

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 74087 IN THE)
NAME OF MANNING RANCHES, INC.)
_____)

**PRELIMINARY ORDER REJECTING
APPLICATION FOR TRANSFER**

This matter having come before the Department of Water Resources (Department) as a result of an application to transfer water rights, the Department finds, concludes, and orders as follows:

FINDINGS OF FACT

1. On September 5, 2007, Robert Manning applied to the Department for authorization to change the place of use for 3.62 cubic feet per second of water diverted from Birch Creek for irrigation purposes in Cassia County in accordance with decreed Water Rights 45-85, 45-90, 45-12456, 45-13489, 45-13496 and 45-13497. The transfer application was designated no. 74087 by the Department. Many attempts were made and letters written over the years since 2007 requesting additional information, amendments to the application, and/or additional filing fees. Robert Manning passed away unexpectedly in June of 2011 and contact was made with his son, Steve Manning, in an attempt to resolve the questions.

2. Idaho Code §42-222 says, in pertinent part:

Any person, entitled to the use of water whether represented by license issued by the department of water resources, by claims to water rights by reason of diversion and application to a beneficial use as filed under the provisions of this chapter, or by decree of the court, who shall desire to change the point of diversion, place of use, period of use or nature of use of all or part of the water, under the right shall first make application to the department of water resources for approval of such change. Such application shall be upon forms furnished by the department and shall describe the right licensed, claimed or decreed which is to be changed and the changes which are proposed, and shall be accompanied by the statutory filing fee as in this chapter provided. Upon receipt of such application it shall be the duty of the director of the department of water resources to examine same, obtain any consent required in section 42-108.

3. On November 9, 2011, the Department mailed Steve Manning a letter asking him to provide additional information and/or modify transfer application no. 74087. In the letter, the Department informed Steve Manning that if he did not respond to the request within 30 days, the Department would reject his transfer application.

4. The Department has not received a response from Steve Manning to the request for additional information and/or modification of transfer application no. 74087.

CONCLUSIONS OF LAW

1. Without the additional information requested from Steve Manning, the Department cannot ascertain that the change in water use proposed in transfer application no. 74087 *will not result in an enlargement in use of Water Rights*.

2. The Department should reject transfer application no. 74087.

ORDER

IT IS HEREBY ORDERED that transfer application no. 74087 in the name of Manning Ranches, Inc. is **REJECTED** without prejudice.

Dated this 19th day of December, 2011.



Allen Merritt

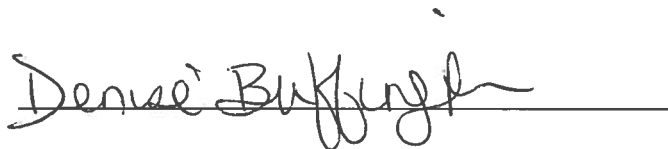
CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of December, 2011, true and correct copies of the documents described below, were served by placing a copy of the same with the United States Postal Service, certified mail with return receipt requested, postage prepaid and properly addressed to the following:

**Documents: Preliminary Order Rejecting Application for Transfer No. 74087
Explanatory Information Sheet**

Manning Ranches, Inc.
2233 Birch Creek Rd
Oakley, ID 83346

R.C. Stone, attorney
Parsons, Smith & Stone
137 W 13th St
Burley, ID 83318

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

Denise Buffington
Administrative Assistant