

RECEIVED

JAN 11 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Page 1

Transfer No. 77699

Receipt No. 5032307

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

1. Applicant Information MANNING RANCHES INC
2233 BIRCH CREEK RD
OAKLEY ID 83346
(208)862-3884

Will this transfer result in an ownership change? _____ Yes ☒ No

2. Current Water Right

Part 2 Attached for Each Right

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
45-4191A	WR/Beneficial Use	0.32	64.0		16.0	GROUND WATER

3. Purpose of Transfer (Change Proposed)

Part 3A Attached for Each Proposed Right

Part 3B Attached for Each Split Right

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
45-4191A	NO	YES	NO	NO	NO	NO

Describe the reason for the proposed changes

Well needs to be replaced. Request a five year time-line to complete the transfer.

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

N/A

B. Describe the effects on other water uses resulting from the proposed change

N/A

5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
45-4191A	0.32 cfs		16.0	64.0 af
TOTAL	0.32 cfs		16.0	64.0 af

Transfer No. 77699

Receipt No. 5032307

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.

Heanne Manning
(Signature of Applicant)

Owner
(Title or Office)

Transfer No. 77699
 Receipt No. _____

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

Current Water Right No. 45-4191A

Priority Date: July 01, 1959
 Origin: Water Right
 Basis: Decreed
 Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	0.32 CFS	64.0 AFA	
	Total Diversion	0.32 CFS	64.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER NESESE Sec. 33 Twp 13S Rge 22E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S 22E 34											2.0	14.0					16.0

Total Acres: 16

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.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
 NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

No change

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

Transfer No. 77699
 Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
 APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 3A**

Proposed Water Right No. 45-4191A

Priority Date: July 01, 1959

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<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	0.32 CFS	64.0 AFA	
	Total Diversion	0.32 CFS	64.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWSWSW Sec. 34 Twp 13S Rge 22E CASSIA County

Describe the proposed diversion system

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	22E	34										2.0	14.0						16.0

Total Acres: 16



33

34

old well

45-4191A

new well

4

3

WHIPPLE LAW OFFICE

DOUGLAS R. WHIPPLE
Attorney at Law

2300 Overland Avenue
P.O. Box 249
Burley, Idaho 83318
Phone (208) 678-5574

FAX: (208) 678-1594

E-MAIL
drwhipple@pmt.org

July 1, 2011

Deanne Manning
2233 Birch Creek Road
Oakley, Idaho 83346

RE: Summary Probate for Robert Hart Manning (AKA Robert Manning)

Dear Mrs. Manning:

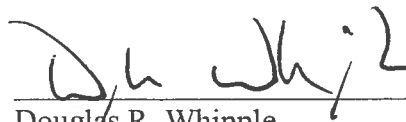
Enclosed you will find copies for your records of the concluding forms for the Summary Probate for Robert Hart Manning (AKA Robert Manning) filed with the Court. I will keep one of the originals here for safe keeping, but I have included a certified copy you can show to others if you need to transfer any of the property listed.

We will be getting in touch with you in the next week or two to make an appointment regarding your wills.

If there is anything else I can assist you with, please let me know.

Very truly yours,

WHIPPLE LAW OFFICE



Douglas R. Whipple

DRW/cb
Enclosure
PC: file

STATE OF UTAH
CERTIFICATION OF VITAL RECORD

CERTIFICATE OF DEATH

State File Number: 2011006677

Robert Hart Manning

DECEDENT INFORMATION

Date of Death:	June 2, 2011	Time of Death:	13:03
City of Death:	Murray	County of Death:	Salt Lake
Age:	68	Date of Birth:	August 17, 1942
Place of Birth:	Elko, Nevada	Sex:	Male
Armed Services:	No	Marital Status:	Married
Spouse's Name:	Deanne Matthews	Usual Occupation:	Rancher
Industry/Business:	Ranching	Education:	High School or GED
Residence:	Oakley, Idaho	Father's Name:	Frank Wilford Manning
Mother's Name:	Thelma Fowler	Facility Type:	Hospital Inpatient
Facility or Address:	Intermountain Medical Center		

INFORMANT INFORMATION

Name:	Deanne Manning	Relationship:	Wife
Mailing Address:	2233 Birch Creek Road, Oakley, Idaho 83446		

DISPOSITION INFORMATION

Method of Disposition:	Burial/Removal
Place of Disposition:	Oakley Cemetery, Oakley, Idaho
Date of Disposition:	June 8, 2011

FUNERAL HOME INFORMATION

Funeral Home:	Larkin Mortuary
Address:	260 East South Temple, Salt Lake City, Utah 84111
Funeral Director:	Travis Greenwood

MEDICAL CERTIFICATION

Certifying Physician:	Thomas W White MD, Intermountain Medical Center, 5121 South Cottonwood Street, Murray, Utah 84157
-----------------------	---

CAUSE OF DEATH

Cervical spinal cord injury, quadraplegia
Due to (or as a consequence of): Fall from horse
Tobacco Use: Did not Contribute
Medical Examiner Contacted: Yes Autopsy Performed: No Manner of Death: Accident

INJURY INFORMATION

Date of Injury:	May 28, 2011	Time of Injury:	11:00
Injury at Work:	Yes	Place of Injury:	Ranch
Location of Injury:	2233 Birch Creek Road, Oakley, Idaho		
How Injury Occurred:	Rider bucked off a horse, hit head and broke neck		
Motor Vehicle Accident:	No		

Date Issued: June 3, 2011

This is an exact reproduction of the document registered in the State Office of Vital Statistics. Security features of this official document include: Intaglio Border, V & R images in top cycloids, ultra violet fibers and hologram image of the Utah State Seal, over the words "State of Utah". This document displays the date, seal and signature of the State Registrar and the County/District Health Officer.

Janice L. Houston, State Registrar
Office of Vital Statistics



* 0 6 3 0 6 5 0 3 4 *

Gary L. Edwards
Director/Health Officer
County/District Health Department



Douglas Whipple

From: Douglas Whipple [whipplelaw@pmt.org]
Sent: Friday, July 01, 2011 4:12 PM
To: 'lroberts@landtitleandescrow.com'
Subject: Manning Ranches, Inc
Attachments: decree- signed and recorded.pdf

Dear Mr. Roberts,

Mr. Whipple met with the Judge this week and was able to probate the Estate of Robert Hart Manning. Mrs. Deanne Manning requested we send you a copy of the recorded Decree Vesting Estate in Surviving Spouse.

If there is anything further we can help with the Mannings, please do not hesitate to contact the office!

Very truly yours,

Cindy Brown
Secretary to Douglas Whipple

cc: file
client

*WHIPPLE LAW OFFICE
PO Box 249
2300 Overland
Burley, Idaho 83318
Tel: (208) 678-5574
Fax: (208) 678-5575*

Douglas R. Whipple
WHIPPLE LAW OFFICE
2300 Overland Avenue
P.O. Box 249
Burley, Idaho 83318
Phone (208) 678-5574
Fax (208) 678-5575
ISBN 2603

Attorney for Petitioner

CASSIA COUNTY
RECORDED FOR:
WHIPPLE LAW OFFICE
11:05:34 am 07-01-2011
2011-002705
NO. PAGES: 6 FEE: \$25.00
JOSEPH H. LARSEN
COUNTY CLERK
DEPUTY: THERESA

FILED
2011 JUN 30 PM 4:35

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

IN THE MATTER OF THE ESTATE OF

ROBERT HART MANNING
(AKA ROBERT MANNING),
Deceased.

CASE NO. *CV2011-670*

DECREE VESTING ESTATE IN
SURVIVING SPOUSE
(I.C. 15-3-1205)

Upon consideration of the Petition for Summary Administration of Estate of Which Surviving Spouse is Sole Beneficiary filed by **DEANNE MATTHEWS MANNING (AKA DEANNE MANNING)** on the 29 day of June, 2011, the Court finds that:

1. The facts set forth in the petition are true.
2. The required notice has been given or waived.
3. The decedent, **ROBERT HART MANNING (AKA ROBERT MANNING)**, died on June 2, 2011, domiciled in Cassia County, Idaho.
4. Venue is proper.
5. The decedent and **DEANNE MATTHEWS MANNING (AKA DEANNE MANNING)** were duly married at Elko, Nevada on January 18, 1964, and remained married until the date of decedent's death.
6. The surviving spouse, **DEANNE MATTHEWS MANNING (AKA DEANNE MANNING)**, is the sole heir or devisee of the decedent.
7. The decedent died intestate.
8. The schedule of property attached to this Decree is a full and complete inventory of the property owned by the decedent and properly characterizes the property as community or

DECREE VESTING ESTATE IN SURVIVING SPOUSE - 1

separate property.

THEREFORE, it is ordered, adjudged and decreed as follows:

1. **DEANNE MATTHEWS MANNING (AKA DEANNE MANNING)** is the surviving spouse of the decedent and is the sole heir or devisee of the decedent.
2. The property of the decedent described on the schedule attached to this Decree is hereby vested in and distributed to **DEANNE MATTHEWS MANNING (AKA DEANNE MANNING)** free and clear of all right, title, claim or demand of any person or persons claiming or attempting to claim under the estate of the decedent as heir, devisee, or otherwise, except as a proper creditor.
3. The surviving spouse shall assume and be liable for any and all indebtedness that might be a claim against the estate of the decedent.
4. There shall be no administration of the estate of the decedent.

Dated This is 30 day of June, 2011.

/s/ Rick L. Bollar

MAGISTRATE

State of Idaho }
County of Cassia } ss

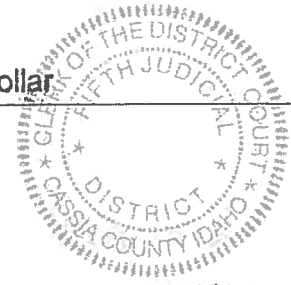
I hereby certify that the foregoing instrument is a full, true
and correct copy of the original as
in this office.

Dated 6/30/11

[Signature]
Clerk of the District Court, Ex-officio Auditor
and Recorder, Cassia County, Idaho

By: [Signature]

Deputy



SCHEDULE "A"

The following list of property is a full and complete inventory of the property owned by the decedent. All of said property is community property of your petitioner and the decedent.

REAL PROPERTY

TOWNSHIP 14 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 29: Tax No. 7850: The East 32 rods of the NE $\frac{1}{4}$ NE $\frac{1}{4}$

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 34: Tax No. 413A: More particularly described as follows:

Beginning at a point that is 1716 feet North of the SE corner of the NW $\frac{1}{4}$ of Section 34;
Thence West 470 feet;
Thence North 924 feet, more or less to the North boundary of said NW $\frac{1}{4}$;
Thence East along said North boundary for 470 feet, more or less to the NE corner of said NW $\frac{1}{4}$;
Thence South along the East boundary of said NW $\frac{1}{4}$ for 924 feet, more or less to the Point of Beginning;

Section 34: Tax No. 1893: Part of the SW $\frac{1}{4}$, more particularly described as follows:

Beginning at a point 357.5 feet East of the Southwest corner of said Section 34;
Thence North 658 feet;
Thence West 357.5 feet;
Thence North 613.6 feet (613.8 feet rec.) to a point that is 1271.6 feet North of the Southwest corner of Section 34;
Thence East 330 feet;
Thence North 300.2 feet, more or less, to a point that is 1068 feet South of the North boundary line of said SW $\frac{1}{4}$;
Thence East 330 feet to a point on the East boundary line of the W $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$, said point being 1068 feet South of the North boundary line of said SW $\frac{1}{4}$;
Thence South along the East boundary line of said W $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ for 1572 feet, more or less, to the South boundary of said Section 34;
Thence West along said South boundary for 302.5 feet, more or less to the Point of Beginning.

TOWNSHIP 14 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 2: Tax No. 3548A: That part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ lying West of Birch Creek Road

Section 3: Tax No. 3549A: The East 900 feet of the SE $\frac{1}{4}$ lying West of Birch Creek Road

SAVE AND EXCEPT the following described:

Beginning at the E $\frac{1}{4}$ section corner of said Section 3, said corner marked by a 5/8 inch rebar with a 3 inch aluminum cap on top; Thence North 89°05'47" West along the North line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ for a distance of 900.00 feet; Thence South 0°07'37" West parallel to the East line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ for a distance of 65.02 feet to a 1/2 inch rebar which shall be the Point of Beginning;

Thence North 8609'15" East for a distance of 84.65 feet to a ½ inch rebar;
 Thence North 8609'15" East for a distance of 35.78 feet to the centerline of Birch Creek Road;
 Thence South 2635'39" East along said centerline for a distance of 644.11 feet;
 Thence North 8952'23" West for a distance of 36.95 feet to a ½ inch rebar;
 Thence North 8952'23" West for a distance of 372.83 feet to a ½ inch rebar on a line 900.00 feet
 West of the East line of the NE¼SE¼;
 Thence North 0007'37" East along said line for a distance of 566.98 feet to the Point of Beginning.

TOWNSHIP 14 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
 CASSIA COUNTY, IDAHO

Section 11: Tax No. 8032: That part of the NW¼NW¼ lying East of Birch Creek Road
 Tax No. 3551: That part of the NW¼NW¼ lying West of Birch Creek Road
 Tax No. 3553: That part of the S¼NW¼ lying West of Birch Creek Road
 Tax No. 3554: That part of the E¼/SW¼ and the SW¼SE¼ lying West of Birch Creek Road
 Section 14: Tax No. 3552: That part of the NW¼NE¼ lying West of Birch Creek Road

TOWNSHIP 14 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN.
 CASSIA COUNTY, IDAHO

Section 20: NE¼ and the East 32 rods of the SE¼ **SAVE AND EXCEPT** the following described:

Beginning at the East quarter section corner of Section 20, said corner marked by a 5/8 inch rebar
 with a 3 inch cap on top which shall be the Point of Beginning;
 Thence South 01°05'28" West along the east line of Section 20 for a distance of 1298.83 feet to a ½
 inch rebar;
 Thence South 8°53'31" West for a distance of 89.51 feet to a ½ inch rebar;
 Thence South 73°11'35" West for a distance of 806.76 feet to a ½ inch rebar;
 Thence North 84°12'17" West for a distance of 441.51 feet to a ½ inch rebar;
 Thence South 07°04'04" East for a distance of 148.85 feet to a ½ inch rebar;
 Thence North 82°35'09" West for a distance of 57.19 feet to a ½ inch rebar;
 Thence North 13°28'18" West for a distance of 128.60 feet to a ½ inch rebar;
 Thence North 28°16'01" West for a distance of 26.94 feet to a ½ inch rebar;
 Thence North 64°31'41" West for a distance of 501.57 feet to a ½ inch rebar;
 Thence North 60°02'32" West for a distance of 396.94 feet to a ½ inch rebar;
 Thence North 14°40'47" East for a distance of 936.42 feet to a ½ inch rebar;
 Thence North 37°16'56" East for a distance of 162.41 feet to a ½ inch rebar on the north line of the
 SE¼;
 Thence North 37°34'30" East for a distance of 234.50 feet to a ½ inch rebar;
 Thence North 41°14'42" East for a distance of 225.55 feet to a ½ inch rebar;
 Thence North 45°06'38" East for a distance of 228.39 feet to a ½ inch rebar;
 Thence North 52°43'57" East for a distance of 684.48 feet to a ½ inch rebar;
 Thence North 49°37'19" East for a distance of 804.59 feet to a ½ inch rebar;
 Thence North 41°00'48" East for a distance of 391.10 feet to a ½ inch rebar;
 Thence North 15°53'51" East for a distance of 38.89 feet to a ½ inch rebar on the east line of
 Section 20;
 Thence South 00°23'01" West along the east line of Section 20 for a distance of 1740.88 feet to the
 Point of Beginning.

TOWNSHIP 14 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 14: That portion of the SW¼NE¼ that lies East of the Birch Creek Road.

Together with all water and other rights associated with the above aforesaid real property.

VEHICLES

1972 Ford pickup (VIN No. F60CCP13287)
1986 horse trailer (VIN No. 1C9L17201G1216292)
1999 Ford F250 pickup (VIN No. 1FTNX21SXXEA02557)
2001 Chrysler PT Cruiser (VIN No. 3C8FY4BB81T599399)
2002 horse trailer 2002
2008 Ford F250 pickup (VIN No. 1FTSW21R88EA28174)

BANK ACCOUNTS

DL Evans (Account No. 93155831)
DL Evans (Account No. 97407495)
Wells Fargo (Account No. 102-02758-71)
Wells Fargo (Account No. 102-11722-24)

OTHER PROPERTY

Application and/or claim made with Natural Resources Conservation Service (NRCS).

Stock and/or interest in Manning Ranches, Inc., a Small Business Corporation, Incorporated under the laws of the State of Idaho.

FARM EQUIPMENT

1990 Morris hay hauler
1990 International disk
1990 IHC-7110 tractor
1997 Ford-930 tractor
1998 haybuster
1999 New Holland-1118 swather w/ header
2000 H.H.-RD baler (Serial No. BR780A)
12' rippers (2 count)
Feedbox
IH-720 drill (12' press wheel)
IHC roller harrow
JD-4430 tractor
JD-467 baler

SCHEDULE "A"- 3

LIVESTOCK

Breeding Bulls (10)
Breeding Cows (280)
Heifers (35)
Horses (25)
Stud (1)
New Cows (25)

A total of 431 head branded with  on LR & LH.

PERSONAL PROPERTY

All household goods and personal affects.

Together with all and any other personal property that may be hereinafter discovered.