

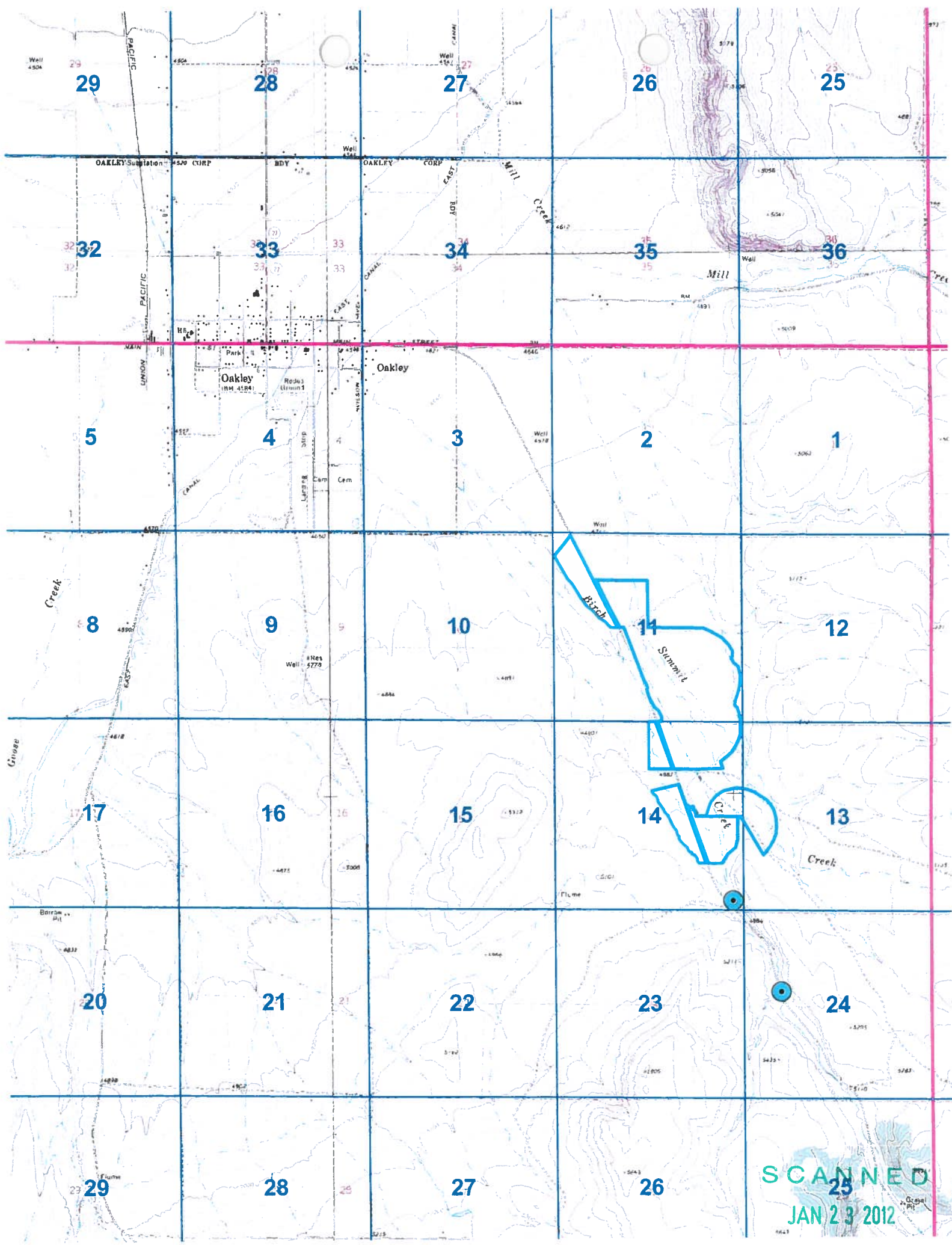
REVISED M E M O R A N D U M

Date: February 17, 2012
To: **AMENDED** Transfer 74087 File – Manning Ranches
From: Jeanie Robertson
Re: Evaluation of Sufficiency of Information Submitted

This transfer reduces the place of use on six water rights currently authorized for the diversion of 6.18 cfs for the irrigation of up to 1,014 acres diverted from Birch Creek. Part of the former place of use has been sold and this transfer corrects the place of use to 387 acres of the lands retained in the sales. It also adds a second point of diversion to two of the rights which only listed one point of diversion from Birch Creek. The additional point of diversion for rights 45-80B and 45-81B is the other Birch Creek pod that the ranch has historically used for their Birch Creek rights and in reality these two rights were probably diverted from both pods in the past anyway. Location of the place of use is approximately between 1.0 - 1¾ miles south of Oakley on Birch Creek Road and the points of diversion are located approximately 3.0 and 3½ miles south of Oakley on Birch Creek Road.

- **Authority to File:**
The amended application was submitted by and signed by Deanne Manning, widow of Robert Manning. She provided paperwork showing she is authorized to sign on behalf of Manning Ranches. (Apparently the SENE ¼ of Section 14, part of the decreed place of use of some of the rights, was owned by Gerald Marchant. An exchange was done between the parties and a quitclaim deed was provided showing Manning Ranches now owns the SENE ¼ of Section 14.) A release from the lien holder, Metropolitan Life Insurance Company, was provided with the original application in 2007.
- **Water Right Validity:**
45-80B & 45-81B were decreed on 1/8/2007; and 45-85, 45-12456, 45-13489, & 45-13497 were decreed on 9/11/2006.
- **Injury to Other Water Rights:**
Only a very few acres of the place of use fall within the smooth model boundary of the ESPA so any special conditioning should not be necessary. The place of use is within WD45B so water master comments will be requested.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No negative impacts anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed irrigation use is recognized as a beneficial use of water.

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.



SCANNED
JAN 23 2012