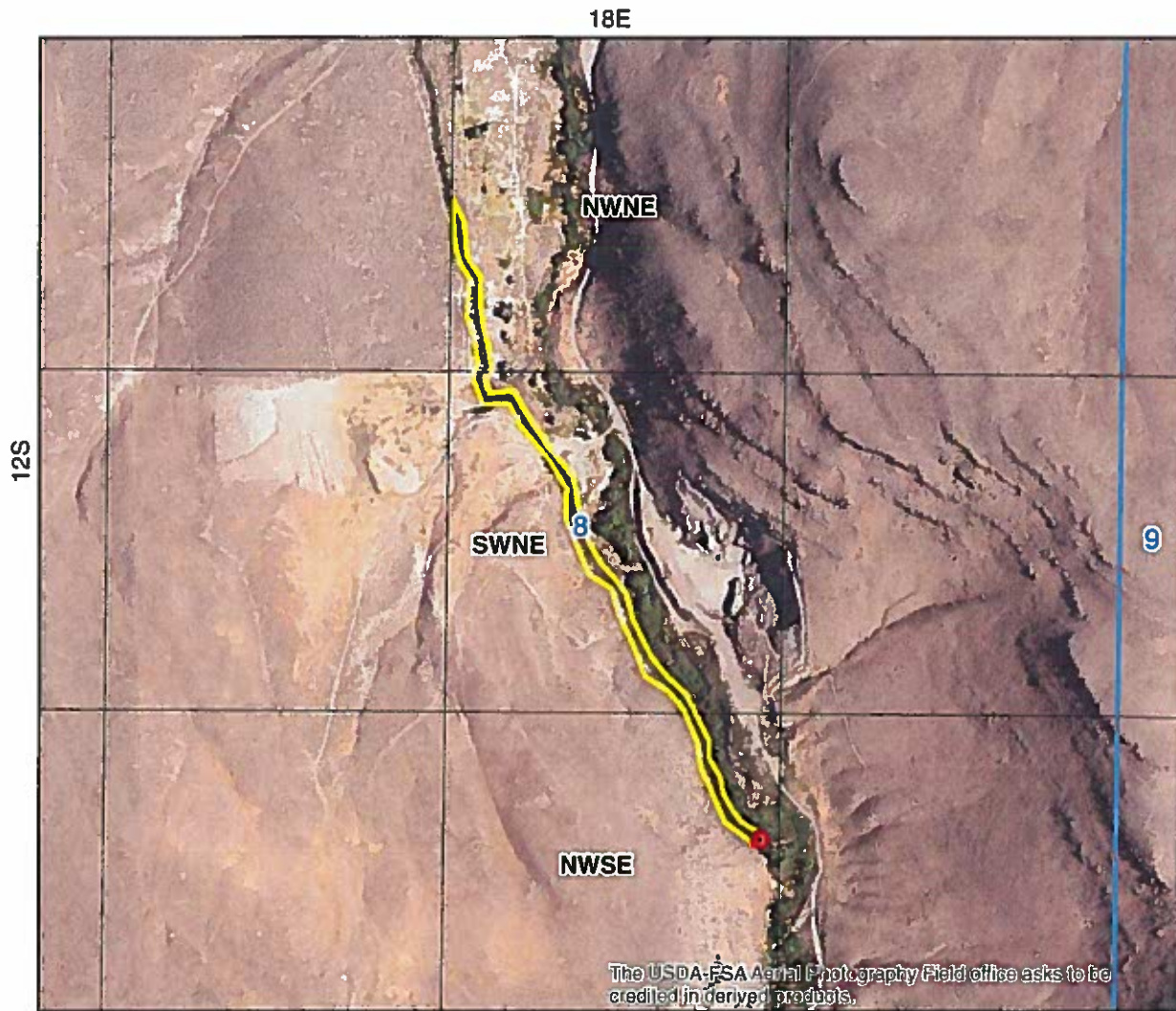
N/A

Water Supply Bank:

N/A

State of Idaho
Department of Water Resources
DRAFT Water Right
47-17653

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



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections

0 0.075 0.15 0.3 Miles

