

RECEIVED
JAN 06 2012
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Transfer No. 74087
Receipt No. S029710

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AMENDED APPLICATION FOR TRANSFER OF WATER RIGHT AMENDED
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 _XXX_ No

2. Current Water Right

Part 2 Attached for Each Right

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
45-80B	WR/Decreed	0.18			11.0	BIRCH CREEK
45-81B	WR/Decreed	0.03			11.0	BIRCH CREEK
45-85	WR/Decreed	0.97			381.0	BIRCH CREEK
45-12456	WR/Decreed	3.12			1,014.0	BIRCH CREEK
45-13489	WR/Decreed	1.31			1,014.0	BIRCH CREEK
45-13497	WR/Decreed	0.57			461.0	BIRCH CREEK

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
45-80B	NO	NO	YES	YES	NO	NO
45-81B	NO	NO	YES	YES	NO	NO
45-85	NO	NO	YES	NO	NO	NO
45-12456	NO	NO	YES	NO	NO	NO
45-13489	NO	NO	YES	NO	NO	NO
45-13497	NO	NO	YES	NO	NO	NO

Describe the reason for the proposed changes

Transfer proposes to change and reduce the place of use of 6 Birch Creek water rights to property retained when parts of the original ranch were sold. Also adds second Birch Creek point of diversion to 45-80B and 45-81B

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
45-80B	0.18 cfs		387.0	
45-81B	0.03 cfs		387.0	
45-85	0.97 cfs		381.0	
45-12456	3.12 cfs		387.0	
45-13489	1.31 cfs		387.0	
45-13497	0.57 cfs		387.0	
TOTAL	6.18 cfs		387.0	

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.

Deanne Manning
(Signature of Applicant)

Owner -
(Title or Office)

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

Current Water Right No. 45-80B

Priority Date: March 01, 1875
Origin: Water Right
Basis: Decreed
Status: Active

Source: BIRCH CREEK

Tributary: GOOSE CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	02/28 11/15	0.18 CFS		
	Total Diversion	0.18 CFS		

Source and Point(s) of Diversion:

BIRCH CREEK SESWNW Sec. 24 Twp 14S 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	
14S	22E	2																	11.0

Total Acres: 11

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. USE OF THIS RIGHT WITH RIGHT NO. 45-81B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 11 ACRES IN A SINGLE IRRIGATION SEASON.
3. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.
4. The operation and use of this water right is also subject to the terms and conditions of the Water Rotation Agreement ("Agreement") entered into by certain users on 10 September, 1992. The Agreement was filed and recorded in the office of the Cassia County Recorder on 27 May, 1993 as Instrument No.: 224804; the provisions of such Agreement to apply fully to this water right.

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Documentation of Ownership of the Current Place of Use

Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

YES

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

Irrigated acreage will be reduced to land retained by applicant after part of the property was sold.

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

NO

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

Current Water Right No. 45-81B

Priority Date: April 01, 1881
Origin: Water Right
Basis: Decreed
Status: Active

Source: BIRCH CREEK

Tributary: GOOSE CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	02/28 11/15	0.03 CFS		
	Total Diversion	0.03 CFS		

Source and Point(s) of Diversion:

BIRCH CREEK SESWNW Sec. 24 Twp 14S 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	
14S	22E	2							11.0										11.0

Total Acres: 11

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. USE OF THIS RIGHT WITH RIGHT NO. 45-80B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 11 ACRES IN A SINGLE IRRIGATION SEASON.
3. THIS RIGHT WAS FORMERLY WATER RIGHT 45-81H.
4. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.
5. The operation and use of this water right is also subject to the terms and conditions of the Water Rotation Agreement ("Agreement") entered into by certain users on 10 September, 1992. The Agreement was filed and recorded in the office of the Cassia County Recorder on 27 May, 1993 as Instrument No.: 224804; the provisions of such Agreement to apply fully to this water right.

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Documentation of Ownership of the Current Place of Use

Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

YES

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

Irrigated acreage will be reduced to land retained by applicant after part of the property was sold.

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

NO

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

Current Water Right No. 45-85

Priority Date: April 16, 1882

Origin: Water Right

Basis: Decreed

Status: Active

Source: BIRCH CREEK

Tributary: GOOSE CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	02/28 11/15	0.97 CFS		
	Total Diversion	0.97 CFS		

Source and Point(s) of Diversion:

BIRCH CREEK SESESE Sec. 14 Twp 14S Rge 22E CASSIA County

BIRCH CREEK SESWNW Sec. 24 Twp 14S 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	
14S	22E	3	35.0	5.0		31.0									11.0				82.0
			L 1	L 2															
14S	22E	11								13.0				1.0	40.0	40.0	37.0	40.0	171.0
14S	22E	14	38.0	24.0	5.0	8.0									20.0	28.0		5.0	128.0

Total Acres: 381

Conditions/Remarks:

1. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.
2. 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.
3. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 159.4 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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4. The operation and use of this water right is also subject to the terms and conditions of the Water Rotation Agreement ("Agreement") entered into by certain users on 10 September, 1992. The Agreement was filed and recorded in the office of the Cassia County Recorder on 27 May, 1993 as Instrument No.: 224804; the provisions of such Agreement to apply fully to this water right.
5. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Documentation of Ownership of the Current Place of Use

Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

YES

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

Irrigated acreage will be reduced to land retained by applicant after part of the property was sold.

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

NO

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

Current Water Right No. 45-12456

Priority Date: April 01, 1881

Origin: Water Right

Basis: Decreed

Status: Active

Source: BIRCH CREEK

Tributary: GOOSE CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	02/28 11/15	3.12 CFS		
	Total Diversion	3.12 CFS		

Source and Point(s) of Diversion:

BIRCH CREEK SESESE Sec. 14 Twp 14S Rge 22E CASSIA County

BIRCH CREEK SESWNW Sec. 24 Twp 14S 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 26							40.0	40.0	39.0	40.0	40.0	40.0					239.0
13S 22E 27													40.0			40.0	80.0
13S 22E 35		35.0	40.0		40.0	39.0											154.0
14S 22E 2							11.0	12.0	40.0	40.0	33.0	40.0					176.0
14S 22E 3	35.0			31.0													66.0
14S 22E 11	L 1								13.0			1.0	40.0	40.0	37.0	40.0	171.0
14S 22E 14	38.0	24.0	5.0	8.0									20.0	28.0		5.0	128.0

Total Acres: 1014

Conditions/Remarks:

- USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1014 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-12456, 45-13489, & 45-13496.

2. 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.
3. THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 45-78D FOR 0.082 CFS, 45-78F FOR 0.063 CFS, 45-81D FOR 0.033 CFS, 45-81F FOR 0.164 CFS, 45-81G FOR 0.04 CFS, 45-83 FOR 0.94 CFS, 45-84 FOR 0.94 CFS, 45-87B FOR 0.76 CFS, AND 0.1 CFS UNCLAIMED FROM 45-87.
4. The operation and use of this water right is also subject to the terms and conditions of the Water Rotation Agreement ("Agreement") entered into by certain users on 10 September, 1992. The Agreement was filed and recorded in the office of the Cassia County Recorder on 27 May, 1993 as Instrument No.: 224804; the provisions of such Agreement to apply fully to this water right.
5. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.
6. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Documentation of Ownership of the Current Place of Use
Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
YES

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

Irrigated acreage will be reduced to land retained by applicant after part of the property was sold.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

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

Current Water Right No. 45-13489

Priority Date: March 01, 1875

Origin: Water Right

Basis: Decreed

Status: Active

Source: BIRCH CREEK

Tributary: GOOSE CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	2/28	11/15	1.31 CFS		
	Total Diversion		1.31 CFS		

Source and Point(s) of Diversion:

BIRCH CREEK SESESE Sec. 14 Twp 14S Rge 22E CASSIA County

BIRCH CREEK SESWNW Sec. 24 Twp 14S 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	26							40.0	40.0	39.0	40.0	40.0	40.0					239.0
13S	22E	27													40.0			40.0	80.0
13S	22E	35		35.0	40.0		40.0	39.0											154.0
14S	22E	2							11.0	12.0	40.0	40.0	33.0	40.0					176.0
14S	22E	3	35.0			31.0													66.0
14S	22E	11	L 1								13.0			1.0	40.0	40.0	37.0	40.0	171.0
14S	22E	14	38.0	24.0	5.0	8.0								20.0	28.0		5.0		128.0

Total Acres: 1014

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. THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 45-77D FOR 0.45 CFS, 45-77H FOR 0.208 CFS, 45-77K FOR 0.238 CFS, 45-80D FOR 0.19 CFS, & 45-80F FOR 0.223 CFS.

3. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.
4. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1014 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-12456, 45-13489, & 45-13496.
5. The operation and use of this water right is also subject to the terms and conditions of the Water Rotation Agreement ("Agreement") entered into by certain users on 10 September, 1992. The Agreement was filed and recorded in the office of the Cassia County Recorder on 27 May, 1993 as Instrument No.: 224804; the provisions of such Agreement to apply fully to this water right.
6. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Documentation of Ownership of the Current Place of Use
Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
YES

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

Irrigated acreage will be reduced to land retained by applicant after part of the property was sold.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

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

Current Water Right No. 45-13497

Priority Date: June 01, 1882

Origin: Water Right

Basis: Decreed

Status: Active

Source: BIRCH CREEK

Tributary: GOOSE CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	02/28 11/15	0.57 CFS		
	Total Diversion	0.57 CFS		

Source and Point(s) of Diversion:

BIRCH CREEK SESESE Sec. 14 Twp 14S Rge 22E CASSIA County

BIRCH CREEK SESWNW Sec. 24 Twp 14S 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															40.0	40.0	80.0
14S 22E 3	35.0	5.0		31.0									11.0				82.0
	L 1	L 2															
14S 22E 11								13.0				1.0	40.0	40.0	37.0	40.0	171.0
14S 22E 14	38.0	24.0	5.0	8.0									20.0	28.0		5.0	128.0

Total Acres: 461

Conditions/Remarks:

1. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 171.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. The operation and use of this water right is also subject to the terms and conditions of the Water Rotation Agreement ("Agreement") entered into by certain users on 10 September, 1992. The Agreement was filed and recorded in the office of the Cassia County Recorder on 27 May, 1993 as Instrument No.: 224804; the provisions of such Agreement to apply fully to this water right.
3. 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.

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4. THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS.45-89C AND 45-89D.
5. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.
6. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Documentation of Ownership of the Current Place of Use
Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
YES

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

Irrigated acreage will be reduced to land retained by applicant after part of the property was sold.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

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

Proposed Water Right No. 45-80B

Priority Date: March 01, 1875

Origin: Water Right

Basis: Decreed

Status: Active

Source: BIRCH CREEK

Tributary: GOOSE CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	02/28 11/15	0.18 CFS		
	Total Diversion	0.18 CFS		

Source and Point(s) of Diversion:

BIRCH CREEK SESESE Sec. 14 Twp 14S Rge 22E CASSIA County

BIRCH CREEK SESWNW Sec. 24 Twp 14S 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	
14S 22E 11					16.0	12.0	37.0	13.0				1.0	28.0	40.0	37.0	36.0	220.0
14S 22E 13						11.0											11.0
14S 22E 14	32.0	38.0	14.0	37.0									24.0	11.0			156.0

Total Acres: 387

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

Proposed Water Right No. 45-81B

Priority Date: April 01, 1881

Origin: Water Right

Basis: Decreed

Status: Active

Source: BIRCH CREEK

Tributary: GOOSE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	02/28 11/15	0.03 CFS		
	Total Diversion	0.03 CFS		

Source and Point(s) of Diversion:

BIRCH CREEK SESESE Sec. 14 Twp 14S Rge 22E CASSIA County

BIRCH CREEK SESWNW Sec. 24 Twp 14S 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	
14S	22E	11					16.0	12.0	37.0	13.0				1.0	28.0	40.0	37.0	36.0	220.0
14S	22E	13							11.0									11.0	
14S	22E	14	32.0	38.0	14.0	37.0								24.0	11.0			156.0	

Total Acres: 387

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

Proposed Water Right No. 45-85

Priority Date: April 16, 1882

Origin: Water Right

Basis: Decreed

Status: Active

Source: BIRCH CREEK**Tributary:** GOOSE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	02/28 11/15	0.97 CFS		
	Total Diversion	0.97 CFS		

Source and Point(s) of Diversion:

BIRCH CREEK SESESE Sec. 14 Twp 14S Rge 22E CASSIA County

BIRCH CREEK SESWNW Sec. 24 Twp 14S 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	
14S	22E	3	35.0	5.0		31.0									11.0				82.0
			L 1	L 2															
14S	22E	11								13.0				1.0	40.0	40.0	37.0	40.0	171.0
14S	22E	14	38.0	24.0	5.0	8.0								20.0	28.0		5.0	128.0	

Total Acres: 381

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

Proposed Water Right No. 45-12456

Priority Date: April 01, 1881

Origin: Water Right

Basis: Decreed

Status: Active

Source: BIRCH CREEK

Tributary: GOOSE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	02/28 11/15	3.12 CFS		
	Total Diversion	3.12 CFS		

Source and Point(s) of Diversion:

BIRCH CREEK SESESE Sec. 14 Twp 14S Rge 22E CASSIA County

BIRCH CREEK SESWNW Sec. 24 Twp 14S 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	
14S 22E 11					16.0	12.0	37.0	13.0				1.0	28.0	40.0	37.0	36.0	220.0
14S 22E 13						11.0											11.0
14S 22E 14	32.0	38.0	14.0	37.0									24.0	11.0			156.0

Total Acres: 387

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

Proposed Water Right No. 45-13489

Priority Date: March 01, 1875

Origin: Water Right

Basis: Decreed

Status: Active

Source: BIRCH CREEK

Tributary: GOOSE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	02/28 11/15	1.31 CFS		
	Total Diversion	1.31 CFS		

Source and Point(s) of Diversion:

BIRCH CREEK SESESE Sec. 14 Twp 14S Rge 22E CASSIA County

BIRCH CREEK SESWNW Sec. 24 Twp 14S 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	
14S 22E 11					16.0	12.0	37.0	13.0				1.0	28.0	40.0	37.0	36.0	220.0
14S 22E 13							11.0										11.0
14S 22E 14	32.0	38.0	14.0	37.0									24.0	11.0			156.0

Total Acres: 387

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

Proposed Water Right No. 45-13497

Priority Date: June 01, 1882

Origin: Water Right

Basis: Decreed

Status: Active

Source: BIRCH CREEK

Tributary: GOOSE CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	02/28 11/15	0.57 CFS		
	Total Diversion	0.57 CFS		

Source and Point(s) of Diversion:

BIRCH CREEK SESESE Sec. 14 Twp 14S Rge 22E CASSIA County

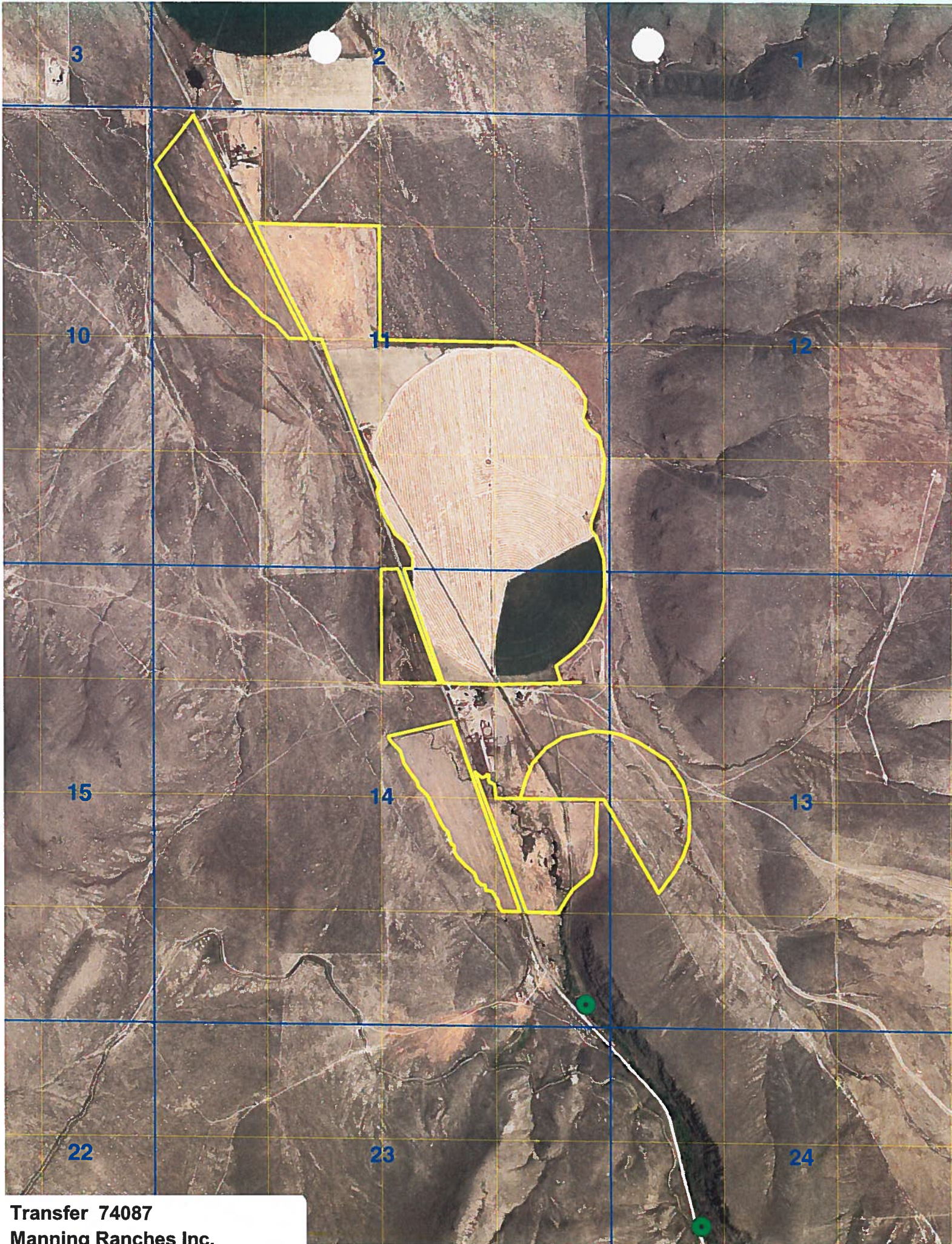
BIRCH CREEK SESWNW Sec. 24 Twp 14S Rge 22E CASSIA County

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	
14S 22E 11					16.0	12.0	37.0	13.0				1.0	28.0	40.0	37.0	36.0	220.0
14S 22E 13						11.0											11.0
14S 22E 14	32.0	38.0	14.0	37.0									24.0	11.0			156.0

Total Acres: 387



Transfer 74087
Manning Ranches Inc.

QUITCLAIM DEED

For Value Received

GERALD L. MARCHANT and CELIA S. MARCHANT, husband and wife

Hereinafter called the grantor, hereby remises, releases, and forever Quitclaims unto

MANNING RANCHES, INC., an Idaho corporation
ADDRESS: 2233 Birch Creek Road
Oakley, Idaho 83346

Hereinafter called the grantee, the following described premises, in Cassia County, Idaho to-wit:

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

Section 14: SE $\frac{1}{4}$ NE $\frac{1}{4}$, SAVE AND EXCEPTING the following described tract:

Beginning at the Northwest corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 14, said corner marked by a 5/8 inch rebar; Thence South 88°53'44" East along the North line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ for a distance of 208.71 feet to a 1/2 inch rebar which shall be the Point of Beginning;
Thence South 88°53'44" East continuing along the North line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ for a distance of 208.71 feet to a 1/2 inch rebar;
Thence South 00°14'06" East for a distance of 208.71 feet to a 1/2 inch rebar;
Thence North 88°53'44" West for a distance of 208.71 feet to a 1/2 inch rebar;
Thence North 00°14'06" West for a distance of 208.71 feet to the Point of Beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, and the grantee's successors and assigns forever.

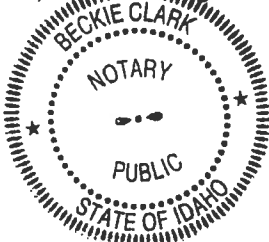
Dated: Aug 9, 2010 *CSM*

Gerald L. Marchant
Gerald L. Marchant

Celia S. Marchant
Celia S. Marchant

STATE OF IDAHO)
COUNTY OF Cassia) ss.

On this 9 day of Aug, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared GERALD L. MARCHANT and CELIA S. MARCHANT, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



[Signature]
Notary Public
Residing at: Oakley, ID
My Commission expires: 8-8-2011

CASSIA COUNTY
RECORDED FOR:
PARSONS, SMITH AND STONE
4:00:16 pm 08-10-2010
2010-003805
NO. PAGES: 1 FEE: \$10.00
DEE YEAMAN
COUNTY CLERK
DEPUTY: VIKI



State of Idaho }
County of Cassia } ss

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

Dated: 1-10-11

[Signature]
Clerk of the District Court, Ex-Officio Auditor
and Recorder, Cassia County, Idaho
By: [Signature] Deputy

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:

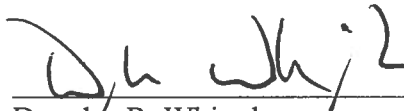
Enclosed you will find copies for your records of the concluding forms for the Summary Probate for Robert Hart Manning (AKA Robert Manning) filed with the Court. I will keep one of the originals here for safe keeping, but I have included a certified copy you can show to others if you need to transfer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



* 063065034 *

Gary L. Edwards
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
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Burley, Idaho 83318
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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

REGISTERED COURT
CASSIA COUNTY ID

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. Bollan
MAGISTRATE

State of Idaho }
County of Cassia } ss

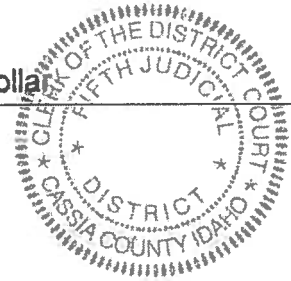
I hereby certify that the foregoing instrument is a full, true
and correct copy of the original as
in this office.

Dated 6/30/11

Joseph W. Dean
Clerk of the District Court, Ex-officio Auditor
and Recorder, Cassia County, Idaho

By: _____

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°5'47" 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 S½NW¼ lying West of Birch Creek Road
 Tax No. 3554: That part of the E½/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 0105'28" West along the east line of Section 20 for a distance of 1298.83 feet to a ½ inch rebar;
 Thence South 8053'31" 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 0704'04" East for a distance of 148.85 feet to a ½ inch rebar;
 Thence North 8235'09" West for a distance of 57.19 feet to a ½ inch rebar;
 Thence North 1328'18" 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 6431'41" West for a distance of 501.57 feet to a ½ inch rebar;
 Thence North 6002'32" 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 3716'56" 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 4506'38" East for a distance of 228.39 feet to a ½ inch rebar;
 Thence North 5243'57" East for a distance of 684.48 feet to a ½ inch rebar;
 Thence North 4937'19" East for a distance of 804.59 feet to a ½ inch rebar;
 Thence North 4100'48" East for a distance of 391.10 feet to a ½ inch rebar;
 Thence North 1553'51" East for a distance of 38.89 feet to a ½ inch rebar on the east line of Section 20;
 Thence South 0023'01" 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.