

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78518**

This is to certify that: **MANNING RANCHES INC**
2233 BIRCH CREEK RD
OAKLEY, ID 83346

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

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
45-4191A	WR/DECREED	7/1/1959	0.320 cfs	64.0 af	N/A	16.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

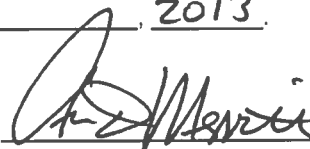
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
45-4191A	NO	YES	YES	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
45-4191A	45-4191A	0.320 cfs	64.0 af	16.0	38.4	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.320 cfs	64.0 af	16.0	38.4		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 June, 2013.



Southern Region Manager

WATER RIGHT NO. 45-4191A

As Modified by Transfer No. 78518

In accordance with the approval of Transfer No. 78518, Water Right No. 45-4191A is now described as follows:

Right Holder: MANNING RANCHES INC
2233 BIRCH CREEK RD
OAKLEY, ID 83346

Priority Date: 7/1/1959

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.320 cfs	64.0 af
			0.320 cfs	64.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENE	Sec 14 Twp 14S Rge 22E CASSIA County
GROUND WATER	SESE	Sec 14 Twp 14S Rge 22E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	22E	14			8.6										16.0	11.0		2.8	38.4

Right Acre Limit: 16.0

POU Total Acres: 38.4

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 16 acres within the authorized place of use in a single irrigation season.
2. This right is limited to the irrigation of a specific 16 acres within the 38.4 acre place of use authorized by this right in a single irrigation season. The specific 16 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right and are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 16 acres to be irrigated within the 38.4 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Transfer No. 78518

WATER RIGHT NO. 45-4191A

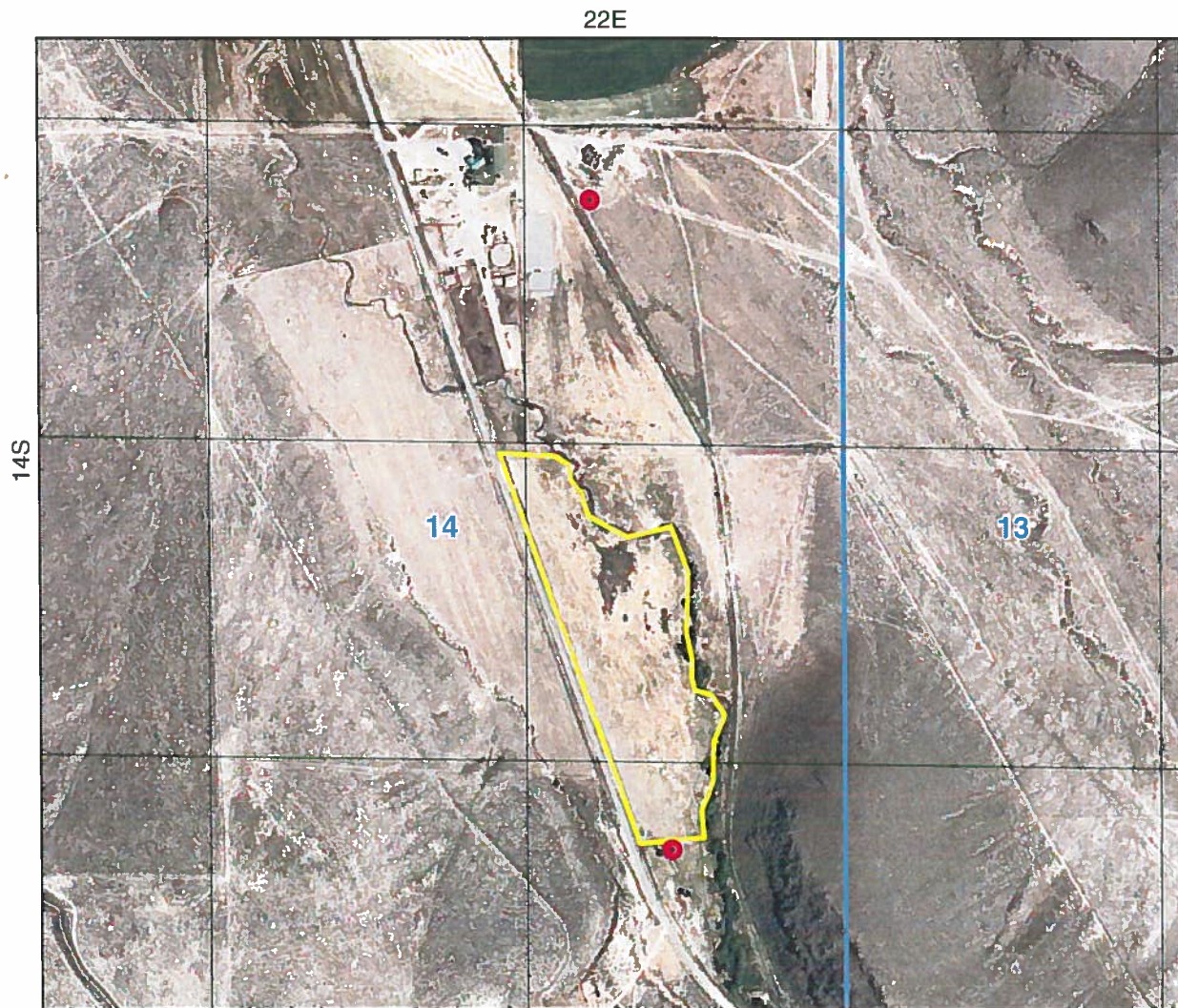
As Modified by Transfer No. 78518

CONDITIONS OF APPROVAL

4. Use of water under this right will 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. 140.
5. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point of diversion in accordance with Department specifications.
6. Prior to the diversion and use of water under Transfer approval 78518, the right holder shall install and maintain an acceptable measuring device at the authorized point of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. The right holder shall accomplish the change authorized by this transfer within five (5) years 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 Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

State of Idaho
Department of Water Resources
Attachment To Transfer No. 78518
Right: 45-4191A

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
-  Quarter Quarters

0 0.075 0.15 0.3 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 19, 2013

MANNING RANCHES INC
2233 BIRCH CREEK RD
OAKLEY ID 83346

Re: Transfer No: 78518
Water Right No(s): 45-4191A

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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,

A handwritten signature in black ink, appearing to read "Allen Merritt". The signature is stylized with a large, sweeping initial "A" and a distinct "M".

Allen Merritt
Southern Region Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on June 19, 2013 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 78518
Water Right No(s): 45-4191A

MANNING RANCHES INC
2233 BIRCH CREEK RD
OAKLEY ID 83346

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

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.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 19, 2013

BRIAN HIGGS WATERMASTER
WATER DISTRICT # 140
355 W 500 S
BURLEY, ID 83318

Via e-mail

Re: **APPROVED Transfer No. 78518 (Manning Ranches Inc.)**

Dear Mr. Higgs:

For your information and records, we have enclosed a copy of an APPROVED Application for Transfer within your District.

If you have any questions, please contact this office, or the applicant.

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline". The signature is written in dark ink and is positioned above the printed name and title.

Denise Maline
Administrative Assistant

Enclosure

RECEIVED

MAY 24 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Affidavit of Publication

STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS.

I, Ruby Aufderheide, being first duly sworn upon oath, depose and say that I am Legal Clerk of the TIMES-NEWS, published daily at, Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated 16th day of May, 2013 and ending with the issue dated 23rd day of May, 2013

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to be issued thereof Thursday is announced as the day on which said legal will be published.

Ruby Aufderheide
Ruby Aufderheide, Legal Clerk

STATE OF IDAHO
COUNTY OF TWIN FALLS

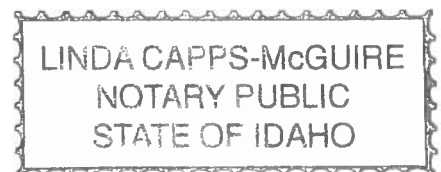
On this 23rd day of May, 2013, before me,

a Notary Public, personally appeared Ruby Aufderheide,
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Linda Capps McGuire
Notary Public for Idaho
Residing at Twin Falls, Idaho.

My commission expires: 5/3-15

✓ OK DM 6/5/2013



The following application(s) have been filed to appropriate the public waters of the State of Idaho:

✓
36-16965

LARRY STONE

NAN ALLISON-STONE

PO BOX 1331

SUN VALLEY, ID 83353

Point of Diversion NWSESE S36 T07S R13E GOODING County

Source UPPER TUCKER SPRING Tributary RILEY CREEK

Point of Diversion SENWSE S36 T07S R13E GOODING County

Source LOWER TUCKER SPRING Tributary RILEY CREEK

Point of Diversion SWNW S23 T07S R13E GOODING County

Source WASTE WATER Tributary SNAKE RIVER

Use: DIVERSION TO STORAGE 02/15 to 11/30 0.2 CFS

Use: RECREATION STORAGE 01/01 to 12/31 1.9 AF

Use: STOCKWATER STORAGE 01/01 to 12/31 1.9 AF

Total Diversion: 0.2 CFS

Date Filed: 2/21/2013

Place Of Use: RECREATION STORAGE & STOCKWATER STORAGE

T07S R13E S23 SWNW

Application for permit, 36-16965, seeks to divert 0.20 CFS of wastewater for recreation storage and stockwater storage to an existing pond with a total volume of 1.9 acre-feet. The pond and proposed point of diversion (POD) are located approximately 0.4 mi. S and 0.4 miles W of Hagerman, Idaho. Application also proposes two additional PODs at Upper and Lower Tucker Springs, located approximately 2.8 miles south and 1.3 miles east of Hagerman.

✓
**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78518**

MANNING RANCHES INC, 2233 BIRCH CREEK RD, OAKLEY, ID 83346; has filed Application No. 78518 for changes to the following water rights within CASSIA County(s): Right No(s). 45-4191A. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the place of use (POU), point of diversion (POD), and add a POD to a groundwater irrigation right that is currently authorized to divert 0.32 CFS from a well located approximately 0.6 mi. E of the intersection of MAIN ST & STATE HWY 27, in Oakley, Idaho. Currently this right is authorized to irrigate 16 acres, located on the NE side of the intersection of MAIN ST. & WILSON AVE in Oakley, ID, approximately 0.5 to 0.6 mi. E of the intersection of MAIN ST & STATE HWY 27. Application proposes to create a 38.4-acre permissible place of use (PPU), on property owned by the applicant, located approximately 2.0 to 2.4 mi. E & 2.4 to 2.8 mi. S of Oakley, Idaho. Up to two authorized wells, located approximately 2.3 mi. E & 2.3 mi. S and 2.4 mi. E & 2.8 mi. S of Oakley, ID, will be used to irrigate 16 acres within the 38.4-acre PPU.

✓
**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78563**

NATHANIEL S and DESIREE C CARSON and GWEN SQUIRES, 1174 S HWY 81, DECLO, ID 83323; have filed Application No. 78563 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13599, 43-13600, 43-13651, 43-13721, 43-13722. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes adding a new well to be drilled as an additional authorized point of diversion to a group of groundwater rights used on a farm located approximately 3.25 - 3.75 miles north of Malta. The new well and two existing wells will be used to divert up to 1.38 cfs and 267.7 afa for irrigation use and stockwater and commercial use associated with a mink farm on the property. The new well will be drilled at a site approximately 3.3 miles north of Malta, on the west side of Highway 81.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before June 3, 2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH: May 16 and 23, 2013

✓ ok AM
6/5/2013

Maline, Denise

From: Brian Higgs [brian@waterwellconsultants.com]
Sent: Tuesday, May 21, 2013 12:06 PM
To: Maline, Denise
Cc: Jaxon Higgs
Subject: Re: Comment Letter for 78518

Hi Denise.

The well listed in Part 2A on water right 45-4191A is actually located in 13S 22E 35 NWSESE. In the IDWR database it is listed in 13S 22E 34 SWSWSW. In the WMIS database it is listed in 13S 22E 33 SESENW.

We measured it in 2010 at 32 gpm. The distribution system is still intact so I will continue to verify that the well is not used for irrigation.

Thank you.

Brian

From: [Maline, Denise](#)
Sent: Thursday, May 09, 2013 4:44 PM
To: [Brian Higgs](#)
Subject: Comment Letter for 78518

Brian --

Attached please find an Application for Transfer, along with a cover letter and recommendation form. Please review the information and provide any comments you may have, within the next 21 days. If you have any questions regarding this information, please feel free to contact our office.

Sincerely,

Denise Maline
Administrative Assistant, Southern Region
Idaho Dept of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov

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