

Manning Ranches 74087 Timeline:

8/20/2007 – two transfers received

8/22/2007 – transfers returned w/letter requesting additional information

9/5/2007 – one transfer received and data entered – 74087

6/11/2008 – rights were split when specific rights & part of pou was sold to Robinson (parties informed transfers were needed to move rights to lands they owned)

10/9/2008 – letter sent to attorney, Randy Stone, with pou questions

9/17/2009 – letter to Stone requested fees and amended application after sale

9/24/2009 – letter received from Stone

1/6/2010 – letter to Robert Manning

1/25/2010 – phone call from Robert stating survey was done and he would bring in agreement with neighbor

5/25/2010 – letter to Stone with amended application

9/9/2010 – email to Robert

9/15/2010 – letter to Robert requesting info or contact

11/12/2010 – letter from Bill Mills of IDWR requesting info on 774087 and signature on amended application 76657

1/27/2011 – letter to Robert with info on changing pou of 74087 again after pending sale of pivot to Matthews Bros. and need for filing additional transfer 77005

3/3/2011 - letter to Robert regarding new reduced pou for 74087

6/2/2011 – Robert passes away

9/8/2011 letter to son, Steve Manning

11/9/2011 – returned 77005 (never filed or paid for) and 30-day letter to Steve with reject of 74087

November 30, 1999

COPY

Page 1 of 14

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED

AUG 20 2007

Name of Applicant Manning Ranches, Inc. Phone _____ DEPT. OF WATER RESOURCES
SOUTHERN REGION

Post Office address _____

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes Manning Ranches, Inc. is exchanging a significant part of its property. A condition of the sale is that the Birch Creek water be retained to irrigate the ground which it has historically used as the primary water source and which it can only minimally irrigate in low water years. Sufficient additional ground must be identified to handle high water years.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1.

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
45-85	4/16/1882	1.4 cfs	Irrigation	2/28 to 11/15
45-90	12/01/1882	1.0 cfs	Irrigation	2/28 to 11/15
45-13489	3/01/1875	1.309 cfs	Irrigation	2/28 to 11/15
45-13496	12/05/1882	1.05 cfs	Irrigation	2/28 to 11/15
45-13497	6/01/1882	0.80 cfs	Irrigation	2/28 to 11/15
2. Total amount of water being transferred 1.972 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Birch Creek tributary to Goose Creek
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	SE	SE	SE	14	14S	22E	Cassia	
	SE	SW	NW	24	14S	22E	Cassia	

5. Lands irrigated or place of use:

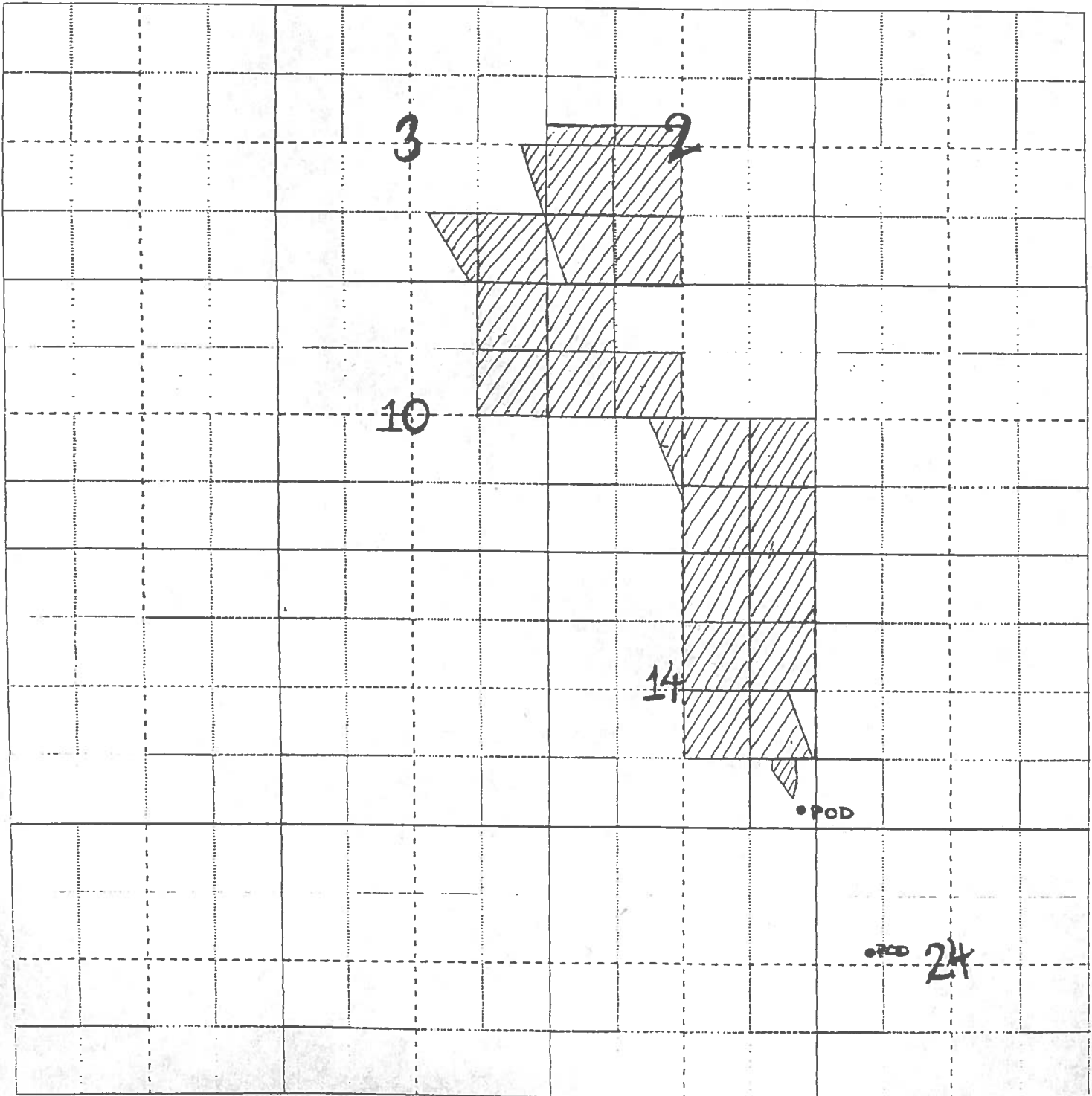
Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	22E	02							11	12	40	40	33	40					176
14S	22E	11						40	40	40	13			1	40	40	37	40	291
14S	22E	14	40	40	40	40									20	40		5	225
14S	22E	03													11		20	40	71
14S	22E	10	40			40													80

Total Acres 843

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.



Scale: 2 inches equal 1 mile. Draw plan in ink.

14 S 22 E

COPY

Form 222 November 30, 1999

Page 1 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

AUG 20 2007

Name of Applicant Manning Ranches, Inc. Phone (208) 862-3884

DEPT. OF WATER RESOURCE
SOUTHERN REGION

Post Office address 2233 Birch Creek Road, Oakley, Idaho 83346

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Manning Ranches, Inc. is exchanging a significant part of its property. A condition of the sale is that the Birch Creek water be retained to irrigate the ground which it has historically used as the primary water source and which it can only minimally irrigate in low water years. Sufficient additional ground must be identified to handle high water years.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>45-12456</u>	<u>4/01/1881</u>	<u>3.122 cfs</u>	<u>Irrigation</u>	<u>2/28 to 11/15</u>
_____	_____	_____	_____	to _____
_____	_____	_____	_____	to _____
_____	_____	_____	_____	to _____

2. Total amount of water being transferred 1.66 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Birch Creek tributary to Goose Creek
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	SE	SE	SE	14	14S	22E	Cassia	
	SE	SW	NW	24	14S	22E	Cassia	

5. Lands irrigated or place of use

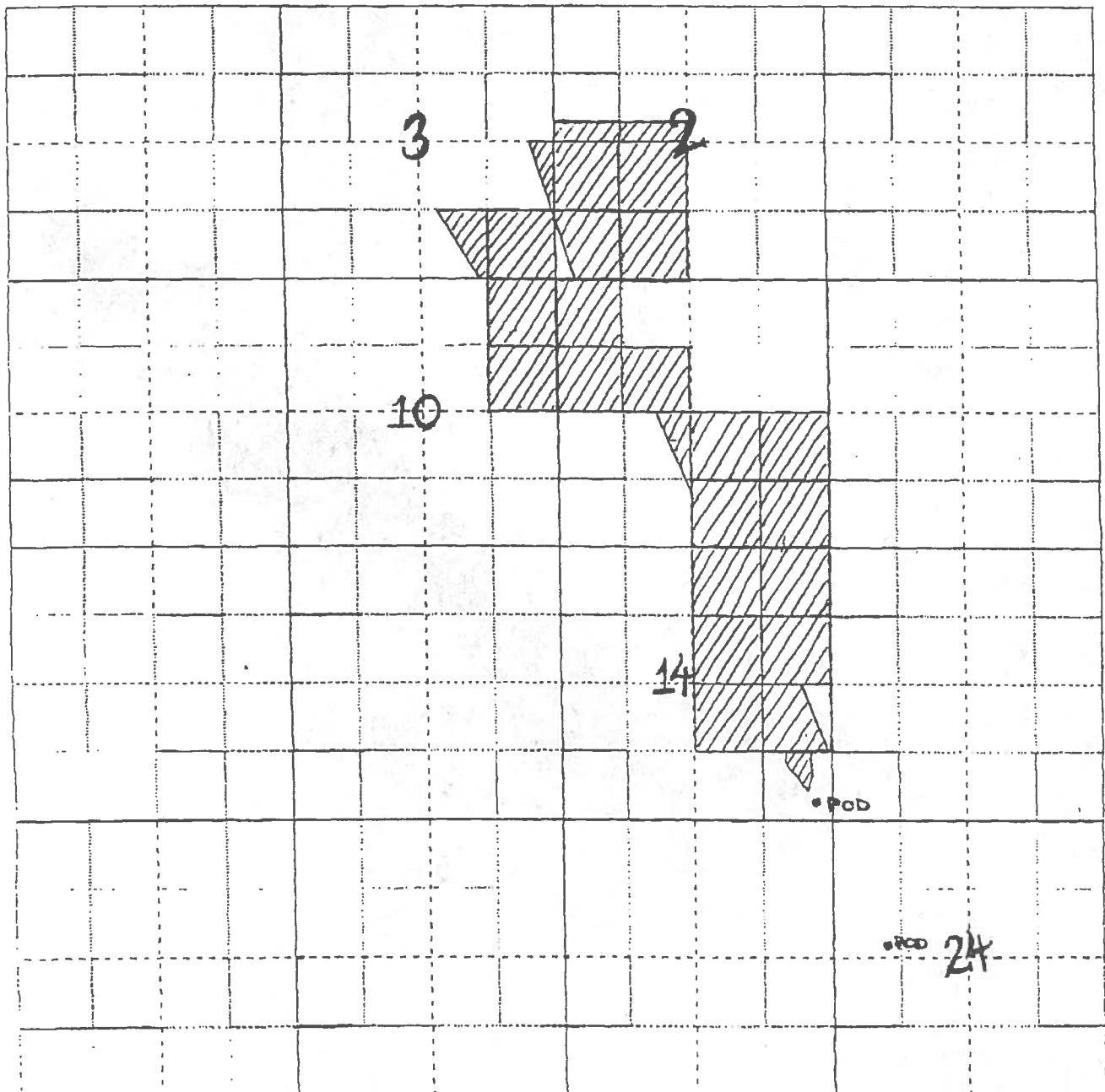
Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	22E	02							11	12	40	40	33	40					176
14S	22E	11						40	40	40	13			1	40	40	37	30	291
14S	22E	14	40	40	40	40									20	40		5	225
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14S	22E	10	40			40													80

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.



Scale: 2 inches equal 1 mile. Draw plan in ink.

14 S 22 E



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

August 22, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

R. C. Stone
Parsons, Smith & Stone
137 West 13th. Street
Burley, ID 83318

RE: Manning Ranch Transfers

Dear Randy,

I am in receipt of the two transfers you sent to the Department for Manning Ranches. I have found some problems and concerns and a few questions, however, so I am returning them to you with the following comments:

- Why did you submit **two separate transfers**? It seems to me that they are accomplishing the very same thing and all the rights could have been included on one transfer? If they were all together, the total diversion rate would be 3.63 cfs with a fee of \$370.00 instead of the two separate checks for \$290.00 each?

- I realize that the Transfer Memo only mentions submitting proof of ownership for the lands you are **transferring the water from**, but the State Office usually wants some **proof for the lands you are moving the water to also**. There seems to be some questions of ownership for parts of your proposed new 843-acre place of use. You include the **NENE & SENE of Section 10**, but according to the tax lot info, those are owned by Ellis Investments? You also include the **SESE and part of the SWSE of Section 3**, but the tax lot layer shows those are owned by Charles Payton? (Manning or Matthews Brothers only owns part of the **SESE & NESE of Section 3**?) Then in the **SENE of Section 14**, I show that as owned by Gerald Marchant? Granted, our information may be outdated, but I just want to be sure that the map actually shows the final place of use that you desire. See attached copy of your map and 5A. Evaluation of Authority to File an Application for Transfer, (3) Applicant Does Not Own New Place of Use on page 15 of the transfer memo at the following link.
http://www.idwr.idaho.gov/water/rights/ESPA_Transfer_Memo.pdf

- The Part 2 (Description of Right as Recorded) on Page 9-of-14, for right number 45-13496, from the first transfer you submitted (the one with all the rights) seems to be incorrect. It should show the right as it exists now, which is for 1,014 acres, but instead shows the 843 acres from the new proposed place of use.

- Then there are the overlap/right stacking issues. You are removing Birch Creek water from the NENE, NWNE, & SENE of Section 3 and the NESE, SWSE, & SESE of Section 34, but those lands will still have the groundwater rights from the two wells. As it stands now, the ground water rights are supplemental to the surface water, but if you remove the surface water, the ground water rights become primary and are thereby enlarged, which is not allowed. There are similar issues with Sections 26, 27, & 35 where you are removing Birch Creek but there are still Mill Creek rights, this would constitute another potential enlargement. Then in Section 26, the NWSW, SWSW and the NESE & SESE of Section 27 are all within the boundaries of the Oakley Canal Company. Please refer to the transfer memo under 5d. Enlargement of Use, beginning on page 21, especially (3) Stacked Water Rights and (4) Changing Supplemental Right to Primary Right on page 22.

http://www.idwr.idaho.gov/water/rights/ESPA_Transfer_Memo.pdf

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

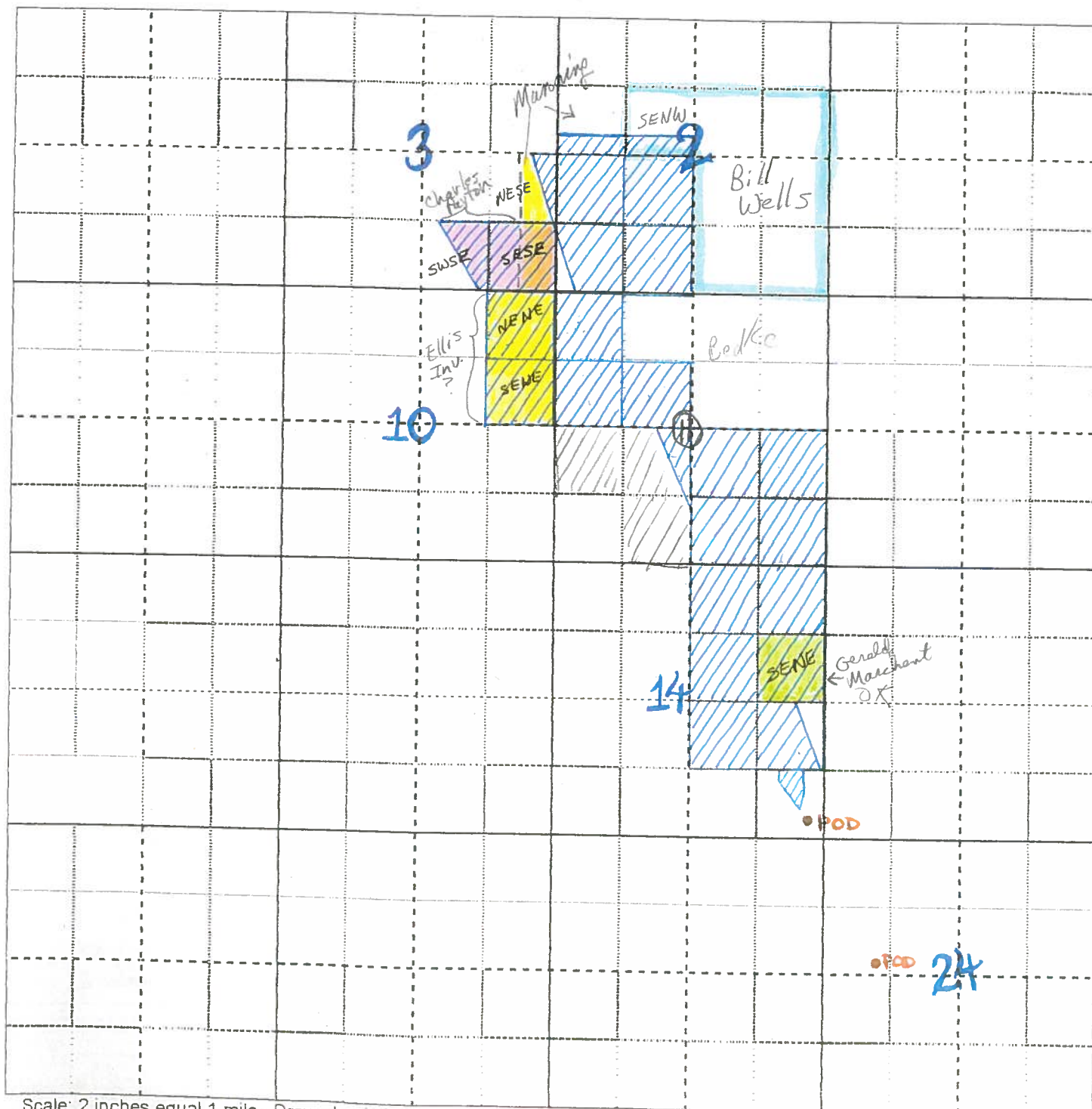
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

RECEIVED

AUG 14 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.



Scale: 2 inches equal 1 mile. Draw plan in ink.

14S 22E

COPY

Page 1 of 14

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED

AUG 20 2007

Name of Applicant Manning Ranches, Inc. Phone _____ DEPT. OF WATER RESOURCES
SOUTHERN REGION

Post Office address _____

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes Manning Ranches, Inc. is exchanging a significant part of its property. A condition of the sale is that the Birch Creek water be retained to irrigate the ground which it has historically used as the primary water source and which it can only minimally irrigate in low water years. Sufficient additional ground must be identified to handle high water years.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
- | | | | | |
|----------|------------|-----------|------------|---------------|
| 45-85 | 4/16/1882 | 1.4 cfs | Irrigation | 2/28 to 11/15 |
| 45-90 | 12/01/1882 | 1.0 cfs | Irrigation | 2/28 to 11/15 |
| 45-13489 | 3/01/1875 | 1.309 cfs | Irrigation | 2/28 to 11/15 |
| 45-13496 | 12/05/1882 | 1.05 cfs | Irrigation | 2/28 to 11/15 |
| 45-13497 | 6/01/1882 | 0.80 cfs | Irrigation | 2/28 to 11/15 |
2. Total amount of water being transferred 1.972 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Birch Creek tributary to Goose Creek
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	SE	SE	SE	14	14S	22E	Cassia	
	SE	SW	NW	24	14S	22E	Cassia	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	22E	02							11	12	40	40	33	40					176
14S	22E	11						40	40	40	13			1	40	40	37	40	291
14S	22E	14	40	40	40	40									20	40		5	225
14S	22E	03													11		20	40	71
14S	22E	10	40			40													80

Total Acres 843

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 74087APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant Manning Ranches, Inc. Phone (208) 862-3884Post Office address 2233 Birch Creek Road, Oakley, Idaho 83346

RECEIVED

A. PURPOSE OF TRANSFER

SEP 05 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes Manning Ranches, Inc. is exchanging a significant part of its property. A condition of the exchange is that the Birch Creek water be retained to irrigate the ground which it has historically used as the primary water source and which it can only minimally irrigate in low water years. Sufficient additional ground must be identified to handle high water years.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
Please see attached. _____ to _____
 _____ to _____
 _____ to _____
 _____ to _____

2. Total amount of water being transferred 3.632 ^{9.99} cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Birch Creek, Groundwater tributary to Goose Creek

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
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			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	22E	02							11	~~12~~	40	40	33	40					176
14S	22E	11						40	40	40	13			1	40	40	37	40	291
14S	22E	14	40	40	~~40~~									20	40		5		185
14S	22E	03												11			20		31
~~14S~~	~~22E~~	~~13~~							~~40~~										~~40~~

Total Acres 723 722

PART 1

6. General Information:

a. Description of diversion system Headgates and ditches

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
X Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
It will no longer have surface water rights.

d. Remarks:
Results in a reduction of irrigated acres from 1150 to 723.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

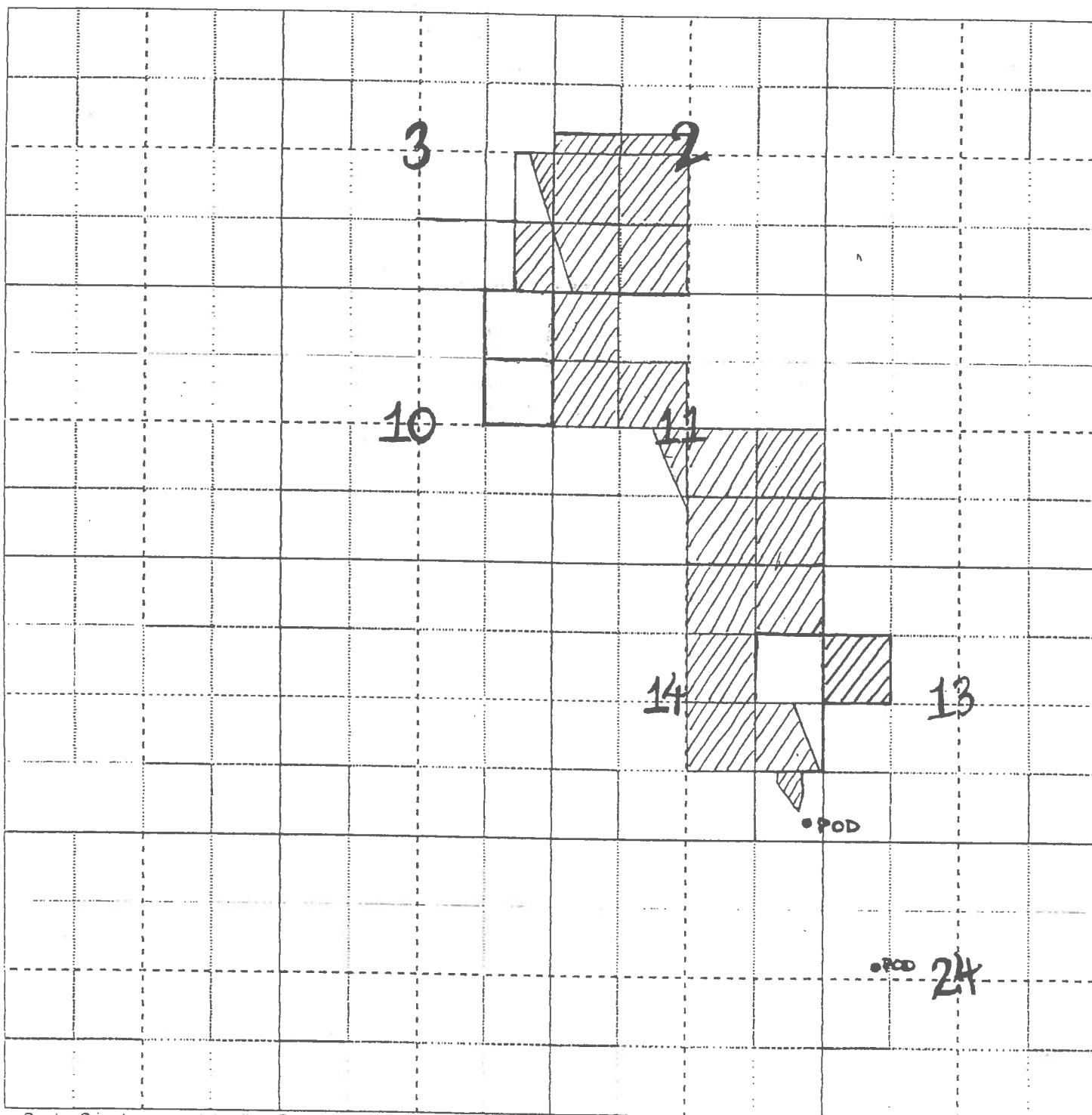
And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20_____.

For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.



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14 S 22 E



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

DAVID R. TUTHILL, JR.
Director

October 9, 2008

COPY

R. C. Stone
Parsons Smith & Stone
137 West 13th Street
BURLEY ID 83318

RE: Transfer 74087 – Manning

Dear Randy,

I picked up the Manning transfer again and have been working on it, trying to get it ready for advertising. (Part of the delay was getting the ownership straightened out with Robinson on the part he purchased.) Anyway, another question came up regarding the proposed place of use of this transfer. In **Section 2, T14S, R22E**, during our meetings with you and Mr. Manning at the SRBA court, we agreed to recommend and the court decreed **12 acres in the SENW**. You included those acres on the transfer as part of the new place of use which Manning retained in the sale to Robinson. In checking the tax lot information, however, it seems that the entire **SENW of Section 2 is owned by Bill Wells**. Aerial photos of the area show the pivot **does** cover part of the SENW owned by Wells. Is there an agreement between them or has the pivot been moved? Are you sure you want part of the water rights on property owned by Wells? We also recommended 11 acres in the SWNW but it appears that 20 acres are in the name of Matthews Brothers and the other 20 acres are in the name of Manning. Perhaps you'd like to change the proposed place of use acres to address these questions?

Also, D & N Ranch, Del and Nate Robinson, have since filed a transfer on the portions of the groundwater rights they purchased from Manning. Two of the rights, 45-2529 and 45-4195 were split and a portion of each was retained by Manning. He probably needs to file a transfer on those two rights to correct the same problem.

Please give me a call if you have any questions or would like to discuss these issues.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

SWNW
Matthews
Bras

SENW

Manning
11 Ac.

12 Ac.

BILL
WELLS



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 74087APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant Manning Ranches, Inc. Phone (208) 862-3884Post Office address 2233 Birch Creek Road, Oakley, Idaho 83346

RECEIVED

SEP 05 2007

DEPT. OF WATER RESOUR
SOUTHERN REGION

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

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B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use

Please see attached. _____ to _____
 _____ to _____
 _____ to _____
 _____ to _____

2. Total amount of water being transferred 3.632 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Birch Creek tributary to Goose Creek

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	SE	SE	SE	14	14S	22E	Cassia	
	SE	SW	NW	24	14S	22E	Cassia	

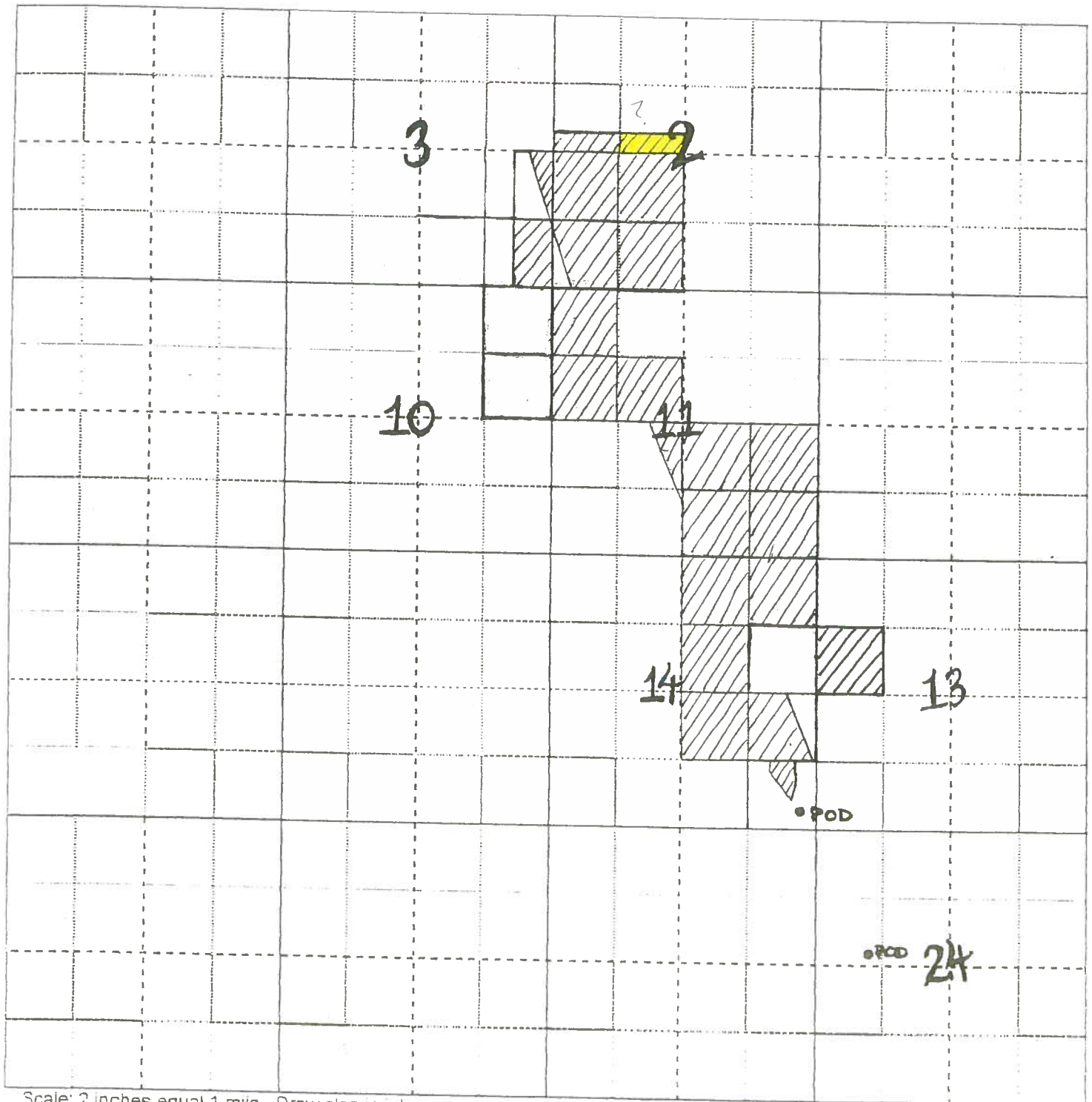
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Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
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Total Acres 723

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.



Scale: 2 inches equal 1 mile. Draw plan in ink.

14 S 22 E

September 17, 2009

R. C. Stone
Parsons, Smith & Stone
137 West 13th Street
Burley, ID 83318

Robert Manning
Manning Ranches, Inc.
2233 Birch Creek Road
Oakley, ID 83346

RE: Manning Ranch Transfer 74087

Gentlemen,

I am trying to make some progress with this transfer and think you need to add the two ground water rights, 45-14143 (part of 45-2529), and 45-14155 (part of 45-4195), both of which were retained in the sale to D & N Ranches) to the transfer. As long as the irrigation system is tied together, groundwater and surface water, we can do this in the same transfer.

I have enclosed a map which shows the lands owned by Manning (or Matthews Brothers) according to recent Cassia County tax records. This differs a little from the original map you submitted with the transfer. I think we need to remove the SENW of Section 2 because it appears to be owned by Bill Wells, change the SWNE of Section 14 to 20 acres (or maybe 30 acres?), and add the half pivot in the NENE, NWNE, and SENE of Section 3 where the wells are located? This brings up another point; does Manning have an interest in both or just one of the wells? If only one, please indicate which.

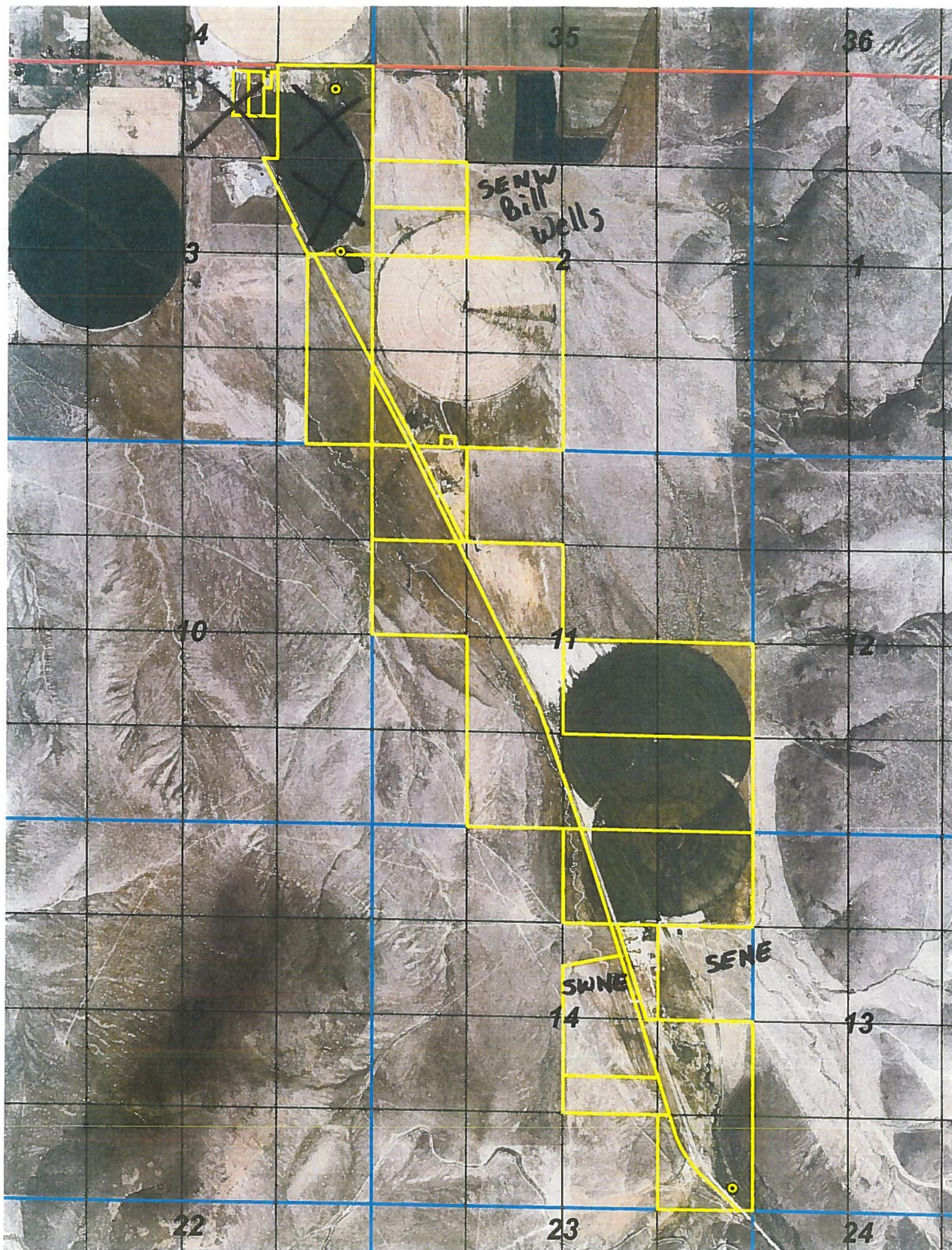
The fees submitted with the original application pose another problem. \$370.00 was submitted for 3.632 cfs when it should have been 8.681 cfs, which would have required \$570.00. Adding the combined total of 1.31 cfs from the two groundwater rights leaves a new total of 9.994 cfs. This would equate to a total fee of \$610.00, minus the original \$370.00 means that an additional \$240.00 is required.

Please add the two rights to your application, look over the map and acres and make any needed changes to the place of use table, and return an Amended Application to me with the additional fees by October 2nd or I will be forced to return the original application and refund the fees.

Please call if you have any questions or wish to make an appointment.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent



COPY

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

(Manning Ranches, Inc.)

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1.	<u>Right Number</u>	<u>Priority</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
	45-00085	04/16/1882	1.4 cfs	Irrigation	2/28 to 11/15
	45-00090	12/01/1882	1.0 cfs	Irrigation	2/28 to 11/15
	45-12456	04/01/1881	3.122 cfs	Irrigation	2/28 to 11/15
	45-13489	03/01/1875	1.309 cfs	Irrigation	2/28 to 11/15
	45-13496	12/05/1882	1.05 cfs	Irrigation	2/28 to 11/15
	45-13497	06/01/1882	0.80 cfs	Irrigation	2/28 to 11/15
	45-14143	10/22/1956	1.31 cfs	IRR	3/15 to 11/15
	45-14155	6/30/1985	.86 cfs	IRR	3/15 to 11/15
2.	Total amount of water being transferred <u>3.632</u> cubic feet per second and/or _____ acre-feet per annum.				

9.994

$\frac{45}{10} = \text{Total}$
 $- 370 \text{ gal.}$
 $\frac{240}{10} = \text{owe}$

COPY

Idaho Department of Water Resources Receipt

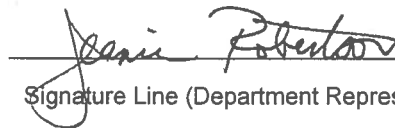
Receipt ID: S029710

Payment Amount	\$370.00	Date Received	9/6/07 9:15	Region	SOUTHERN
Payment Type	Check	Check Number	16044		
Payer	PARSONS, SMITH & STONE, LLP				

Comments Transfer 74087 - Manning Ranches (45-85, etc.)

Fee Details

Amount	Description	Fund	Fund Detail	PCA	Subobject
\$370.00	TRANSFERS	0229	21	64106	1155


Signature Line (Department Representative)

Mannings part of 45-2529

03/06/2009

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-14143

WATER RIGHT NUMBER: 45-14143

Owner Type

Current Owner

Name and Address

MANNING RANCHES INC
2233 BIRCH CREEK RD
OAKLEY, ID 83346
(208)862-3884

Priority Date: 10/22/1956

Basis: Decreed

Status: Active

Source

GROUND WATER

TributaryBeneficial Use

IRRIGATION

From To

03/15 to 11/15

Diversion Rate

1.310 CFS

Annual Volume

221.60 AF

Total Diversion:

1.310 CFS

221.60 AF

Location of Point(s) of Diversion

GROUND WATER

CASSIA County

L1 (NE1/4NE1/4NE1/4)

Sec. 3, Twp 14S, Rge 22E, B.M.

GROUND WATER

CASSIA County

SE1/4SE1/4NE1/4

Sec. 3, Twp 14S, Rge 22E, B.M.

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					12.0												12.0
14S	22E	2						11.0	12.0	40.0	40.0	33.0	40.0						176.0
14S	22E	3		1.8											11.0				12.8
				L 2															

Total Acres: 200.8

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 183.1 acres in a single irrigation season. Combined Right Nos.: 45-14143 and 45-14155.
2. E62 This right when combined with all other rights shall provide no more than .02 cfs per acre.
3. E61 The rights listed below are limited to a total combined diversion rate of 1.313 cfs and to a total combined annual diversion volume of 221.6 AF. Combined Right Nos.: 45-14143 and 45-14155.

parent P/D = 5/3/07
limited to 183.1 Ac. w/ 1.31 cfs

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-14143

4. K06 This right is limited to the irrigation of 55.4 acres within the place of use described above in a single irrigation season.
5. C18 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.
6. K03 Right No. 45-14155 is an expansion of this right pursuant to Section 42-1416B, Idaho Code.

Remarks:Comments:

1. tfawcett 6/11/2008 11:30:54 AM
Comment: Updated Shape
2. tfawcett 6/11/2008 11:32:36 AM
Comment: Updated Shape
3. tfawcett 6/11/2008 split right
Comment: this right was split from 45-2529 pursuant to an owner change.
4. jroberts 7/22/2008 updated combined limit remark
Comment: Updated combined limit remark to total of 1.313 cfs.

Dates and Other Information:

Licensed Date:
Decreed Date: 5/3/2007
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number: 140
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

*Mannings part of 45-4195
expansion of 45-2529*

03/06/2009

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 45-14155

*(no additional rate or volume
just acres)*

WATER RIGHT NUMBER: 45-14155

Owner Type

Current Owner

Name and Address

MANNING RANCHES INC
2233 BIRCH CREEK RD
OAKLEY, ID 83346
(208)862-3884

*parent P/D = 5/3/07
limited to 183.1 Ac. @ 1.31 cfs
w/ -14143*

Priority Date: 06/30/1985

Basis: Decreed

Status: Active

SourceTributary

GROUND WATER

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Diversion Rate

0.860 CFS

Annual VolumeTotal Diversion: 0.860 CFSLocation of Point(s) of Diversion

GROUND WATER

L1 (NE1/4NE1/4NE1/4)

Sec. 3, Twp 14S, Rge 22E, B.M.

CASSIA County

GROUND WATER

SE1/4SE1/4NE1/4

Sec. 3, Twp 14S, Rge 22E, B.M.

CASSIA County

Place of Use

IRRIGATION

Twp Rge Sec	NE	NW	SW	SE	Totals
13S 22E 34	12.0				12.0
14S 22E 2		11.0	12.0	40.0	176.0
14S 22E 3	1.8			11.0	12.8

Total Acres: 200.8

Conditions of Approval:

1. C18 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. E61 The rights listed below are limited to a total combined diversion rate of 1.313 cfs and to a total combined annual diversion volume of 221.6 AF. Combined Right Nos.: 45-14143 and 45-15155.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-14155

3. E56 The rights listed below are limited to the irrigation of a combined total of 183.1 acres in a single irrigation season. Combined Right Nos.: 45-14143 and 45-14155.
4. K06 This right is limited to the irrigation of 49.3 acres within the place of use described above in a single irrigation season.
5. K04 This right is an expansion of Right Nos. 45-14143 pursuant to Section 42-1416B, Idaho Code.
6. E62 This right when combined with all other rights shall provide no more than .02 cfs per acre.

Remarks:Comments:

1. tfawcett 6/11/2008 split right
Comment: This right was split from 45-4195 pursuant to an owner change.
2. tfawcett 6/11/2008 3:21:48 PM
Comment: Updated Shape
3. tfawcett 6/11/2008 3:22:29 PM
Comment: Updated Shape
4. jroberts 7/22/2008 updated combined limit remark
Comment: Updated combined limit remark to a total of 1.313 cfs.

Dates and Other Information:

Licensed Date:
Decreed Date: 5/3/2007
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number: 140
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

WILLIAM A. PARSONS
RICHARD K. SMITH
RANDOLPH C. STONE
LANCE A. LOVELAND
DAVID F. SHIRLEY

PARSONS, SMITH & STONE, LLP
ATTORNEYS AT LAW
137 WEST 13TH STREET
P. O. BOX 910
BURLEY, IDAHO 83318

TELEPHONE
(208) 878-8382
FAX NO.
(208) 878-0146
pss@pmt.org

September 23, 2009

Jeanie Robertson
Sr. Water Resource Agent
State of Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

RECEIVED
SEP 24 2009
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Re: Manning Ranch Transfer 74087

Dear Jeanie:

This will confirm our telephone conversation of September 22, 2009. The SENW of Section 2 is part of a long-standing agreement between Robert and Bill for exchange property. They simply have never carried it out. They moved the fences many years ago and because they have actual fences in place, it is going to be necessary for us to complete a survey before we do the exchange of deeds. I discussed this with Robert on September 22, 2009 and he was going to talk to the surveyor right away.

We agreed that the acreage in the SWNE ^{Sec. 14} should be 30 acres. Could you just change that on the form?

The property in the NENE, NWE, and SWNE of Section 3 belong to Dutch Robinson. The northerly well is Dutch Robinsons. The southerly well is shared by Robert and Dutch.

You will find enclosed the additional \$240.00. As soon as we have the survey completed we will do the exchange and I will forward copies of the recorded Deeds to you.

Sincerely,

PARSONS, SMITH & STONE, LLP



R.C. Stone

RCS/tt
Enclosure

COPY

Idaho Department of Water Resources Receipt

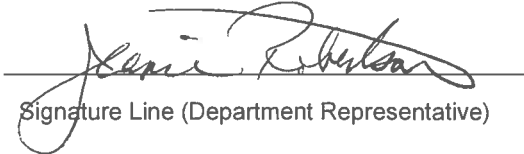
Receipt ID: S031112

Payment Amount	\$240.00	Date Received	9/25/09 11:43	Region	SOUTHERN
Payment Type	Check	Check Number	19591		
Payer	PARSONS, SMITH & STONE, LLP				

Comments Transfer 74087 - Manning (additional fees)
add rts. 45-14143 & 45-14155

Fee Details

Amount	Description	Fund	Fund Detail	PCA	Subobject
\$240.00	TRANSFERS	0229	21	64106	1155


Signature Line (Department Representative)



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
Interim Director

January 6, 2010

ROBERT MANNING
MANNING RANCHES, INC.
2233 BIRCH CREEK ROAD
OAKLEY, ID 83346

RE: Transfer 74087

Dear Mr. Manning,

I am still awaiting the new deed resulting from the survey of the 30 acres in the SENW of Section 2 which will straighten out the ownership between you and Bill Wells. According to a letter I received last September from your attorney, Randy Stone, you were supposed to be working on that. I believe that is all I need to be able to process this transfer and put the water rights you retained from the sale to Robinson on the land you retained. Please contact me as soon as possible regarding this matter as we need to make some progress on the transfer or I will have to return it to you.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

1/25/10
Manning called, said has just waiting
for the deeds, etc., from the bank
or Title Company
- have already had the survey
- made agreement with Wells.



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
Interim Director

May 25, 2010

R. C. Stone
Parsons Smith & Stone
137 West 13th Street
BURLEY ID 83318

RE: Transfer 74087 – Manning

Dear Randy,

I am enclosing an **Amended Transfer Application 74087** for Manning. It has been almost three years since we started working on this and I have been told it's time to move it along toward processing or return it to the applicant. I hate to lose all the work we've done so far but we have made so many changes to the original application that I think we need to have Mr. Manning review this again and see if it reflects what he intends to do and, if so, sign the amended application and return it to our office.

We added the portion of the two groundwater rights which Manning retained in the sale to Robinson and receipted the extra fees last September. Please have him review the **place of use** as I understand he wants it. If there are any changes, he can make them and then initial and date the changes. At this point, you will notice that the place of use does not include part of the pivot in Section 2. This is the land where he supposedly has an agreement with Bill Wells. I have never received a copy of anything so I have not included it. If he wants the place of use to cover that area, please enclose a copy of the agreement and add the acres in the SENW of Section 2.

If I don't hear from either of you by June 18th, I will return everything and initiate the refund process.

Please give me a call if you have any questions or would like to discuss these issues.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

Transfer No. 74087
 Receipt No. S029710
 S031112

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AMENDED 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 XX No

2. Current Water Right**Part 2 Attached for Each Right**

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
45-85	WR/Decreed	1.40		232.0	557.0	BIRCH CREEK
45-90	WR/Decreed	1.00		80.0	637.0	BIRCH CREEK
45-12456	WR/Decreed	3.12			1,014.0	BIRCH CREEK
45-13496	WR/Decreed	1.05			1,014.0	BIRCH CREEK
45-13489	WR/Decreed	1.31			1,014.0	BIRCH CREEK
45-13497	WR/Decreed	0.80		237.0	637.0	BIRCH CREEK
45-14143	WR/Decreed	1.31	262.0	65.5	200.8	GROUND WATER
45-14155	WR/Decreed	0.86		58.2	200.8	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
45-85	NO	NO	YES	NO	NO	NO
45-90	NO	NO	YES	NO	NO	NO
45-12456	NO	NO	YES	NO	NO	NO
45-13496	NO	NO	YES	NO	NO	NO
45-13489	NO	NO	YES	NO	NO	NO
45-13497	NO	NO	YES	NO	NO	NO
45-14143	NO	NO	YES	NO	NO	NO
45-14155	NO	NO	YES	NO	NO	NO

Describe the reason for the proposed changes

Manning Ranches, Inc. is selling a significant part of its property. A condition of the sale is that the Birch Creek water and a portion of the groundwater be retained to irrigate the ground which it has historically used as the primary water source and which it can only minimally irrigate in low water years. Sufficient additional ground must be identified to handle high water years.

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
45-85	1.40 cfs	232.0	651.0	
45-90	1.00 cfs	80.0	651.0	
45-12456	3.12 cfs		651.0	
45-13496	1.05 cfs		651.0	
45-13489	1.31 cfs		651.0	
45-13497	0.80 cfs	237.0	661.0	
45-14143	1.31 cfs	65.5	651.0	262.0 af
45-14155	0.86 cfs	58.2	651.0	
TOTAL	9.99 cfs		651.0	221.6 af

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.

(Signature of Applicant)

(Title or Office)

Subscribed and sworn to before me this _____ day of _____, 20____.

(Notary Public)

My commission expires _____

**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	2/28 11/15	1.40 CFS		
	Total Diversion	1.40 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	2							11.0	12.0	40.0	40.0	33.0	40.0					176.0
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: 557

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 233 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Page 5

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. 45-90

Priority Date: December 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	1.00 CFS		
	Total Diversion	1.00 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 2							11.0	12.0	40.0	40.0	33.0	40.0					176.0
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: 637

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. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

Page 7

4. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
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.

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. 45-13496

Priority Date: December 05, 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	1.05 CFS		
	Total Diversion	1.05 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:

- THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 45-79D FOR 0.45 CFS, 45-79F FOR 0.135725 CFS, 45-79H FOR 0.146 CFS, 45-82D FOR 0.06 CFS, & 45-82F FOR 0.26 CFS.
- 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. 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.
4. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.
5. 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.
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</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	2/28	11/15	0.80 CFS		
	Total Diversion		0.80 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	2							11.0	12.0	40.0	40.0	33.0	40.0					176.0
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: 637

Conditions/Remarks:

1. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 237 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.
4. THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS.45-89C FOR 0.4 CFS, AND 45-89D FOR 0.4 CFS.
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. 45-14143

Priority Date: October 22, 1956

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	1.31 CFS	262.0 AFA	
	Total Diversion	1.31 CFS	262.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER L1 (NENENE) Sec. 3 Twp 14S Rge 22E CASSIA County

GROUND WATER SESENE Sec. 3 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					12.0												12.0
14S 22E 2							11.0	12.0	40.0	40.0	33.0	40.0					176.0
14S 22E 3		1.8											11.0				12.8
		L 2															

Total Acres: 200.8

Conditions/Remarks:

1. The rights listed below are limited to the irrigation of a combined total of 123.7 acres in a single irrigation season. Combined Right Nos.: 45-14143 and 45-14155.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre.
3. The rights listed below are limited to a total combined diversion rate of 1.313 cfs and to a total combined annual diversion volume of 262.0 AF. Combined Right Nos.: 45-14143 and 45-14155.
4. This right is limited to the irrigation of 65.5 acres within the place of use described above in a single irrigation season.

5. 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.
6. Right No. 45-14155 is an expansion of this right pursuant to Section 42-1416B, 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. 45-14155

Priority Date: June 30, 1985

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	0.86 CFS		
	Total Diversion	0.86 CFS		

Source and Point(s) of Diversion:

GROUND WATER L1 (NENENE) Sec. 3 Twp 14S Rge 22E CASSIA County

GROUND WATER SESENE Sec. 3 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					12.0													12.0
14S	22E	2							11.0	12.0		40.0	40.0	33.0	40.0					176.0
14S	22E	3		1.8													11.0			12.8
				L 2																

Total Acres: 200.8

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 rights listed below are limited to a total combined diversion rate of 1.313 cfs and to a total combined annual diversion volume of 262.0 AF. Combined Right Nos.: 45-14143 and 45-14155.
3. The rights listed below are limited to the irrigation of a combined total of 123.7 acres in a single irrigation season. Combined Right Nos.: 45-14143 and 45-14155.
4. This right is limited to the irrigation of 58.2 acres within the place of use described above in a single irrigation season.

Page 19

5. This right is an expansion of Right Nos. 45-14143 pursuant to Section 42-1416B, Idaho Code.
6. This right when combined with all other rights shall provide no more than .02 cfs per acre.

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. 45-85

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	1.40 CFS		
	Total Diversion	1.40 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 2							11.0		40.0	40.0	33.0	40.0					164.0
14S 22E 3													11.0			20.0	31.0
14S 22E 11						40.0	40.0	40.0	13.0			1.0	40.0	40.0	37.0	40.0	291.0
14S 22E 14	40.0	40.0	20.0										20.0	40.0		5.0	165.0

Total Acres: 651

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

Proposed Water Right No. 45-90

Priority Date: December 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	1.00 CFS		
	Total Diversion	1.00 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 2							11.0		40.0	40.0	33.0	40.0					164.0
14S 22E 3													11.0			20.0	31.0
14S 22E 11						40.0	40.0	40.0	13.0			1.0	40.0	40.0	37.0	40.0	291.0
14S 22E 14	40.0	40.0	20.0										20.0	40.0		5.0	165.0

Total Acres: 651

**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 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	2							11.0				40.0	40.0	33.0	40.0					164.0
14S	22E	3															11.0			20.0	31.0
14S	22E	11							40.0	40.0	40.0	13.0				1.0	40.0	40.0	37.0	40.0	291.0
14S	22E	14	40.0	40.0	20.0												20.0	40.0		5.0	165.0

Total Acres: 651

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

Proposed Water Right No. 45-13496

Priority Date: December 05, 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	1.05 CFS		
	Total Diversion	1.05 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				<u>Totals</u>
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
14S 22E 2							11.0		40.0	40.0	33.0	40.0					164.0
14S 22E 3													11.0			20.0	31.0
14S 22E 11						40.0	40.0	40.0	13.0			1.0	40.0	40.0	37.0	40.0	291.0
14S 22E 14	40.0	40.0	20.0										20.0	40.0		5.0	165.0

Total Acres: 651

**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 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	2							11.0		40.0	40.0	33.0	40.0					164.0
14S	22E	3													11.0			20.0	31.0
14S	22E	11						40.0	40.0	40.0	13.0			1.0	40.0	40.0	37.0	40.0	291.0
14S	22E	14	40.0	40.0	20.0										20.0	40.0		5.0	165.0

Total Acres: 651

**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	0.80 CFS		
	Total Diversion	0.80 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 2							11.0		40.0	40.0	33.0	40.0					164.0
14S 22E 3													11.0			20.0	31.0
14S 22E 11						40.0	40.0	40.0	13.0			1.0	40.0	40.0	37.0	40.0	291.0
14S 22E 14	40.0	40.0	20.0										20.0	40.0		5.0	165.0

Total Acres: 661

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

Proposed Water Right No. 45-14143

Priority Date: October 22, 1956

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	1.31 CFS	262.0 AFA	
	Total Diversion	1.31 CFS	262.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER L1 (NENENE) Sec. 3 Twp 14S Rge 22E CASSIA County

GROUND WATER SESENE Sec. 3 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	2							11.0		40.0	40.0	33.0	40.0					164.0
14S	22E	3													11.0			20.0	31.0
14S	22E	11						40.0	40.0	40.0	13.0			1.0	40.0	40.0	37.0	40.0	291.0
14S	22E	14	40.0	40.0	20.0										20.0	40.0		5.0	165.0

Total Acres: 651

Transfer No. 74087
Receipt No.S029710

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

Proposed Water Right No. 45-14155

Priority Date: June 30, 1985

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	0.86 CFS		
	Total Diversion	0.86 CFS		

Source and Point(s) of Diversion:

GROUND WATER L1 (NENENE) Sec. 3 Twp 14S Rge 22E CASSIA County

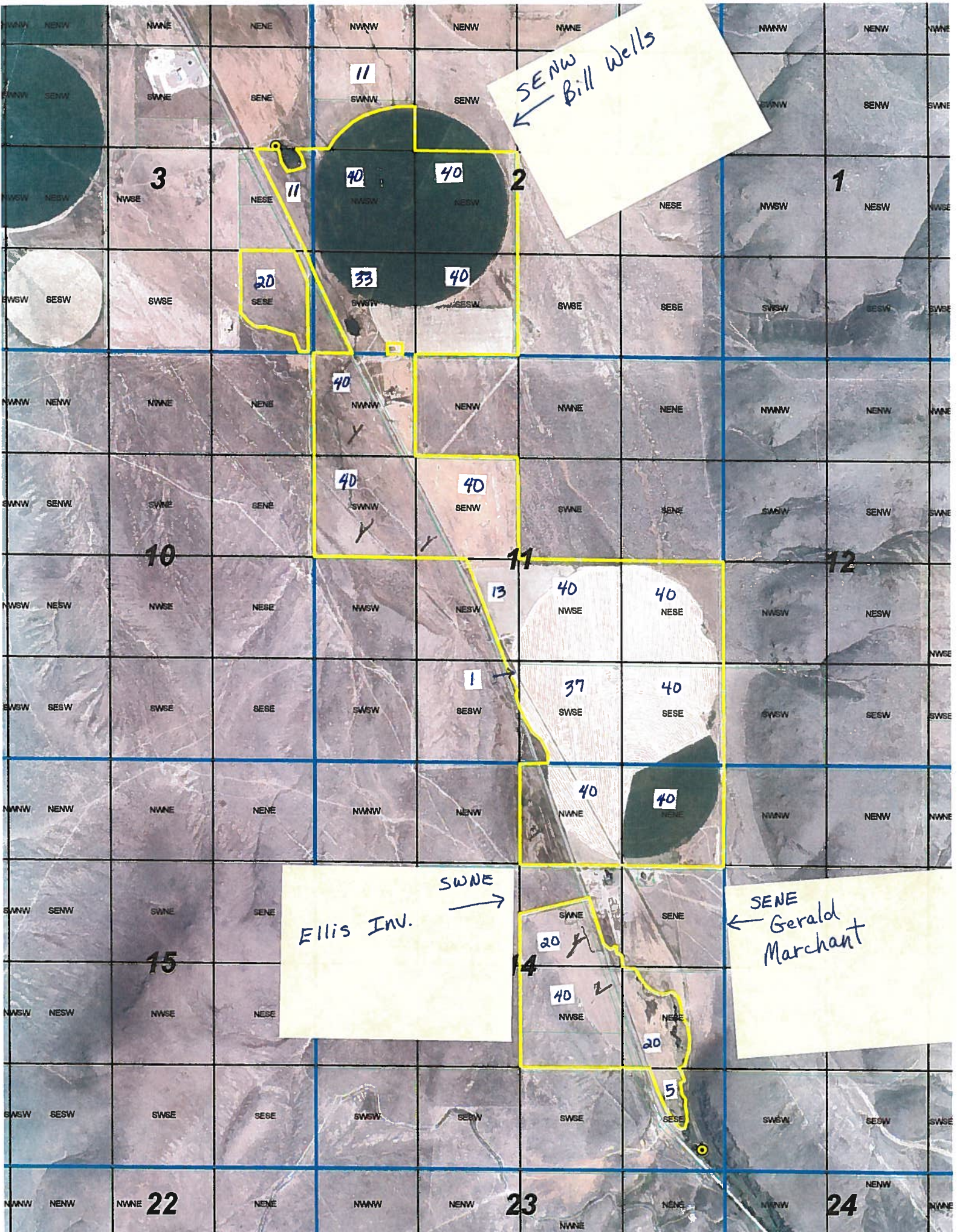
GROUND WATER SESENE Sec. 3 Twp 14S Rge 22E CASSIA County

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 2							11.0		40.0	40.0	33.0	40.0					164.0
14S 22E 3													11.0			20.0	31.0
14S 22E 11						40.0	40.0	40.0	13.0			1.0	40.0	40.0	37.0	40.0	291.0
14S 22E 14	40.0	40.0	20.0										20.0	40.0		5.0	165.0

Total Acres: 651



SENW Bill Wells
←

Ellis Inv. → SWNE

← SENE Gerald Marchant

11

3

11

40

40

2

1

20

33

40

40

40

40

10

11

12

13

40

40

1

37

40

40

40

15

14

20

40

2

20

5

22

23

24

Robertson, Jean

From: Robertson, Jean
Sent: Thursday, September 09, 2010 1:17 PM
To: 'dmanning@pmt.org'
Subject: are you getting my messages??

Robert,

Are you getting these messages? Need you to stop by with the deed from Marchant, sign for the changes in the place of use for the irrigation transfer on your Birch Creek/groundwater rights, and correct the location of the one stock trough for the other transfer. Would like to get these to advertising and further processing and approval. Please call for an appointment or let me know when you'll be in Twin. Jeanie



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
Interim Director

September 15, 2010

ROBERT MANNING
2233 BIRCH CREEK ROAD
OAKLEY ID 83346

RE: Transfers 74087 (Birch Creek PPU) and Stock troughs on right 45-4138

Dear Mr. Manning;

I have been trying to contact you through numerous emails at the address you provided and have also been unable to reach you by phone. In order to proceed with your two transfers, I need you to come by the office with a copy of the deed to the Marchant 40 acres so I can add them to your irrigation PPU and have you sign or initial for the changes.

We also need to correct a problem with the location of one of the troughs on the other application. The SWNE (Lot 2) of Section 19, T14S, R23E where you indicated the trough was to be placed is on BLM ground and none of the deeds submitted by Larry Roberts covered that ground. We can show you a map and perhaps we just need to relocate that trough to the correct area and have you initial those changes as well.

Please call me as soon as possible so we can schedule a time for you to come in.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

November 12, 2010

Manning Ranches Inc
2233 Birch Creek Rd
Oakley, ID 83346

RE: Processing of Transfer Applications

Dear Mr. Manning:

The Department of Water Resources has contacted you several times regarding your pending Applications for Transfer #76657 for water right 45-4138 and Transfer #74087 regarding issues that need resolution before the applications can be processed.

In regards to Transfer #76657, you indicated that one of the troughs is located in the SWNE (Lot 2) of Section 19, T14S, R23E. This is BLM ground and none of the warranty deeds submitted by Larry Roberts cover that ground. I have attached a map indicating the location of the trough in question, and a form for you to fill in the appropriate location with a signature acknowledging the change. I will then be able to amend the application and proceed with the application, provided the new location is covered by one of the deeds previously submitted to our office. If the trough is to remain where indicated, proof of ownership and/or proof of permission from the BLM to locate the trough in said location is required to proceed with this application.

Transfer #74087 will require a copy of the deed for the Marchant 40 acres and a signature on page 2 of the application, which I have attached to this letter, is required to proceed with this application.

Your assistance in these matters is greatly appreciated and will help to speed the processing of both applications.

Sincerely,

William Mills
Water Resource Agent,
Southern Regional Office
Phone: 208-736-3033
Fax: 208-736-3037



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
Interim Director

January 27, 2011

ROBERT MANNING
MANNING RANCHES, INC.
2233 BIRCH CREEK ROAD
OAKLEY, ID 83346

RE: Transfers 74087 (Amended) and 77005

Dear Mr. Manning,

Sorry I was unable to attend our scheduled meeting last week but I understand I was to call you and talk about the final place of use and total acres for your two transfers. I thought I would send you these maps showing the acres that we have talked about in the past. (I have split the original place of use under transfer 74087 as you requested and now instead of the 710 acres, there are two transfers, one for 526 acres and the other for 184 acres.)

Please look over the maps and feel free to cross out, or modify by drawing on them, any areas you may no longer wish to include. You can either mail them back to me or give me a call to set up an appointment so we can go over them here at the office. Remember, the combined total of irrigated acres of your ranch before the sale was 1574 acres, so whatever you and Dutch decide in your corresponding transfers, the combined total of the acres must not exceed 1574 acres.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jeanie', is written over a horizontal line.

Jeanie Robertson
Sr. Water Resource Agent



State of Idaho

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

March 3, 2011

ROBERT MANNING
MANNING RANCHES, INC.
2233 BIRCH CREEK ROAD
OAKLEY, ID 83346

RE: Transfer 74087 – new place of use

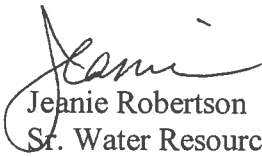
Dear Mr. Manning,

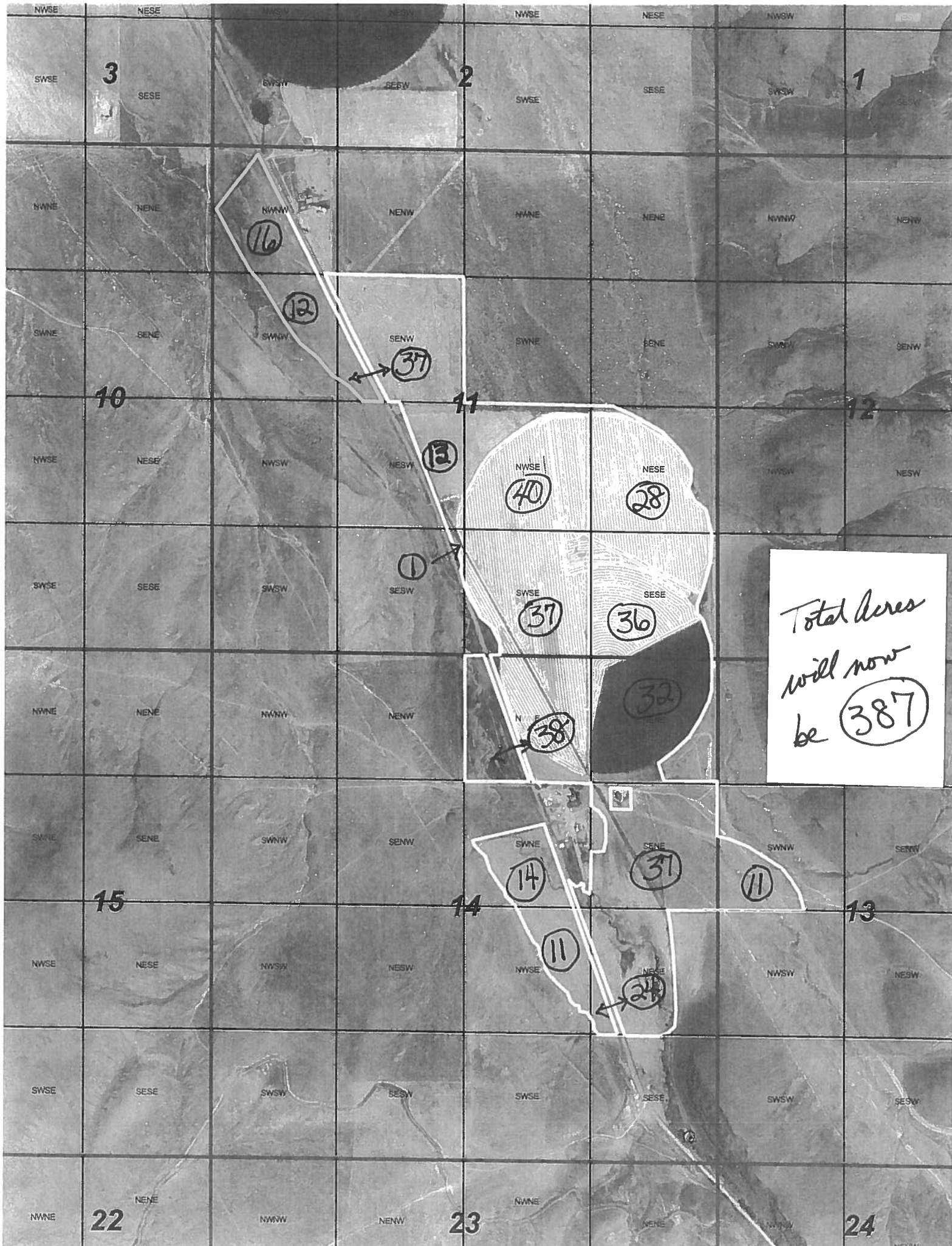
Based on our conversation yesterday and the drawings on the map we discussed, I have made a new map which shows the new acres in your proposed place of use for this transfer. Note that the new total for you will now be 387 acres.

Please look over the map and let me know if these acres are what you would expect. Remember, the combined total of irrigated acres of your ranch before the sale was 1574 acres, so whatever you, Dutch and Matthews decide in your three transfers, the combined total of the acres must not exceed 1574 acres.

Give me a call when you and Matthews would like to meet with me.

Sincerely,


Jeanie Robertson
Sr. Water Resource Agent





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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

September 8, 2011

STEVE MANNING
MANNING RANCHES, INC.
2233 BIRCH CREEK ROAD
OAKLEY, ID 83346

RE: Transfers 74087 – new place of use & 77005 - Matthews Brothers splits?

Dear Mr. Manning,

I was wondering what you wanted to do about finishing the draft transfers I had been working on with your dad? We had been working on getting the place of use for the Birch Creek rights and the portions of the ground water rights removed from the land he sold to Dutch and I also understood that he sold the pivot and some specific rights to the Matthews Brothers. (I believe we even received some ownership changes from the Matthews Brothers splitting the rights and the pivot. We are still holding them at this point.)

I hope you have had enough time after Robert's untimely passing to become familiar with the water rights and might be ready to proceed. We really need to move on these.

If you would like to come in I can show you what we had talked about and maybe we can proceed from there. Please call for an appointment as soon as you are available so we can get back to work on these.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent



State of Idaho

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

November 9, 2011

STEVE MANNING
MANNING RANCHES, INC.
2233 BIRCH CREEK ROAD
OAKLEY, ID 83346

RE: Transfers 74087 – new place of use & 77005 - Matthews Brothers splits?

Dear Mr. Manning,

It has been over two months since I last wrote to you regarding these two outstanding transfers I had been working on with your father. I have not heard from you therefore I am returning Transfer 77005. It was never officially filed and signed nor were any fees paid. (This one dealt with the pivot being split off along with certain rights to the Matthews Brothers.)

As for Transfer 74087, which has been around since 2007, the Department will hold further processing for 30 days to allow submittal of any required information, namely signing an amended version I had prepared. After that time, if adequate information is not received, the Department will issue a preliminary order to reject or deny the application.

If you have any questions, or if I can be of any further assistance, feel free to contact me at your convenience.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent