

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

June 8, 2015

RECEIVED

JUN 08 2015

DEPARTMENT OF
WATER RESOURCES

RECEIVED

JUN 11 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

1. Matter being protested

Transfer No. 80058 for Mathers Ranch, Inc. (47-16397)

2. Name of protestant

United States Department of the Interior
Bureau of Land Management
Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709-1657

3. Protestant's Representative for service (if different than protestant)

Fredric W. Price (contact person)

4. Service mailing address

same as above

5. Service telephone no.

(208) 373-3831

6. Basis of protest (including statement of facts and law upon which the protest is based).

Transfer No. 80058 seeks to change the place of use (POU); add purposes of use for recharge, wildlife and storage; and add a point of injection on BLM land (T12S, R17E, S02, NWNESE). The point of injection is where a diversion ditch originating from McMullen Creek injects water into the reservoir on Cottonwood Creek. BLM issued a right-of-way (ROW) to William T. Williams on 02/24/1966 to deliver water rights 47-02195 and 47-02446 through an irrigation facility (i.e. ditch) pursuant to the Act of 1891 from McMullen Creek to a point on Cottonwood Creek just below the reservoir. ROWs issued pursuant to the Act of 1891 involved producing an accurate map of the ditch which lines up with an old ditch that can still be seen in aerial photography. It appears that sometime between 1966 and 1992, a new ditch was constructed paralleling the old ditch but more to the south. It also appears that the old ditch isn't used anymore (ROW IDI-0-016945). No ROW grant has been issued by BLM for the new ditch. When was it constructed? Regardless of when the new ditch was constructed relative to FLPMA (10-21-1976), the applicant is seeking post-FLPMA to add additional purposes to the ditch that have not been authorized by BLM.

7. What would resolve your protest?

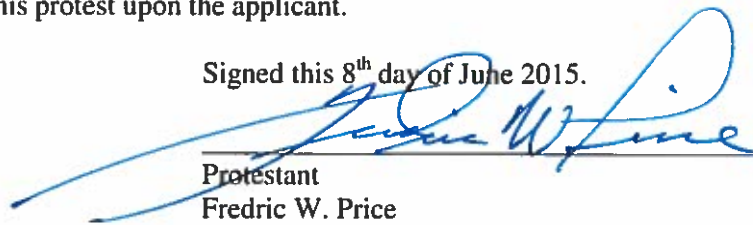
BLM's protest can be resolved by:

- 1) Withdraw transfer application; or
- 2) Seek a right-of-way from BLM.

I hereby, acknowledge that if I, or my designated representative, fail to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department

may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 8th day of June 2015.



Protestant
Fredric W. Price
Water Rights Specialist

Attachments:

- ◆Map prepared by BLM for illustrative purposes.
- ◆Master Title Plats: T12S, R17E; T12S, R18E.

FOR DEPARTMENT USE ONLY

Received by L. Strange

Date 6-8-15

C100575

\$25 -

CERTIFICATE OF SERVICE

I certify that on June 8, 2015, I served a true and correct copy of the **Protest of Transfer No. 80058** for Mathers Ranch, Inc. with enclosures upon the following individuals by placing the documents in the United States mail in Boise, Idaho, postage paid, and addressed as follows:

Original to:

Jeff Peppersack, Administrator
Idaho Department of Water Resources (IDWR)
Idaho State Office
Water Management Division,
P.O. Box 83720
322 East Front Street
Boise, Idaho 83720-0098

Copies to:

Idaho Department of Water Resources
Southern Regional Office
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Mathers Ranch, Inc.
3485 E 3100 N
Kimberly, ID 83341-5251

Steve Davis, Hydrologist
U.S., Department of the Interior,
Bureau of Land Management,
Burley Field Office
15 East 200 South
Burley, ID 83318-5435

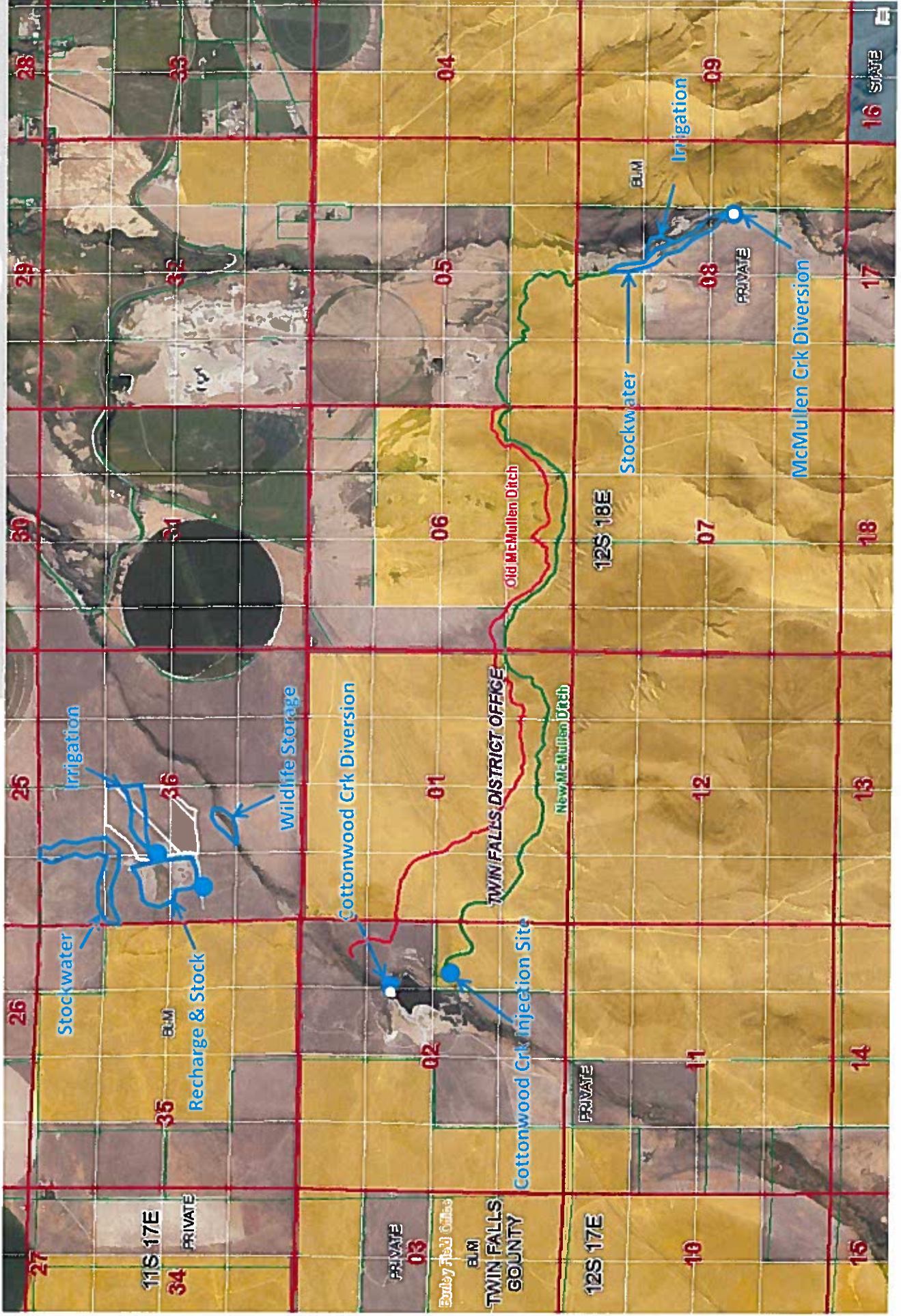
Fred Price

Person Serving Documents (print name)

[Signature]
Signature of Person Serving Documents

Transfer 80058 (47-16397) Map

- = Original PODs
- = Proposed PODs
- ▨ = Original POU
- ▨ = Proposed POU



Green indicates unchanged components of the right.

Use Code

NE		
----	--	--

NE	NE
----	----

	NE	NW
--	----	----

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

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUN - 1 2010

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 47-16397

By _____ Clerk

Deputy Clerk

NAME AND ADDRESS: MATHERS RANCH INC
3485 E 3100 N
KIMBERLY, ID 83341

SOURCE: COTTONWOOD CRBEK TRIBUTARY: ROCK CREEK
MC MULLEN CREEK TRIBUTARY: COTTONWOOD CREEK

QUANTITY: 0.96 CFS

The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 03/15/1958

POINT OF DIVERSION: T12S R17E S02 NESWNE Within Twin Falls County
R10E S08 NENWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.96 CFS
	Stockwater	01-01 TO 12-31	0.04 CFS

PLACE OF USE:	Irrigation		Within Twin Falls County
	T11S R17E S36	SWNW 1.0 NESW 12.0	SENW 35.0
	48.0 Acres Total		
Stockwater			Within Twin Falls County
	T11S R17E S36	SWNW NESW	SENW

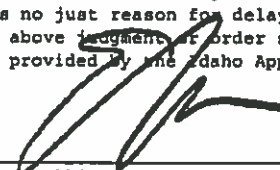
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for stockwater
use is not a determination of historical beneficial use.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

**DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
CASE RECORDATION
(MASS) Serial Register Page**

RunDate/Time: 06/08/15 02:31 PM

Page 1 of 1

01 03-03-1891;026STAT1101;43USC946-951

Total Acres

Serial Number

Case Type 287100: ROW-IRRIGATION FAC

10.960

IDI--- 0 016945

Commodity 971: NON-ENERGY FACILITIES

Case Disposition: AUTHORIZED

Case File Juris: BURLEY FIELD OFFICE

Serial Number: IDI--- 0 016945

Name & Address

Int Rel % Interest

WILLIAMS WILLIAM T

RR 2

TWIN FALLS ID 83301

HOLDER

100.000000000

Serial Number: IDI--- 0 016945

Mer Twp Rng Sec

SType Nr Suff

Subdivision

District / Field Office

County

Mgmt Agency

08 0120S 0170E 001 ALIQ S2NW,E2SW,NESE,S2SE;

BURLEY FIELD OFFICE

TWIN FALLS

BUREAU OF LAND MGMT

08 0120S 0180E 006 ALIQ SENE,SESW,NESE,S2SE;

BURLEY FIELD OFFICE

TWIN FALLS

BUREAU OF LAND MGMT

08 0120S 0180E 006 LOTS 7;

BURLEY FIELD OFFICE

TWIN FALLS

BUREAU OF LAND MGMT

Serial Number: IDI--- 0 016945

Act Date

Code

Action

Action Remarks

Pending Office

12/16/1965 124 APLN RECD

TT

12/30/1965 896 CONFLICT IDENTIFIED

IDI016936;ETAL

02/24/1966 287 PROOF CONST/USE ACPT

02/24/1966 307 ROW GRANTED-ISSUED

02/24/1966 503 LENGTH IN MILES

2.01;

DB

02/24/1966 504 WIDTH IN FEET (TOTAL)

45.0;

DB

08/29/1990 974 AUTOMATED RECORD VERIF

DB

01/01/9999 763 EXPIRES

DB

Line Nr Remarks

Serial Number: IDI--- 0 016945

0001 IRRIGATION DITCH ROW

0002 ID WATER PERMITS R-831, 17765, R-760

RECEIVED

APR 01 2010

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

DEPARTMENT OF
WATER RESOURCES

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 47-02195

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAR 31 2010

By _____

Clerk

Deputy Clerk

NAME AND ADDRESS: W T WILLIAMS INC
C/O TOM WILLIAMS
2600 N 2991 E
TWIN FALLS, ID 83301

SOURCE: MC MULLEN CREEK TRIBUTARY: COTTONWOOD CREEK

QUANTITY: 8.36 CFS

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 lands herein. Rights 47-2195, 47-2446, and 47-4476 when combined shall not exceed a total diversion rate of 20.00 cfs.

PRIORITY DATE: 03/01/1933

POINT OF DIVERSION: T12S R17E S02 NWSENE (Rediversion) Within Twin Falls County
NWNENE (Injection)
S25E (Rediversion)
R18E S08 NENWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	8.36 CFS

PLACE OF USE:	Irrigation		Within Twin Falls County
T11S R17E S13	SWSW 7.0		SESW 11.0
S23	NENE 20.0		SWNE 33.0
	SENE 41.0		NESE 41.0
	NWSE 33.0		
S24	NENW 40.0		NWNW 38.0
	SWNW 40.0		SENW 40.0
	NESW 40.0		NWSW 39.0
	SWSW 40.0		SESW 40.0
	NWSE 20.0		SWSE 40.0
	SESE 32.0		
S25	NENE 40.0		NWNE 32.0
	SWNE 17.0		SENE 40.0
	NWNW 8.0		SWNW 20.0
	NESE 41.0		NWSE 41.0
	SWSE 41.0		SESE 41.0
R18E S30	NENW 10.0	LOT 1	(NWNW) 24.0
LOT 2	(SWNW) 25.0		SENW 13.0
	NESW 21.0	LOT 3	(NWSW) 25.0
LOT 4	(SWSW) 19.0		SESW 6.0
1059.0 Acres Total			

This right is limited to the irrigation of 418 acres within the place of use described above in a single irrigation season. Rights 47-2154 and 47-2195 when combined are limited to the irrigation of 450 acres within the place of use described above in a single irrigation season. Rights 47-2154, 47-2195, and 47-4476 when combined are limited to the irrigation of 501 acres within the place of use described above in a single irrigation season. Rights 47-2154, 47-2195, 47-4476, and 47-2464 when combined are limited to the irrigation of 733 acres within the place of use

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

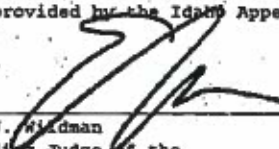
described above in a single irrigation season.
Rights 47-2154, 47-2195, 47-4476, 47-2464, and 47-2295 when
combined are limited to the irrigation of 972 acres within the
place of use described above in a single irrigation season.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



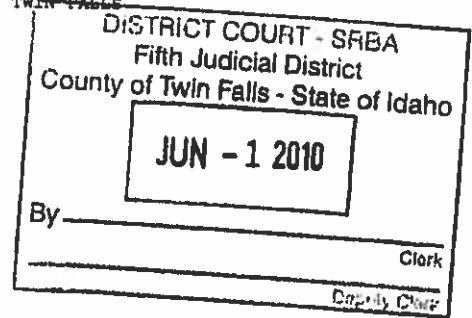
Eric J. Widman
Presiding Judge of the
Snake River Basin Adjudication.

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 47-02446



NAME AND ADDRESS: W T WILLIAMS INC
C/O TOM WILLIAMS
2600 N 2991 E
TWIN FALLS, ID 83301

SOURCE: MC MULLEN CREEK TRIBUTARY: COTTONWOOD CREEK

QUANTITY: 20.00 CFS
350.00 APY

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 lands herein. Rights 47-2195, 47-2446, and 47-4476 when combined shall not exceed a total diversion rate of 20.00 cfs. Rights 47-2446 and 47-15254 when combined shall not exceed a total storage of 350 acre-feet.

PRIORITY DATE: 04/01/1946

POINT OF DIVERSION: T12S R17E S02 NWSENE (Rediversion) Within Twin Falls County
NWNESE (Injection)
SWNE (Rediversion)
R18E S08 NENWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	350.00 APY
	Irrigation from Storage	03-15 TO 11-15	350.00 APY
	Stockwater from Storage	01-01 TO 12-31	350.00 APY
	Diversion to Storage	01-01 TO 12-31	20.00 CFS

The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.

PLACE OF USE:	Irrigation Storage	Within Twin Falls County
T12S R17E S02	SWNE NESE SWSE	SENE NWSE
Irrigation from Storage		Within Twin Falls County
T11S R17E S13	SWSW 7.0	SESW 11.0
S23	NENE 20.0	SWNE 33.0
	SENE 41.0	NESE 41.0
	NWSE 33.0	
S24	NENW 40.0	NWNW 38.0
	SWNW 40.0	SENW 40.0
	NESW 40.0	NWSW 39.0
	SWSW 40.0	SESW 40.0
	NWSE 20.0	SWSE 40.0
	SESE 32.0	
S25	NENE 40.0	NWNE 32.0
	SWNE 17.0	SENE 40.0
	NWNW 8.0	SWNW 20.0
	NESE 41.0	NWSE 41.0
	SWSW 41.0	SESE 41.0
R18E S30	NENW 10.0	LOT 1 (NWNW) 24.0

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

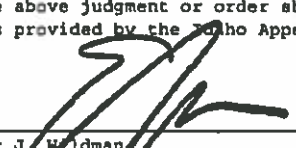
	LOT 2	(SNNW) 25.0		SENW 13.0
		NESW 21.0	LOT 3	(NWSW) 25.0
	LOT 4	(SWSW) 19.0		SESW 6.0
1059.0	Acres Total			
Stockwater from Storage		Within Twin Falls County		
T11S R17E S13		SWSW		SESW
S23		NENE		SWNE
		SENE		NESE
		NWSE		
S24		NENW		NWNW
		SNNW		SENW
		NESW		NWSW
		SWSW		SESW
		NWSE		SWSE
		SESE		
S25		NENE		NWNE
		SWNE		SENE
		NWNW		SNNW
		NESE		NWSE
		SWSE		SESE
R18E S30		NENW	LOT 1	(NWNW)
	LOT 2	(SNNW)		SENW
		NESW	LOT 3	(NWSW)
	LOT 4	(SWSW)		SESW

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Eric J. Waldman
Presiding Judge of the
Snake River Basin Adjudication

No. C 48531	Due no later than Nov 30, 2014 Annual Report Form		2. Registered Agent and Office (NOT A P.O. BOX) DOUGLAS L. MATHERS 3485 EAST 3100 NORTH KIMBERLY ID 83341																												
Return to: SECRETARY OF STATE 450 N 4th STREET PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. MATHERS RANCH, INC. LOTTIE L. MATHERS 3485 EAST 3100 NORTH KIMBERLY ID 83341		3. New Registered Agent Signature.																												
INCORPORATION DATE: 12-21-1973																															
4. Corporations: Enter Names and Business Addresses of President, Secretary, Directors, Treasurer, Vice Pres. <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Office Held</th> <th>Name</th> <th>Street or PO Address</th> <th>City</th> <th>State</th> <th>Country</th> <th>Postal Code</th> </tr> </thead> <tbody> <tr> <td>PRESIDENT:</td> <td>DOUGLAS L. MATHERS</td> <td>3035 N. - 3500E.</td> <td>KIMBERLY, ID</td> <td>(TWIN FALLS COUNTY)</td> <td></td> <td>83341</td> </tr> <tr> <td>VICE PRESIDENT:</td> <td>JEANNE LAPPIN</td> <td>3482E. - 3100N.</td> <td>KIMBERLY, ID</td> <td>(TWIN FALLS COUNTY)</td> <td></td> <td>83341</td> </tr> <tr> <td>SEC./TREAS.</td> <td>LOTTIE L. MATHERS</td> <td>3485E. 3100N.</td> <td>KIMBERLY, ID</td> <td>(TWIN FALLS COUNTY)</td> <td></td> <td>83341</td> </tr> </tbody> </table>				Office Held	Name	Street or PO Address	City	State	Country	Postal Code	PRESIDENT:	DOUGLAS L. MATHERS	3035 N. - 3500E.	KIMBERLY, ID	(TWIN FALLS COUNTY)		83341	VICE PRESIDENT:	JEANNE LAPPIN	3482E. - 3100N.	KIMBERLY, ID	(TWIN FALLS COUNTY)		83341	SEC./TREAS.	LOTTIE L. MATHERS	3485E. 3100N.	KIMBERLY, ID	(TWIN FALLS COUNTY)		83341
Office Held	Name	Street or PO Address	City	State	Country	Postal Code																									
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VICE PRESIDENT:	JEANNE LAPPIN	3482E. - 3100N.	KIMBERLY, ID	(TWIN FALLS COUNTY)		83341																									
SEC./TREAS.	LOTTIE L. MATHERS	3485E. 3100N.	KIMBERLY, ID	(TWIN FALLS COUNTY)		83341																									
5. Organized Under the Laws of: IDAHO C 48531	6. <table border="0" style="width: 100%;"> <tr> <td style="width: 60%;"> Signature: <u><i>Lottie L. Mathers</i></u> Name (type or print): <u>LOTTIE L. MATHERS</u> </td> <td style="width: 40%;"> Date: <u>9-22-14</u> Title: <u>Sec./TREAS.</u> </td> </tr> </table>			Signature: <u><i>Lottie L. Mathers</i></u> Name (type or print): <u>LOTTIE L. MATHERS</u>	Date: <u>9-22-14</u> Title: <u>Sec./TREAS.</u>																										
Signature: <u><i>Lottie L. Mathers</i></u> Name (type or print): <u>LOTTIE L. MATHERS</u>	Date: <u>9-22-14</u> Title: <u>Sec./TREAS.</u>																														

No. C 34348		Due no later than Feb 28, 2015		Annual Report Form		2. Registered Agent and Address (NO PO BOX)	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE		1. Mailing Address: Correct in this box if needed.		THOMAS A WILLIAMS 2941 E 2600 N TWIN FALLS 83301			
		W.T. WILLIAMS, INC. W T WILLIAMS 3094 N 3200 E TWIN FALLS ID 83301 USA		3. <u>New</u> Registered Agent Signature:*			
4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional).							
Office Held	Name	Street or PO Address	City	State	Country	Postal Code	
PRESIDENT	THOMAS A WILLIAMS	2941 E. 2600 N.	TWIN FALLS	ID	USA	83301	
SECRETARY	WILLIAM J WILLIAMS	3128 N. 3200 E.	TWIN FALLS	ID	USA	83301	
DIRECTOR	REX A WILLIAMS	3196 B N. 3200 E.	TWIN FALLS	ID	USA	83301	
DIRECTOR	JEFFREY K WILLIAMS	3446 E. 3100 N.	KIMBERLY	ID	USA	83341	
DIRECTOR	WADE T WILLIAMS	1304 W. 3800 N.	HOWE	ID	USA	83244	
DIRECTOR	WYATT L WILLIAMS	2725 N. 3000 E.	TWIN FALLS	ID	USA	83301	
DIRECTOR	AARON G WILLIAMS	2900 E. 2600 N.	TWIN FALLS	ID	USA	83301	
5. Organized Under the Laws of:		6. Annual Report must be signed.*					
ID C 34348		Signature: Jeff Williams		Date: 02/02/2015			
		Name (type or print): Jeff Williams		Title: Director			
Processed 02/02/2015		* Electronically provided signatures are accepted as original signatures.					