

RECEIVED

MAY 13 2015

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 80058

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

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: _____

WITHDRAWN

SCANNED
MAY 19 2015

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SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 80058**MINIMUM REQUIREMENTS CHECKLIST**
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- ☐ ☐ #9 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED
MAY 13 2015
DEPT OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant MATHERS RANCH INC Phone (208)423-5847
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**.

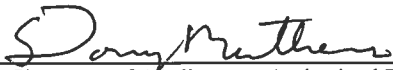
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☒ No Representative

Name of Representative _____ Phone _____
Mailing Address _____ Email _____

- ☐ 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.

 Doug Mathers Pres 5-13-15
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	47-16397	No	No	Yes	Yes	No	Yes

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**

Application filed to reflect how water diverted under this right has been used in two ponds/reservoirs
and to change the location of a portion of the irrigation use to reflect where land is actually being
irrigated. The application will also more accurately describe where livestock can water from conveyance
ditches. The portion of the water right describing groundwater recharge uses allows for a one time fill
of the 45.6 AF reservoir and includes estimated evaporative losses of an additional 5.2 AF. Water diverted

Part 1 A.2 Application filed to reflect how water diverted under this right has been used in two ponds/reservoirs and to change the location of a portion of the irrigation use to reflect where land is actually being irrigated. The application will also more accurately describe where livestock can water from conveyance ditches. The portion of the water right describing groundwater recharge uses allows for a one time fill of the 45.6 AF reservoir and includes estimated evaporative losses of an additional 5.2 AF. Water diverted into this recharge facility sinks shortly after water enters the storage facility and water is impounded in this facility for only a portion of the year (no later than the beginning of May). The portion of the water right describing wildlife storage includes the 1.6 AF stored in the onstream pond, 0.9 AF for estimated seepage losses, and 2.3 AF for estimated annual evaporation losses. The application will also more accurately describe the points of diversion, in particular injection and redirection of the water from Mc Mullen Creek.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

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
47-16397	0.960 cfs	N/A	N/A	8.3		N/A	N/A	N/A	N/A
COMBINED TOTALS									
	0.960 cfs	N/A	N/A	~~N/A~~ 8.3		N/A	N/A	N/A	N/A

2. Total amount of water proposed to be transferred or changed 0.96 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.

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

Proposed Water Right No. 47-16397

Current Water Right Owner
MATHERS RANCH INC
3485 E 3100 N
KIMBERLY, ID 83341

Priority Date: 3/15/1958

Origin: Water Right

Basis: Decreed

Status Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	0.170 CFS		
STOCKWATER	01/01	12/31	0.040 CFS		
DIVERSION TO STORAGE	3/15	4/30	0.960 CFS		
GROUND WATER RECHARGE	3/15	4/30		50.8 AFA	
STORAGE					
GROUND WATER RECHARGE	3/15	4/30		50.8 AFA	
FROM STORAGE					
WILDLIFE STORAGE	1/1	12/31		~~4.8~~ 3.4 AFA	
Total Diversion			0.960 CFS		

Source and Point(s) of Diversion:

COTTONWOOD CREEK	NESW	Sec. 36 Twp 11S Rge 17E TWIN FALLS County
COTTONWOOD CREEK	NWSENE	Sec. 2 Twp 12S Rge 17E TWIN FALLS County
MC MULLEN CREEK	NWSENE	Sec. 2 Twp 12S Rge 17E TWIN FALLS County (R)
MC MULLEN CREEK	NWNESE	Sec. 2 Twp 12S Rge 17E TWIN FALLS County (I)
MC MULLEN CREEK	NENWSE	Sec. 8 Twp 12S Rge 18E TWIN FALLS County ()

Describe the proposed diversion system
embankment on creek

Place of Use: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	17E	36								7.3									7.3
12S	18E	8			1.0														1.0

POU Total Acres: 8.3

Place of Use: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	17E	36					X		X	X		X							
12S	18E	8		X	X											X			

Place of Use: DIVERSION TO STORAGE

Place of Use: GROUND WATER RECHARGE STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	17E	36							X			X							

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT**

Place of Use: GROUND WATER RECHARGE FROM STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	17E	38							X			X							

Place of Use: WILDLIFE STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	17E	38									X								

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
Existing diversion from Mc Mullen Creek with ditch to injection point at Mc Mullen Reservoir on Cottonwood
Creek. Water is diverted from Cottonwood Creek channel below Mc Mullen Reservoir via a ditch to a reservoir
located in Section 36. An on stream reservoir exists on the Cottonwood Creek channel in NESW of Section
36. Appropriate measuring devices will be installed when required.
- b. Who owns the property at the point(s) of diversion
Applicant owns land where diversion from Mc Mullen Creek is located and on stream diversion on Cottonwood
Creek. Injection from ditch into Cottonwood Creek is located on BLM land. Diversion ditch from Cottonwood
Creek is located on land owned by WT Williams Inc.
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Delivery and conveyance system from Mc Mullen Creek to Cottonwood Creek has been used for many years.
- 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:
Application filed to more accurately describe recent use(s) of water.
- 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:
None
- 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:

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No. 47-16397

Current Water Right Owner
MATHERS RANCH INC
3485 E 3100 N
KIMBERLY, ID 83341

Priority Date: 3/15/1958

Origin: Water Right

Basis: Decreed

Status: Active

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

Source: COTTONWOOD CREEK **Tributary:** ROCK CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	0.960 CFS	
STOCKWATER	01/01	12/31	0.040 CFS	
Total Diversion			0.960 CFS	

Source and Point(s) of Diversion:

MC MULLEN CREEK	NENWSE	Sec. 8 Twp 12S Rge 18E TWIN FALLS County
COTTONWOOD CREEK	NESWNE	Sec. 2 Twp 12S Rge 17E TWIN FALLS County

Place of Use: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	17E	36							1.0	35.0	12.0								48.0
POU Total Acres:			48.0																

Place of Use: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	17E	36							X	X	X								0.0

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. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
3. The quantity of water decreed for this water right is not a determination of historical beneficial use.
4. Stockwater use is for 200 range cattle.

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

☒ 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.

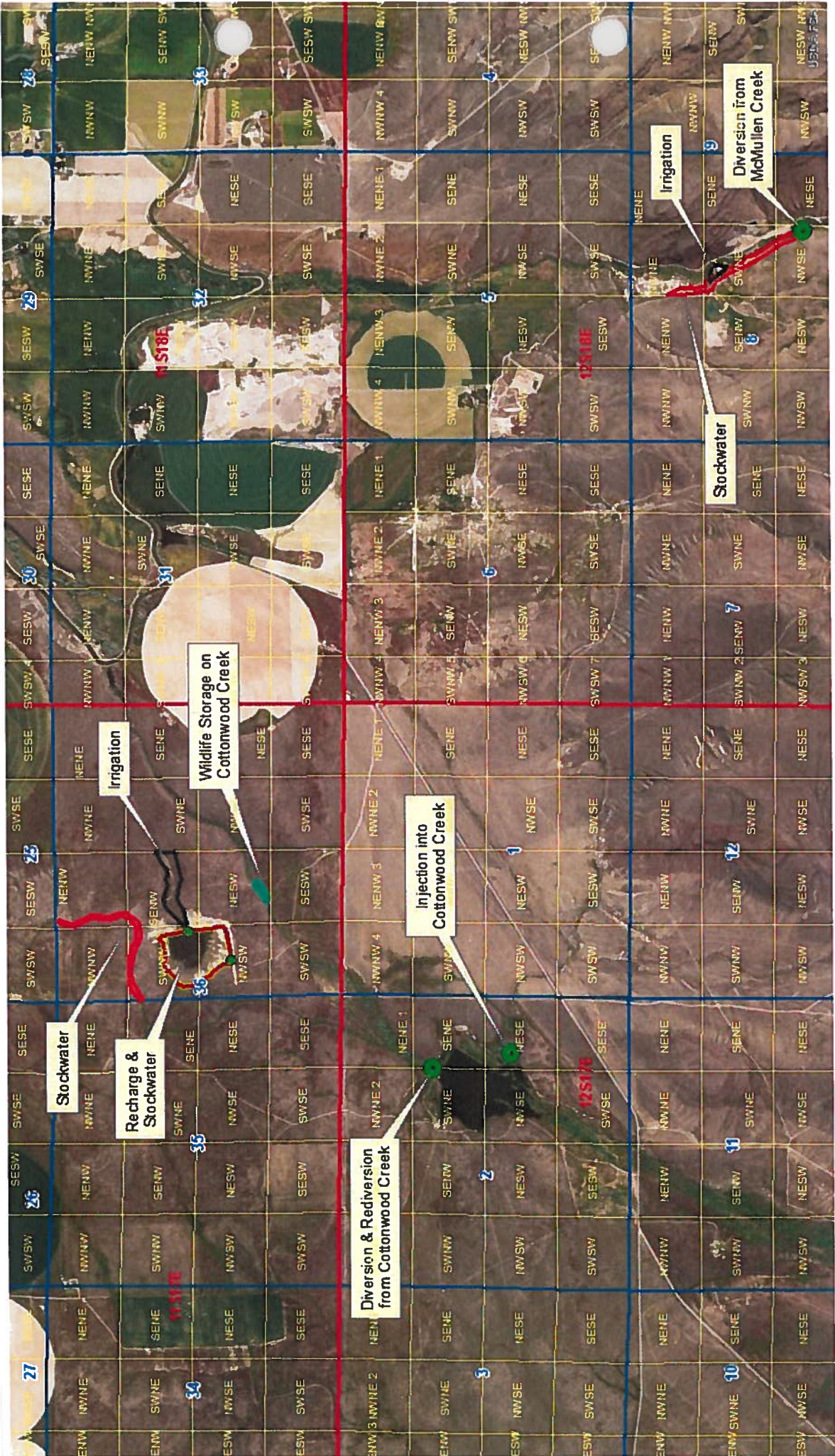
☒ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the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

☐ 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.:

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Transfer Contains 8 pages and attachments.
 Received By P. SKINNER Date 5/13/2015 Prelim. Check By Date
 Fee Paid \$ 500.00 Date 5/13/2015 Received By P. SKINNER Receipt # 5034775
 Add'l Fee Paid Date Received By Receipt #



No. C 48531	Due no later than Nov 30, 2014 Annual Report Form		2. Registered Agent and Office (NOT A P.O. BOX)																												
Return to: SECRETARY OF STATE 450 N 4th STREET PO BOX 83720 BOISE, ID 83720-0080	1. Mailing Address: Correct in this box if needed. MATHERS RANCH, INC. LOTTIE L MATHERS 3485 EAST 3100 NORTH KIMBERLY ID 83341		DOUGLAS L. MATHERS 3485 EAST 3100 NORTH KIMBERLY ID 83341																												
NO FILING FEE IF RECEIVED BY DUE DATE	INCORPORATION DATE: 12-01-1973		3. New Registered Agent Signature.																												
4. Corporations: Enter Names and Business Addresses of President, Secretary, Directors, Treasurer, Vice Pres. <table border="1"> <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. - 3500 E.</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>3482 E. - 3100 N.</td> <td>KIMBERLY, ID</td> <td>(TWIN FALLS COUNTY)</td> <td></td> <td>83341</td> </tr> <tr> <td>SECRETARY:</td> <td>LOTTIE L. MATHERS</td> <td>3485 E. 3100 N.</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. - 3500 E.	KIMBERLY, ID	(TWIN FALLS COUNTY)		83341	VICE PRESIDENT:	JEANNE LAPPIN	3482 E. - 3100 N.	KIMBERLY, ID	(TWIN FALLS COUNTY)		83341	SECRETARY:	LOTTIE L. MATHERS	3485 E. 3100 N.	KIMBERLY, ID	(TWIN FALLS COUNTY)		83341
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SECRETARY:	LOTTIE L. MATHERS	3485 E. 3100 N.	KIMBERLY, ID	(TWIN FALLS COUNTY)		83341																									
5. Organized Under the Laws of: IDAHO C 48531	6. Signature: <u>Lottie L. Mathers</u> Date: <u>9-22-14</u> Name (type or print): <u>LOTTIE L. MATHERS</u> Title: <u>Sec./TREAS.</u>																														
Issued 09/18/2014 by DK1		120723																													

WARRANTY DEED

Twin Falls County, Idaho
Recorded for:
MATHERS
12:18pm Feb. 04, 1999
1999-002229
No. of Pages: 3 Fee: \$9.00
ROBERT S. FORT
Ex-Officio Recorder
Deputy: BM

FOR VALUE RECEIVED, WILLIAM M. TURNER, hereinafter called "Grantor," hereby grants, bargains, sells and conveys unto MATHERS RANCH, INC., whose mailing address is 3488 East 3100 North, Kimberly, Idaho 83341, hereinafter called "Grantee," the following described premises, in Twin Falls County, Idaho, to wit:

Township 11 South, Range 18, East of the Boise Meridian, Twin Falls County, Idaho

Section 31: E $\frac{1}{4}$ SE $\frac{1}{4}$, all that part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ lying South of the right of way of the Twin Falls Canal Company Highline Canal. All that part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ lying South of the right of way of Twin Falls Canal Company Highline Canal more particularly described as follows:

SO. FK. PLOT
West
Sec. 31 -

Bel of land located along the South boundary of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section to-wit:

BEGINNING at a point on the South boundary of the said NE $\frac{1}{4}$ NE $\frac{1}{4}$ which is 470 feet East from the Southwest corner thereof;

THENCE East 450 feet along the South boundary;

THENCE Westerly along the curve right of way boundary of the Twin Falls Canal Company Highline Canal for 510 feet to the PLACE OF BEGINNING.

SW $\frac{1}{4}$ SE $\frac{1}{4}$

EXCEPT a tract of land located in the Northwest corner of the said SW $\frac{1}{4}$ SE $\frac{1}{4}$ described as follows:

BEGINNING at the Northwest corner of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section;

THENCE South 544 feet along the West boundary of said SW $\frac{1}{4}$ SE $\frac{1}{4}$;

THENCE North 20°20' East 580 feet to the North line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$;

THENCE West 205 feet to the POINT OF BEGINNING.

NW $\frac{1}{4}$ SE $\frac{1}{4}$

EXCEPT a tract of land located in said 40 acre tract described as follows:

BEGINNING at the Southwest corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said

WARRANTY DEED - 1.

(wardeed.tbh)

TRANSFER 80058

Section;

THENCE North 1320 feet to the Northwest corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section;

THENCE East 695 feet on the North boundary of the NW $\frac{1}{4}$ SE $\frac{1}{4}$;

THENCE South 20°20' West 1408 feet to the South boundary of said NW $\frac{1}{4}$ SE $\frac{1}{4}$;

THENCE West 205 feet to the POINT OF BEGINNING.

A tract of land located in the Southeast corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ described as follows:

BEGINNING at the Southeast corner of the said SW $\frac{1}{4}$ NE $\frac{1}{4}$;

THENCE West 625 feet;

THENCE North 20°20' East 630 feet to the right of way of Twin Falls Canal Company Highline Canal;

THENCE Northeasterly 500 feet along said Canal right of way to the East line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$;

THENCE South 760 feet to the Southeast corner of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ to the PLACE OF BEGINNING.

A tract of land located in the Southeast corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ described as follows:

BEGINNING at the Southeast corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section;

THENCE North 776 feet along the East boundary of said SE $\frac{1}{4}$ SW $\frac{1}{4}$;

HENCE South 20°20' West 828 feet to the South line of said Section;

HENCE East 287.6 feet to the POINT OF BEGINNING.

Section 32: SW $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$

ownship 11 South, Range 17, East of the Boise Meridian, Twin Falls County, Idaho

Section 36: W $\frac{1}{2}$

together with all improvements on said real property including, but not limited to, all appurtenances, easements, rights of way and all gated pipe and attachments for irrigation, water rights and shares in and to said property.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and

WARRANTY DEED - 2.

(wardeed.tbh)

with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from encumbrances, except as described above, and subject to any restrictions, easements or rights-of-way and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 9th day of July, 1991.

William M. Turner
William M. Turner

STATE OF IDAHO)
County of Twin Falls) ss.

On this 9th day of July, 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared WILLIAM M. TURNER, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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



Mary Lou Panatopoulos
NOTARY PUBLIC
My Commission Expires: 5-18-93
Residing at Twin Falls, ID

McMullin
T-30335

THIS BLANK FURNISHED BY TWIN FALLS TITLE & TRUST COMPANY.

WARRANTY DEED

For Value Received

RUSSELL C. LARSEN and MARIA MAXINE LARSEN, Husband and Wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

BILL MATHERS and RUBY MATHERS, son and mother, as their sole and separate property

Hereinafter called the Grantee, the following described premises situated in Twin Falls County, Idaho, to-wit:

Township 12 South, Range 18 East of the Boise Meridian, Twin Falls County, Idaho,

Section 8: $W\frac{1}{2}NE\frac{1}{4}$; $SE\frac{1}{4}NW\frac{1}{4}$; $NE\frac{1}{4}SW\frac{1}{4}$ and $W\frac{1}{2}SE\frac{1}{4}$

Section 17: $NE\frac{1}{4}NW\frac{1}{4}$ and $NW\frac{1}{4}NE\frac{1}{4}$.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: ~~November~~ ^{December} ~~7th~~ 1970

Russell C. Larsen
Marie Maxine Larsen

STATE OF IDAHO, COUNTY OF TWIN FALLS

On this ~~7th~~ ^{December} day of ~~November~~, 1970, before me, a notary public in and for said State, personally appeared Russell C. Larsen and Marie Maxine Larsen, husband and wife

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Wm O. Baker
Notary Public
Residing at Twin Falls, Idaho.

STATE OF IDAHO, COUNTY OF TWIN FALLS

I hereby certify that this instrument was filed for record at the request of ~~TWIN FALLS~~ TITLE & TRUST COMPANY

at 15 minutes past 4 o'clock pm.,
this DEC 8 1970 day of
19, in my office, and duly recorded in Book 221
of Deeds at page 2656

H. A. LANCASTER

Ex-Officio Recorder

By *Myrl Hallford*
Deputy.

Fees \$

Mail to:

*Lynwood Realty, 610 Blue
Lake Blvd. N., Twin Falls
Idaho*

FILED PUBLIC REC.

614712

Surface Area (AC.)	0.8	"Surface Area" is automatically carried over from the "Seepage Loss" sheet.
Average Pond Depth (FT.)	2	"Average Pond Depth" depicts the actual depth of the pond either measured or estimated. Note: If you know the maximum depth and not the average depth, the Field Examiner's Handbook suggests multiplying the maximum depth by 0.4 to get the average depth, or you can use any method that seems reasonable to attain average depth.
Pond Capacity (AF)	1.6	Pond Capacity is calculated by multiplying the Pond Surface Area by the Average Pond Depth. If you know the capacity, divide the capacity by surface area and enter the average pond depth in the space above. Note: If pond capacity is determined using a method shown on the "Pond Capacity" sheet, the user may need to modify the value of "Pond Capacity" (cell B9) manually. Note that if the value is modified manually, the formula will be altered for future use.
Multiple Fill Volume Above Initial Fill to Fulfill From Storage Needs- "Multiple Fills" (AF)	0	The "Multiple Fill Volume Above Initial Fill" is the acre-feet of water required to meet a <i>from storage</i> component if the <i>from storage</i> component exceeds a one time fill. This section should not include the amount of water needed to fill the pond initially or the amount of water needed to maintain the pond level due to evaporation or seepage. For example: if a pond has a capacity of 5 acre feet and 2.5 acre feet of seepage and evaporation, but the pond is used for irrigation that requires 10 acre feet of from storage for the irrigation use, then you would insert 5 acre feet into this location (10 acre feet needed - 5 acre feet from the initial fill = 5 acre feet of additional storage needed). Note: You must have a "From Storage" component exceeding the initial fill on the permit to include a volume in this space.
Estimated Seepage Loss (AF)	0.9	The "Estimated Seepage Loss" is automatically carried over from the "Seepage Loss" sheet.
Estimated Evaporation Loss (AF)	2.3	The "Estimated Evaporation Loss" is automatically carried over from the "Evaporation Loss" sheet.
Total Volume Required (AF)	4.8	The "Total Volume Required" is calculated by adding the Pond Capacity, Multiple Fills, Seepage Loss, and Evaporation Loss amounts to determine the total amount of storage required.

Twin Falls

Pond on Cottonwood Creek

Range Grass Twin Falls Agrimet 427 mm/season $\rightarrow$ 1.4 AF/acre

$$47-16397 \quad 48 \text{ acres} (1.4) = 67.2 \text{ AF}$$

POND ON CATTANWOOD NEEDS

see pond analysis

$$4.8 \text{ AF} \div 1.4 \Rightarrow 3.4 \text{ acres}$$

Reservoir

open water shallow systems Twin Falls Agrimet

1.14 mm/day March - ^{3/15-3/31} 17 days $\Rightarrow$ 19.38 mm

1.66 mm/day April - ^{4/1-4/30} 30 days $\Rightarrow$ 49.8 mm

$$69.18 \text{ mm}$$

$$69.18 \text{ mm} \Rightarrow 0.227 \text{ AF} \times 22.8 \text{ acres} = 5.2 \text{ AF}$$

reservoir
volume

$$22.8 \text{ acres} \times 2' \text{ average depth} = 45.6 \text{ AF}$$

Total Reservoir Volume ^{VOLUME} ^{EVAP} $45.6 + 5.2 = 50.8 \text{ AF} \div 1.4 \Rightarrow 36.3 \text{ acres}$

$$48 \text{ acres} - 36.3 - 3.4 = 8.3 \text{ acres left}$$

MEMORANDUM

TO: Transfer # 80058 File

FROM: Corey Skinner

DATE: May 15, 2015

SUBJECT: Field Visit RE: Wildlife Storage Pond

On April 22, 2015, Jim Bitzenburg and I visited the site of the wildlife storage pond described in transfer application # 80058 involving water right 47-16397. Jim and I observed that the pond is an onstream impoundment created by the construction of an embankment across the Cottonwood Creek channel located within the NESW of Section 36, Township 11 South, Range 17 East.

During our visit, Jim and I took several relative survey elevations (see 4/22/2015 field notes attached). The embankment crest was not level, with the crest sloping upward toward the right (east) end of the embankment. Our measurements indicated that the maximum structural height of the embankment was at the right end and measured 10.63 feet (13.63 feet - 3.0 feet). The structural height near the center of the embankment measured 8.85 feet (13.63 feet - 4.78 feet). An overflow spillway section exists at the left (west) end of the embankment. The structural height just to the right (east) of this spillway section measured 7.58 feet (13.63 feet - 6.05 feet). The hydraulic height of the embankment would be represented by the difference in elevation between the spillway crest and the downstream toe and measured 5.81 feet (13.63 feet - 7.82 feet).

Based on field observations and using Arcmap, the pond surface area was determined to be approximately 0.8 acres. During the field visit, it was noted that the majority of the pond would be quite shallow and it was estimated that the average depth of water in the entire pond would be about two feet. Therefore the pond capacity would be about 1.6 acre-feet (0.8 acres x 2 feet average depth).

Idaho Code, and administrative dam safety rules, define a dam as having a hydraulic height of 10 feet or more, or a maximum water storage of 50 acre-feet or more. Since this facility has a hydraulic height of 5.81 feet and a storage volume of about 1.6 acre-feet the embankment would not be considered a dam.

The following photos and attached field notes document our observations.



ABOVE: View from below the embankment constructed across the Cottonwood Creek channel forming the wildlife storage pond described by transfer # 80058. Note the spillway at the left (right in photo) end of the embankment and the relative small embankment and hydraulic height.

BELOW: View from the left (west) end of the embankment.



Right crest = 3.0
Center Crest = 4.78
Edge of crest @ split = 6.05
Spillway Crest = 7.82
Downstream Toe = 13.63

NESW

36

T1617E

COTTONWOOD
CREEK

COTTONWOOD
CREEK

reservoir
high water
mark

SESW

4/22/2015

FIELD NOTES

WILDLIFE POND

T# 80058

47-16397

MEMORANDUM

TO: Transfer # 80058 File

FROM: Corey Skinner

DATE: May 15, 2015

SUBJECT: Field Visit RE: Ground Water Recharge Reservoir

On April 22, 2015, Jim Bitzenburg and I visited the site of the ground water recharge reservoir described in transfer application # 80058 involving water right 47-16397. The reservoir and the embankment creating the reservoir are located within the SWNW and NWSW of Section 36, Township 11 South, Range 17 East.

During the visit we observed a conveyance ditch from Cottonwood Creek that ran around the upper portion of the reservoir. Water could be diverted from this ditch and delivered into the reservoir. During our visit the reservoir was empty, but judging from debris in the reservoir and on the upstream slope of the embankment, and lack of large vegetation growth in the bottom of the reservoir, it was clear that water had been impounded in the reservoir. Note that 2011 aerial photography appears to show water in the bottom of the reservoir and a pretty noticeable high water mark. The owner of the property, Doug Mathers, and a neighbor had indicated to me that water had been in the reservoir earlier this year (2015).

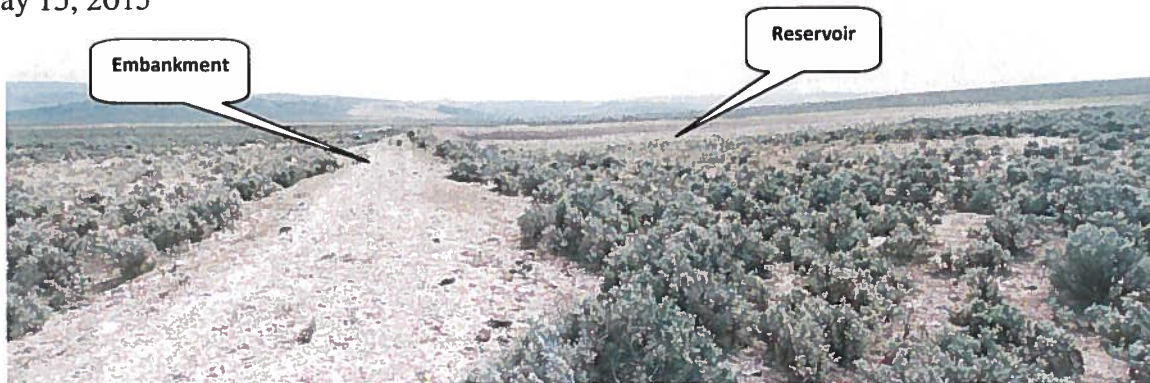
During our visit, Jim and I took several relative survey elevations (see 4/22/2015 field notes attached). These measurements indicated that the approximate maximum structural height of the embankment was 10.74 feet (14.5 feet – 3.76 feet), along the east side of the embankment, near the old outlet section. The elevation difference between the lowest point on the downstream toe and the spillway crest (at the south side of the embankment) was 7.95 feet (14.5 feet – 6.55 feet). Note that this 7.95 feet value would be considered the hydraulic height of the embankment for dam safety consideration. The approximate elevation difference between the lowest point in the reservoir bottom and the spillway crest was 4.98 feet (11.53 feet – 6.55 feet). This elevation difference would represent the maximum depth of the reservoir. It was noted that the majority of the reservoir would be quite shallow and it was estimated that the average depth of water in the entire reservoir would be about two feet. Using Arcmap, and the 2011 aerial photography, the high water mark of the reservoir was measured at 22.8 acres. The reservoir volume can be estimated at approximately 45.6 acre-feet (22.8 acres x 2 feet average depth). An alternative reservoir estimate of 45.4 acre-feet could be obtained by using the maximum depth (4.98 feet) x surface area (22.8 acres) x a reduction factor of 0.4. Idaho Code, and administrative dam safety rules, define a dam as having a hydraulic height of 10 feet or more, or a maximum water storage of 50 acre-feet or more. Since this facility has a hydraulic height of 7.95 feet and a storage volume of about 45 acre-feet the embankment would not be considered a dam.

The following photos and attached field notes document our observations.

Page 2

Transfer # 80059 Recharge Reservoir Memo

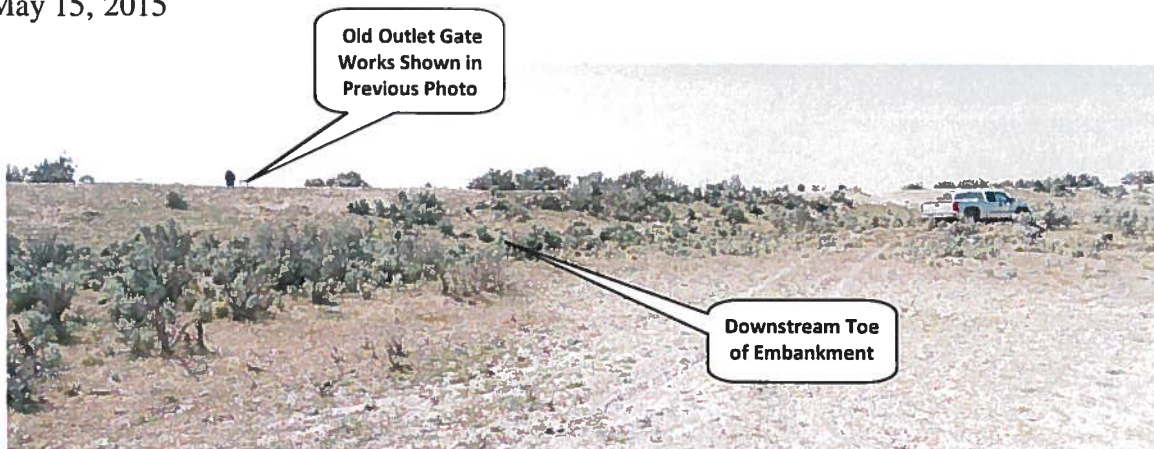
May 15, 2015



ABOVE: View from near the left (north) end of the embankment looking south along the embankment crest showing empty reservoir in the distance.

BELOW: View from inside the reservoir showing the old outlet gate stem and frame with the upstream slope of the embankment in the background of the view. Note the debris visible in the foreground of this view showing past reservoir storage. Also note that the outlet gate appears to be inoperable.





ABOVE: View from below the east side of the embankment along the maximum section of the embankment showing the maximum structural height of the embankment. Note the relative height of the embankment compared to the pickup.

BELOW: View of spillway located along the south side of the embankment. The spillway crest was approximately 7.95 feet higher than the lowest point along the downstream toe of the embankment and approximately 4.98 feet higher than the lowest point in the reservoir bottom. The spillway has a base width of four feet.



SURVEY ELEVATIONS

Crest 3.76

Top ~~14.50~~ 14.50Breach ~~6.38~~ 6.38Low point in Res ~~11.53~~ 11.53

High water mark 6.48

Spillway 6.55

4/22/2015

FIELD NOTES

GW Recharge
Reservoir T#80058

47-16397

DITCH FROM COTTONWOOD CREEK

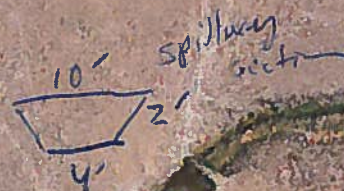
old spillway (might be higher than dam)

INFLOW FROM
DITCH FROM
COTTONWOOD
CREEK

11S17E

36

35

outlet gate
42.42564
114.41618spillway
42.42353
114.41803COTTONWOOD
CREEK



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 14, 2015

MATHERS RANCH INC
3485 E 3100 N
KIMBERLY, ID 83341

RE: Transfer No. 80058
Water Right No(s). 47-16397

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 5/21/2015 and 5/28/2015**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**June 8, 2015**).

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline
Administrative Assistant

Maline, Denise

From: Maline, Denise
Sent: Thursday, May 14, 2015 8:51 AM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News Cover Letter.docx; Times News Ad.doc

Attached please find (1) legal notice being submitted for publication on May 21st & 28th, 2015. Please feel free to contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 14, 2015

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Transfer No. 79965
Water Right No(s): 47-2333

RE: Transfer No. 80039
Water Right No(s): 37-10146, 37-20396, 37-8361

RE: Transfer No. 80058
Water Right No(s): 47-16397

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before June 8, 2015. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79965**

N RANCH LLC, 3497 E 3000N, KIMBERLY, ID 83341; has filed Application No. 79965 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-2333. The purpose of the transfer is to change a portion of the above rights as follows: Application filed to change the place of use of a water right that allows for the diversion of 1.2 cfs of water from Mc Mullen Creek, north of the High Line Canal, for the irrigation of 60 acres. The proposed change in place of use consists of moving water from lands west of Mc Mullen Creek to a new place of use on lands east of Mc Mullen Creek, north of the Highline Canal, approximately 0.0 to 0.4 miles west and 7.0 to 7.4 miles south of the center of Kimberly. The application also proposes to describe an existing ditch diversion from Mc Mullen Creek as an additional point of diversion. This additional point of diversion is located on the west side of Mc Mullen Creek approximately 700 feet south of the High Line Canal and delivers water to the new place of use.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80039**

BOOTJACK LIMITED PARTNERSHIP, PO BOX 856, SHOSHONE, ID 83352; has filed Application No. 80039 for changes to the following water rights within LINCOLN County(s): Right No(s). 37-10146, 37-20396, 37-8361. The purpose of the transfer is to change a portion of the above rights as follows: Application filed to add existing wells as authorized points of diversion and to modify the places of use of three water rights associated with a CAFO located along the west side of Highway 75 approximately 4.75 to 5.25 miles north of Shoshone. The changes proposed to the records will reflect the current operation of the CAFO facility. In total, three existing interconnected wells will be used to divert up to 0.15 cfs and 40.9 afa of water for the facility.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80058**

MATHERS RANCH INC, 3485 E 3100 N, KIMBERLY, ID 83341; has filed Application No. 80058 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-16397. The purpose of the transfer is to change a portion of the above rights as follows: Application filed to modify a water right that currently authorizes the diversion of up to 0.96 cfs of water from Mc Mullen Creek or Cottonwood Creek for irrigation of 48 acres and stockwater use on land located approximately 7.25 to 7.6 miles south and 2.4 to 2.7 miles west of the center of Kimberly. The application will change a 36.3 acre portion of the right to groundwater recharge storage and groundwater recharge from storage uses to be associated with a reservoir located approximately 7.35 to 7.6 miles south and 2.65 to 2.9 miles west of the center of Kimberly. The application will also change a 3.4 acre portion of the right to wildlife storage use to be associated with a pond located on the Cottonwood Creek channel located approximately 7.7 miles south and 2.5 miles west of the center of Kimberly. The application will also transfer 1.0 acre of irrigation use to a new location near Mc Mullen Creek approximately 9.3 miles south and 0.4 miles west of the center of Kimberly. The application will also more accurately describe the actual locations of stockwater use on the applicant's land from the conveyance ditches from Mc Mullen Creek and Cottonwood Creek and describe the locations of injection and redirection of Mc Mullen Creek water into and from the Cottonwood Creek channel. After the proposed transfer, the water right will allow for 50.8 acre-feet of groundwater recharge storage and groundwater recharge from storage uses, 4.8 acre-feet of wildlife storage use, the continued stockwater use, and a total of 8.3 acres of irrigation (transferred one acre portion to land near Mc Mullen Creek and remaining 7.3 acres at the currently authorized place of use).

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx . Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before June 8, 2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on May 21st & 28th, 2015

MEMORANDUM

Date: May 14, 2015
To: Transfer 80058 File
From: Corey Skinner
Re: Evaluation of Sufficiency of Information Submitted

Application filed to modify a water right (47-16397) that currently authorizes the diversion of up to 0.96 cfs of water from Mc Mullen Creek or Cottonwood Creek for irrigation of 48 acres and stockwater use on land located approximately 7.25 - 7.6 miles south and 2.4 - 2.7 miles west of the center of Kimberly. Modifications include changing the nature of use of irrigation to storage uses. From a field visit, it was determined that the likely irrigated crop associated with right 47-16397 was range grass. The University of Idaho ET Idaho website indicates that range grass has a precipitation deficit of 1.4 acre-feet per acre based on Twin Falls Agrimet data.

The application will change a 36.3 acre portion of the right to 50.8 acre feet of groundwater recharge storage and groundwater recharge from storage uses to be associated with a reservoir located approximately 7.35 – 7.6 miles south and 2.65 – 2.9 miles west of the center of Kimberly. The applicant indicated that water runs into the reservoir and it sinks in roughly the same time that it takes to fill the reservoir (if it runs in for seven days, seven days later it is gone). Due to the relative priority date of right 47-16397, water is only available to fill the reservoir very early in the year (prior to May 1). Based on field and Arcmap measurements it is estimated that the reservoir has an approximate capacity of 45.6 acre-feet (22.8 acre surface area with an average depth of approximately 2 feet). Accounting for evaporative losses from March 15th through the end of April, indicates that an additional 5.2 acre-feet could evaporate from the reservoir. The total amount of water associated with the reservoir (50.8 acre-feet) represents the one time fill of the reservoir (45.6 acre-feet), which then sinks into the ground, plus the associated evaporative losses (5.2 acre feet).

The application will also change a 3.4 acre portion of the right to 4.8 acre-feet of wildlife storage use to be associated with a pond located on the Cottonwood Creek channel located approximately 7.7 miles south and 2.5 miles west of the center of Kimberly. Utilizing survey data from a field visit and Arcmap measurements, the reservoir is estimated to have a capacity of 1.6 acre-feet (approximate surface area of 0.8 acres x 2 foot average depth). Using the IDWR pond analysis spreadsheet, it is estimated that seepage loss from the pond is 0.9 acre-feet per year and the annual evaporative losses from the pond are 2.3 acre-feet. The 4.8 acre-feet of wildlife storage use represents the sum of the pond capacity (1.6 acre-feet), seepage losses (0.9 acre-feet), and evaporative loss (2.3 acre-feet).

The application will also transfer 1.0 acre of irrigation use to a new location near Mc Mullen Creek approximately 9.3 miles south and 0.4 miles west of the center of Kimberly. The application will also more accurately describe the actual locations of stockwater use on the applicant's land from the conveyance ditches from Mc Mullen Creek and Cottonwood Creek and describe the locations of injection and rediversion of Mc Mullen Creek water into and from the Cottonwood Creek channel. After the proposed transfer, the water right will allow for 50.8 acre-feet of groundwater recharge storage and groundwater recharge from storage uses, 4.8 acre-feet of wildlife storage use, the continued stockwater use, and a total of 8.3 acres of irrigation (transferred one acre portion to land near Mc Mullen Creek and remaining 7.3 acres at the currently authorized place of use).

- **Authority to File:**
The current owner of the right involved with the transfer is Mathers Ranch Inc, the transfer applicant. IDSOS information indicates that Doug Mathers can sign on behalf of the applicant. Deeds included with the transfer &/or IDWR tax lot data indicates that the applicant owns the proposed new place(s) of use.
- **Water Right Validity:**
The right involved with the transfer was decreed in the SRBA in June of 2010. Possible forfeiture of the right does not appear to be an issue.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated. The application will be subject to public notice and protest.
- **Beneficial Use/Conservation of Water Resources:**
Proposed uses are recognized as beneficial uses of water.
- **Effect on Economy of the Local Area:**
None anticipated.
- **Effect of the Agricultural Base of the Local 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.

MEMORANDUM

TO: Transfer # 80058 File

FROM: Corey Skinner

DATE: May 14, 2015

SUBJECT: Filing Fee

The filing fee, \$500.00, for this transfer is based on the total amount of water being transferred, 0.96 cfs. The transfer fee schedule for a transfer involving 0.20 – 1.00 cfs indicates that the filing fee is \$500.00.