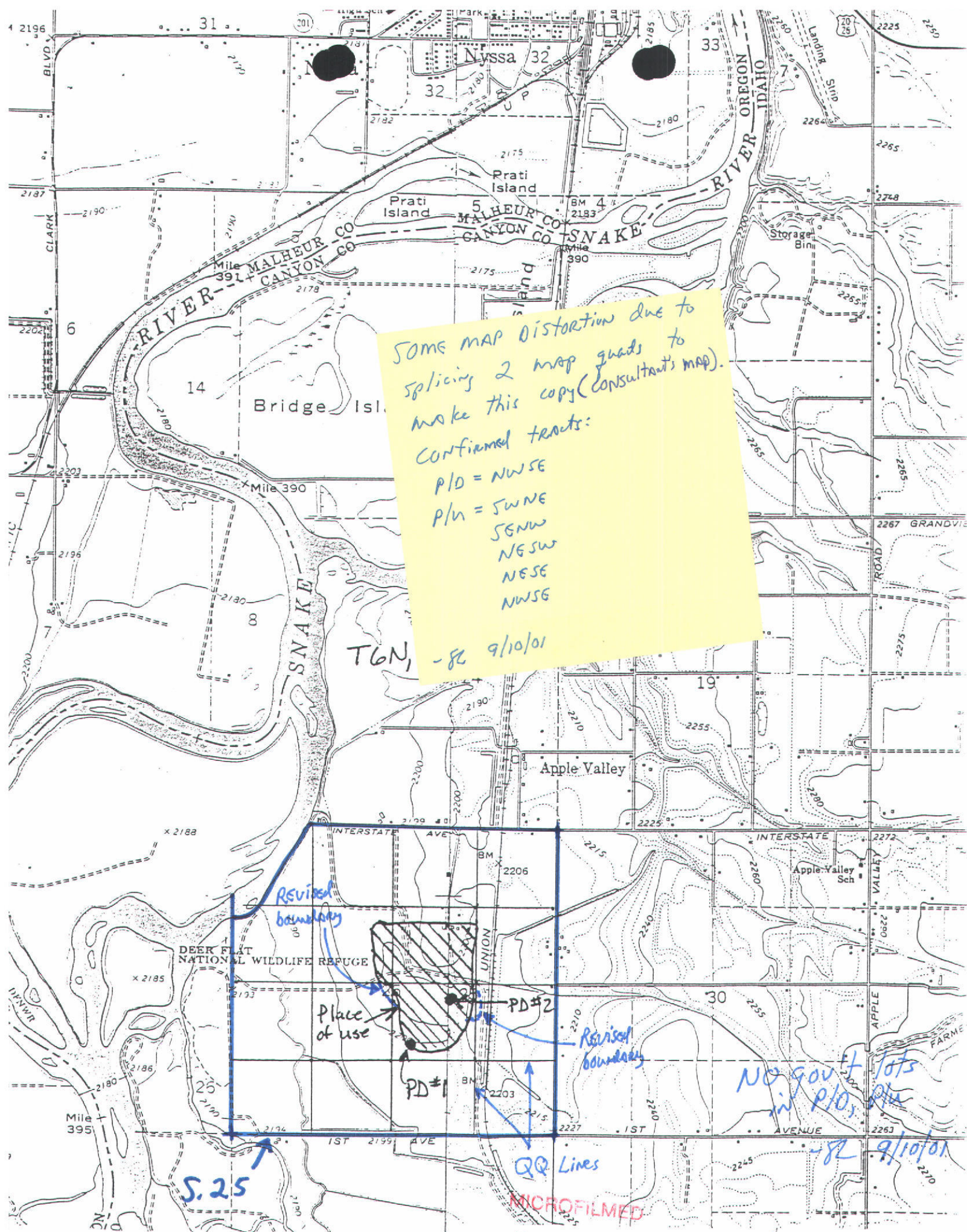




SOME MAP DISTORTION DUE TO
SPlicing 2 map quads to
make this copy (CONSULTANT'S MAP).
Confirmed tracts:

- P/D = NWSE
- P/U = SWNE
- SGNW
- NGSW
- NESE
- NWSE

T6N, - 82 9/10/01

Revised boundary

Place of use

Revised boundary

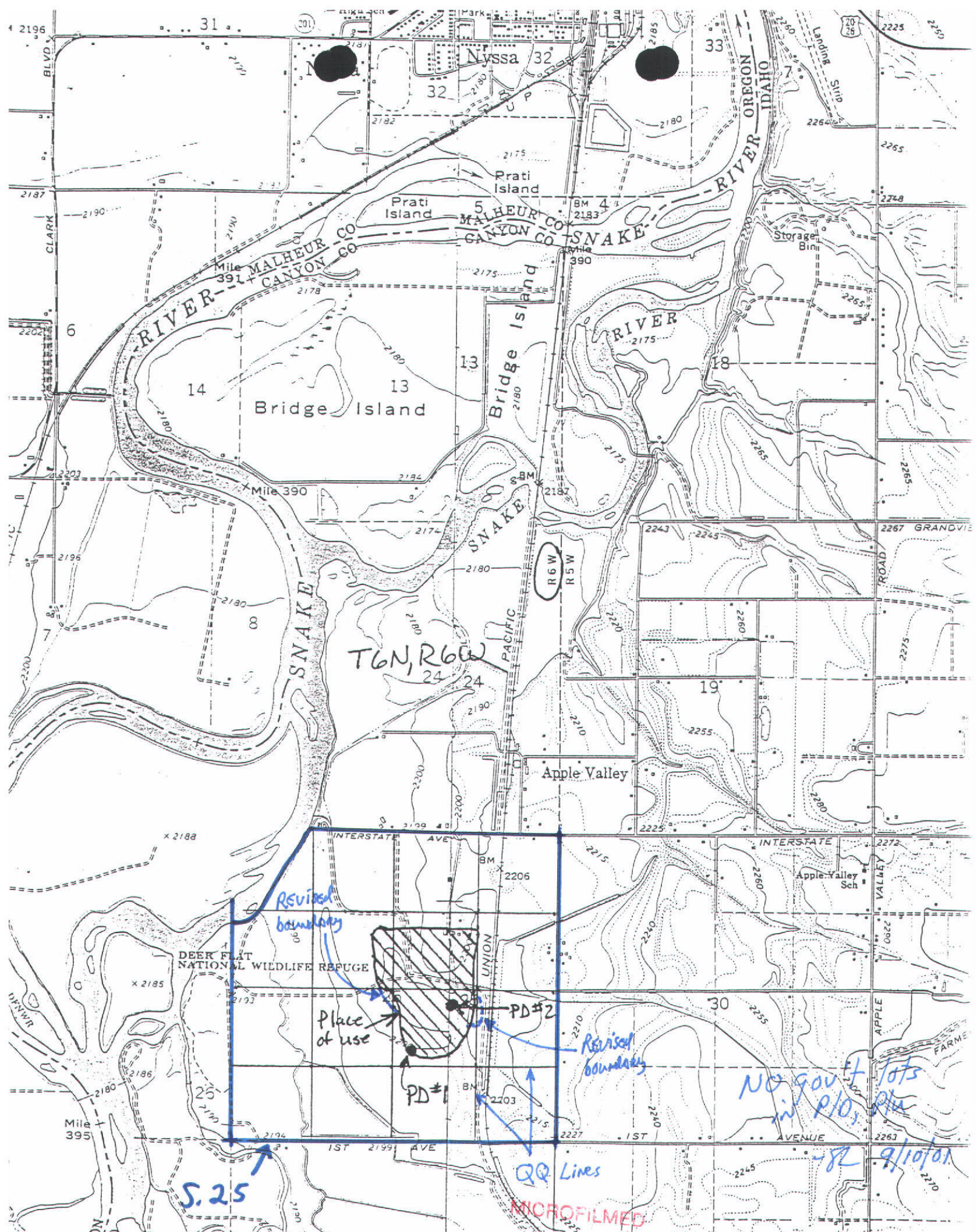
NO gov't lots
in P/D, P/U

- 82 9/10/01

MICROFILMED

MAR 20 2003

63-31298



T6N, R6W

Revised boundary

Place of use

Revised boundary

No gov't lots in PLO, etc.

82 9/10/01

S. 25

QQ Lines

MICROFILMED

MAR 20 2003

63-31298

Fcedlot GCS for Appt 63-31298

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TBS	INENE	INWNE	SWNE	SENE	NEWN	NWNN	SWNN	SENN	NESW	NWSW	SWSW	SESW	NESE	INWSE	SWSE	SESE	Total
Claim	63 136C	FARMERS COOPERATIVE DITCH CO.	BOISE RIVER	06N06W25	36	40	40	36	40	20	22	40	40	40	38	40	36	40	40	36	584
Claim	63 188	FARMERS COOPERATIVE DITCH CO.	BOISE RIVER	06N06W25	36	40	40	36	40	20	22	40	40	40	38	40	36	40	40	36	584
Claim	63 189	FARMERS COOPERATIVE DITCH CO.	BOISE RIVER	06N06W25	36	40	40	36	40	20	22	40	40	40	38	40	36	40	40	36	584
Claim	63 190	FARMERS COOPERATIVE DITCH CO.	BOISE RIVER	06N06W25	36	40	40	36	40	20	22	40	40	40	38	40	36	40	40	36	584
Claim	63 191	FARMERS COOPERATIVE DITCH CO.	BOISE RIVER	06N06W25	36	40	40	36	40	20	22	40	40	40	38	40	36	40	40	36	584
Claim	63 296	FARMERS COOPERATIVE DITCH CO.	BOISE RIVER	06N06W25	36	40	40	36	40	20	22	40	40	40	38	40	36	40	40	36	584
Claim	63 300A	FARMERS COOPERATIVE DITCH CO.	BOISE RIVER	06N06W25	36	40	40	36	40	20	22	40	40	40	38	40	36	40	40	36	584
Claim	63 4852	FARMERS COOPERATIVE DITCH CO.	CONWAY DRAIN	06N06W25	36	40	40	36	40	20	22	40	40	40	38	40	36	40	40	36	584
Claim	63 2567A	PAGE & NIELSEN FARMS.	DRAIN DITCH	06N06W25						40		39									86
Claim	63 5281	PAGE & NIELSEN FARMS.	DRAIN DITCH NO 3	06N06W25						18											18
Claim	63 5281	PAGE & NIELSEN FARMS.	DRAIN DITCH NO 3	06N06W25						18											30
Right	63 5318	PAGE & NIELSEN FARMS.	DRAIN DITCH NO 3	06N06W25						18											18
App	63 31298	MANN FARMS.	GROUND WATER	06N06W25																	30
Claim	63 21364	CHARLES MANN.	GROUND WATER	06N06W25																	0
Claim	63 21365	CHARLES MANN.	GROUND WATER	06N06W25																	0
Claim	63 28383	NANCY JOHNSON, E. G. JOHNSON.	GROUND WATER	06N06W25																	0
Claim	63 29756	E. G. JOHNSON, NANCY JOHNSON.	GROUND WATER	06N06W25																	0
Claim	63 31292	MANN FARMS.	GROUND WATER	06N06W25																	0
Claim	63 31293	MANN FARMS.	GROUND WATER	06N06W25																	0
Claim	63 31294	MANN FARMS.	GROUND WATER	06N06W25																	0
Claim	63 31295	MANN FARMS.	GROUND WATER	06N06W25																	0
Claim	63 3249	NANCY JOHNSON, E. G. JOHNSON.	GROUND WATER	06N06W25	24																46
Rec	63 21364	CHARLES C. MANN.	GROUND WATER	06N06W25																	0
Rec	63 21365	CHARLES MANN.	GROUND WATER	06N06W25																	0
Rec	63 29756	E. G. JOHNSON, NANCY JOHNSON.	GROUND WATER	06N06W25																	0
Right	63 28383	E. G. JOHNSON, NANCY JOHNSON.	GROUND WATER	06N06W25																	0
Right	63 3249	CHARLES N. PITMAN.	GROUND WATER	06N06W25	24																46
Claim	63 21364	FARMERS COOPERATIVE DITCH CO.	SAND HOLLOW DRAIN	06N06W25	36	40	40	36	40	20	22	40	40	40	38	40	36	40	40	36	584
Claim	63 4851	STATE OF IDAHO.	STATE OF IDAHO.	06N06W25																	5
Right	3 2059	STATE OF IDAHO.	STATE OF IDAHO.	06N06W25																	0
Permit	63 11812	STATE OF IDAHO.	UNNAMED DRAIN	06N06W25																	0
Claim	63 2567B	MANN FARMS.	UNNAMED STREAM	06N06W25	6	37	10	5													190
Claim	63 31291	MANN FARMS.	UNNAMED STREAM	06N06W25	6	37	10	5													190
Right	63 2568	FEDERAL LAND BANK OF SPOKANE.	UNNAMED STREAM	06N06W25	24	25	5	28													82
Right	63 2567	FEDERAL LAND BANK OF SPOKANE.	UNNAMED STREAM	06N06W25																	157
Claim	63 4261A	CHARLES C. MANN.	WASTE WATER	06N06W25																	60
Rec	63 4261A	CHARLES C. MANN.	WASTE WATER	06N06W25																	0
Right	63 4261	CHARLES C. MANN.	WASTE WATER	06N06W25																	60
Right	63 11989	E. G. JOHNSON, NANCY JOHNSON.	WASTE WATER	06N06W25																	0

① PPR for Mann where claim 63-25878 = split portion of combined wa 63-2586 + 2587.

② M. fight stuck expansion in appt w reduced irrig (1 1/2 ac) in claim 63-25878.

Reduction of 1 1/2 ac. in feedlot GCS would reduce use of all overlap irrig filings by an

equal amount. Appears irrig. Reduction will impact Farmers coop N.H. Co. rights/claims.

③ Refer to add/change pld this partially deced stock right now being processed. also = Mann

④ 2 ext. Avoid fence line for 2 portions claim 63-25878 now being processed. Farmers

p/u comp

A63-2587B

MICROFILMED
MAR 20 2003

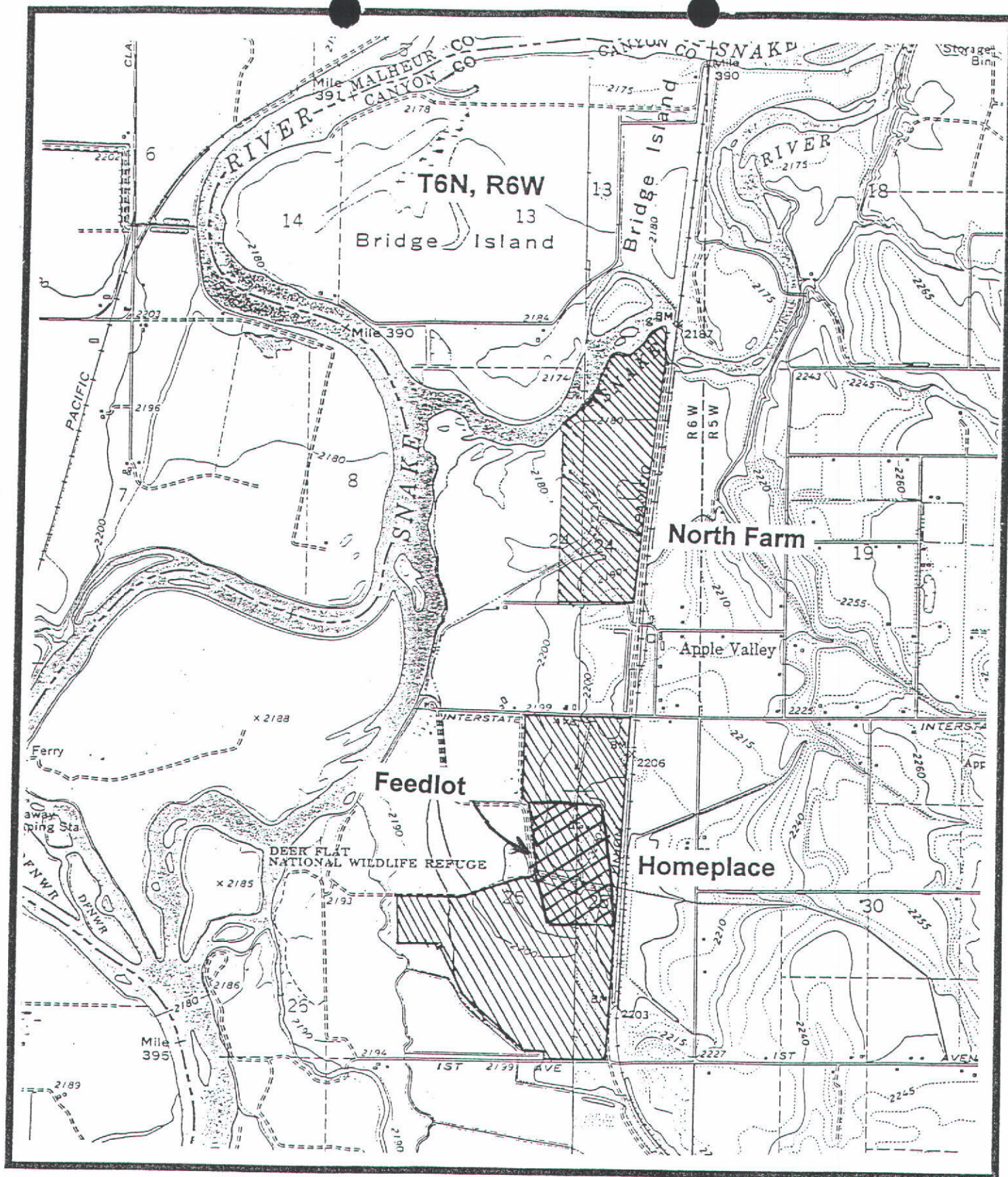


FIGURE 1
LOCATION MAP - MANN FARMS / M&M FEEDLOT

MICROFILMED
MAR 20 2003

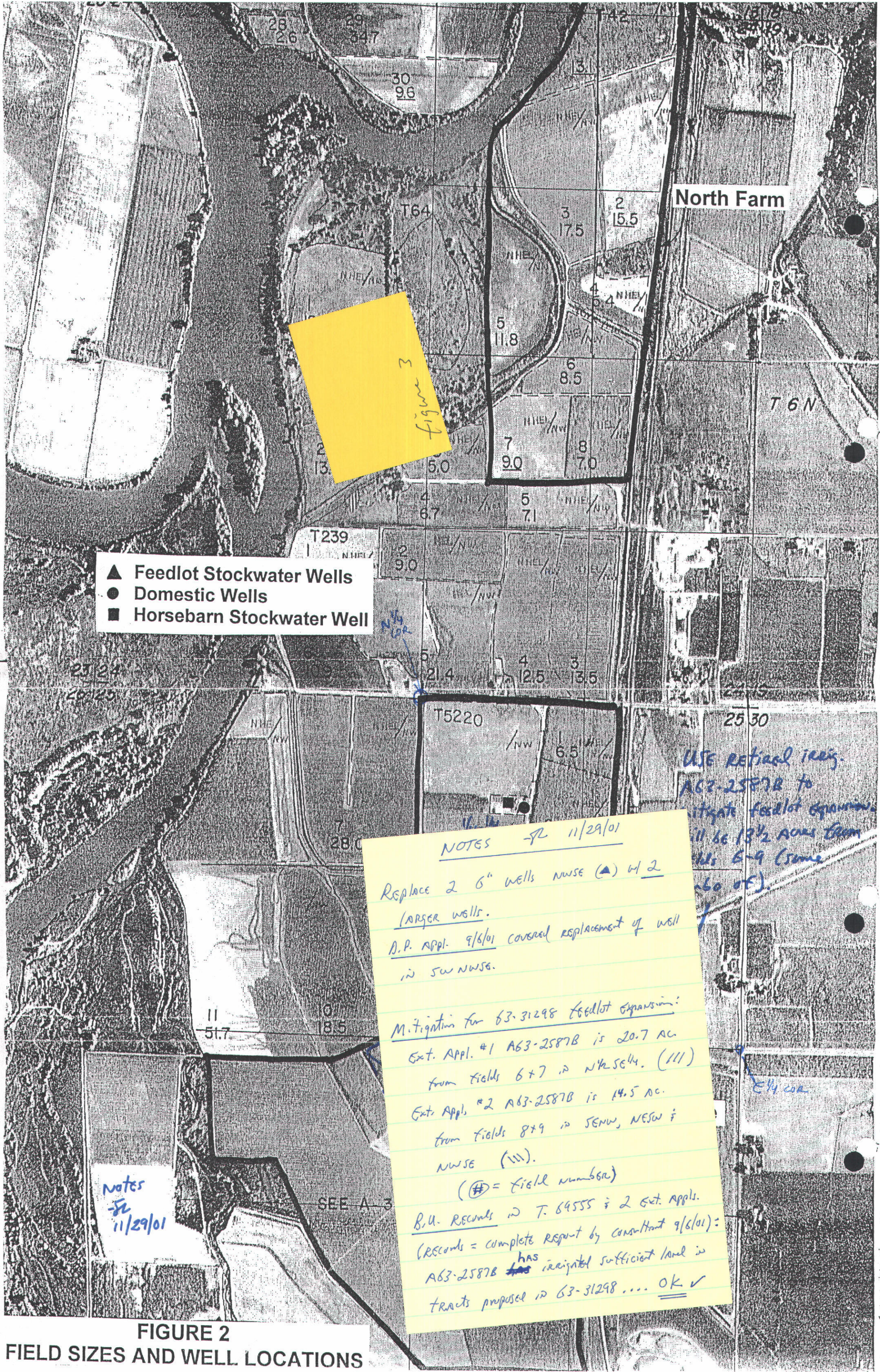


FIGURE 2
FIELD SIZES AND WELL LOCATIONS

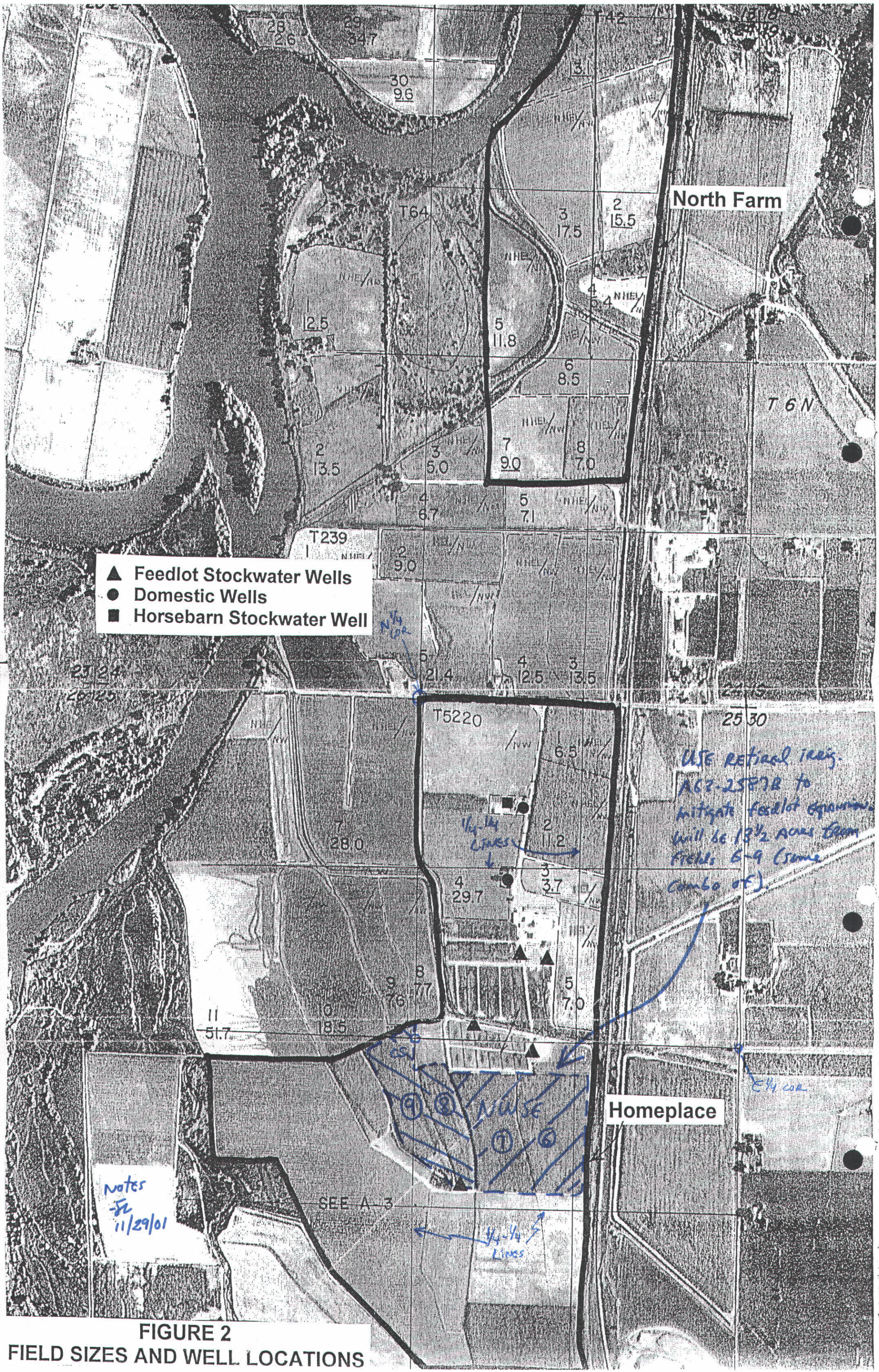


FIGURE 2
FIELD SIZES AND WELL LOCATIONS

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 63-31298

Priority: 09/06/2001

Maximum Diversion Rate: 0.55 CFS

This is to certify, that **MANN FARMS**
31801 MANN LN
PARMA ID 83660

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
STOCKWATER	01/01 to 12/31	0.55 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NW 1/4 SE 1/4	Sec. 25, Twp 06N, Rge 06W, B.M.	CANYON County
GROUND WATER	NW 1/4 SE 1/4	Sec. 25, Twp 06N, Rge 06W, B.M.	CANYON County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 06W 25			X					X	X				X	X			

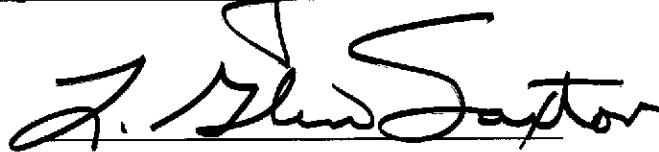
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 1, 2007**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
6. Water shall not be used under this right until the applicant formally notifies the department that they have permanently abandoned the right to irrigation of 13.5 acres under Water Rights 63-2586 and 63-2587. The formal notice shall also specify the 1/4 1/4 description from which the 13.5 acres will be removed and will include proof of ownership of those acres.
7. Stockwater use is for 2,500 dairy replacement cattle.
8. Water bearing zone to be appropriated is 50 to 200 feet.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 8th day of January, 2002

MICROFILMED

MAR 20 2003


for
KARL J DREHER, Director

DEC - 5 2001

Ident. No. 63-31298

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
SEP 06 2001

WATER RESOURCES
WESTERN REGION

To appropriate the public waters of the State of Idaho

9-18-01
Revisions Approved/Date

1. Name of Applicant Mann Farms Phone 208-722-6343
Mailing address 31801 Mann Lane, Parma, ID 83660
2. Source of water supply ground water which is a tributary of NA
3. Location of point of diversion is Township 6N Range 6W Sec. 25 in the NW 1/4, SE 1/4, Govt. Lot, B.M., Canyon County;
additional points of diversion if any: two wells in the NWSE Section 25, 6N, 6W

4. Water will be used for the following purposes:

- Amount 0.55 for stockwater purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.55 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source two wells with electric submersible pumps, buried pipes to water troughs
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
- c. Proposed well diameter is 16 inches; proposed depth of well is 450-200 feet
- d. Is ground water with a temperature of greater than 85°F being sought? no
- e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. 2,500 head of dairy replacement cattle
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

MICROFILMED

MAR 20 2001

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	6W	25			S					S	S				S	S			

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. 63-21364,
pending SRBA claims

11. a. Who owns the property at the point of diversion? applicant

b. Who owns the land to be irrigated or place of use? applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: This application seeks water for a 2,500 head feed lot expansion.

The application will be fully mitigated by retiring 13.5 acres of
irrigation water right 63-2587B. The retired irrigation water right will
provide 2.5 acre feet per acre consumptive use, or a total of 33.75 af
(10,997,438 gallons) annually. The 2,500 head of cattle will require
10,950,000 gallons annually (12 gpd/head x 2500 head x 365 days).

Water-bearing zone is 50 to 200 feet.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

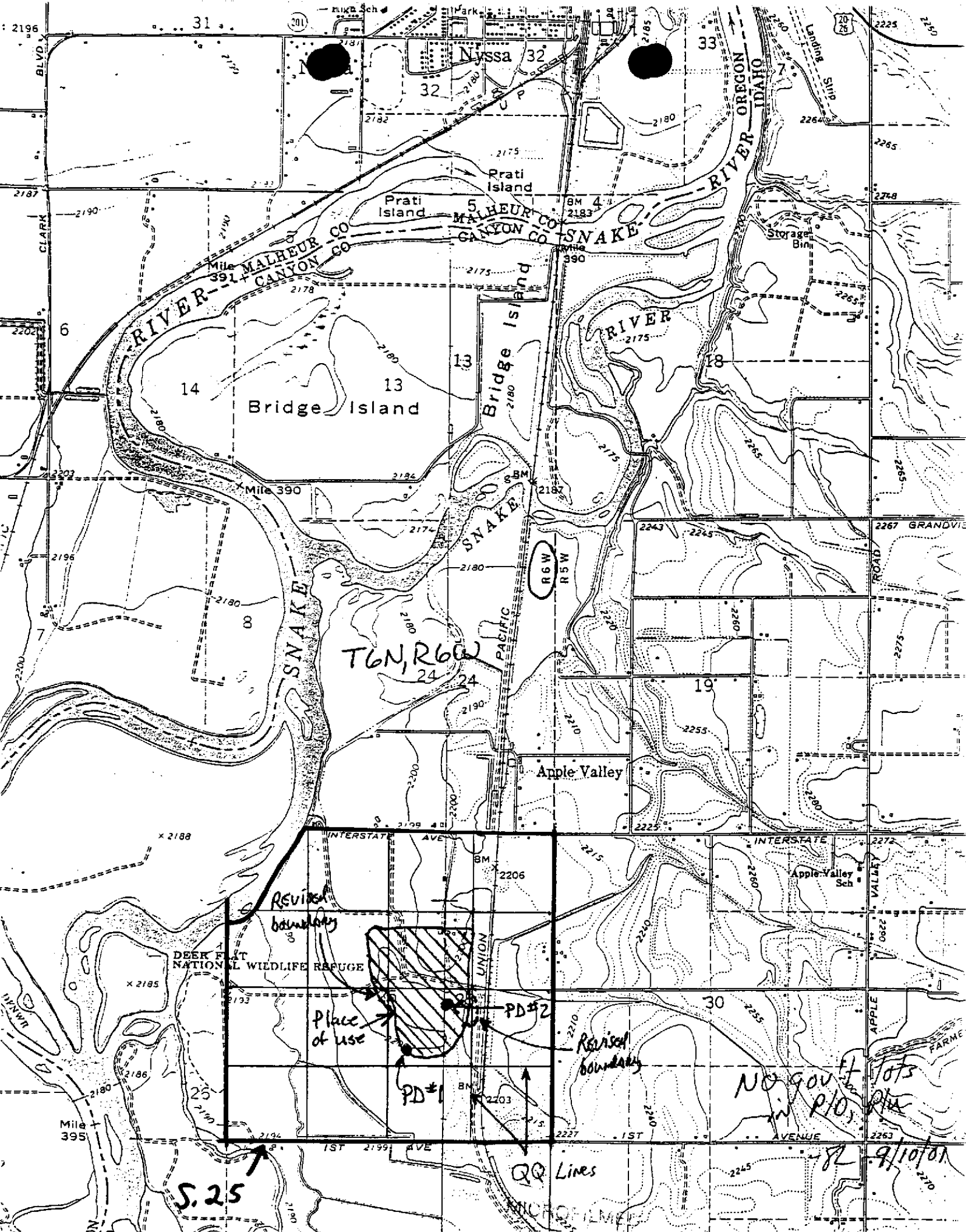
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Le L. Mann
Signature of Applicant (and title, if applicable)

Received by SL Date 9/6/01 Time 11:00 Preliminary check by SL
Fee \$ 250- Receipted by D.B. # W028270 Date 9.6.01
Publication prepared by SL Date 9-9-01 Published in Press - Tribune
Publication approved SL 9-20-27-01 Date 10-9-01

MICROFILMED

MAR 20 2003



NO GOVT TOTS
in R10, R11
82-9/10/01

MAR 20 2003

63-31298



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 16, 2002

TERRY SCANLAN
SCANLAN ENGINEERING
600 EAST RIVERPARK LN STE 105
BOISE ID 83706

RE: Water-Bearing Zone for Permit No. 63-31298

Dear Terry:

In response to your request to change condition no. 8 on Permit 63-31298, IDWR finds that an application to amend the permit is not necessary because the proposed change is not a "substantial change" to the proposed method and or diversion of water. The use of ground water from 15 to 150 feet is acceptable for stock watering purposes. Please note that the well drilling permits may include additional limitations, including limiting the total commingled intervals in the wells to prevent waste and/or contamination.

If you have any questions, please call me at 208-327-7946, or email me at skeen@idwr.state.id.us.

Sincerely,

Shelley Walter Keen
Water Rights Supervisor

Copy to: Rob Whitney, IDWR Western Region

MICROFILMED
MAR 20 2003

Keen, Shelley

From: TMSANLAN@aol.com
Sent: Thursday, August 15, 2002 10:00 AM
To: SKEEN@idwr.state.id.us
Subject: Re: Mann Farms Permit No. 63-31298

Yes, we are looking for clarification that shallower than 50 feet is OK. Riverside drilled a well in 2001 to a total depth of 23 feet. A second well is currently under construction at the site (drilling permit approved on 6/28/02). It has been drilled to approximately 95 feet, and we plan to complete it with well screen from 64 to 94 feet. Stevens and Sons Well Drilling is the contractor and the tag number is 25278.

MICROFILMED

MAR 20 2003

8/16/2002

[illegible]

Linda Troyer
Notary Public for Idaho
Residing at: Parma, Idaho
My commission expires: 12-05

MICRO-442

403 2 1 2015

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

RECEIVED

JAN 23 2002

DEPARTMENT OF WATER RESOURCES

January 23, 2002

Mr. Shelley Keen
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

Subject: Permit 63-31298 – Remarks

Dear Shelley:

On behalf of Mann Farms, this letter responds to Remark No. 1 of Permit 63-31298, and requests a change of Remark No. 3 for the same permit.

Remark No. 1. As mitigation for permit 63-31298, Mann Farms proposes permanently retiring 10 acres from the NWSE and 3.5 acres in the NESW of Section 25, T6N, R6W that were historically irrigated under water right 63-2587 and A63-25867B. This area was converted to feedlot in the fall of 2001. These acres were included in an Application for Extension of Time to Avoid Forfeiture for 14.5 acres that was submitted to the Department last fall. I understand that the Application has not been recommended for approval because the acres were only recently removed from irrigation. Western Region staff (Lori Graves or Gary Spackman) can provide more details. Proof of ownership for these acres is on-file with the Department as part of pending Transfer 69555.

Remark No. 3. Mann Farms proposes changing the water-bearing zone to be appropriated 15 to 150 feet. Remark No. 3 currently lists a water-bearing zone from 50 to 150 feet. A replacement stock well to serve existing water rights and permit 63-31298 was constructed in November 2000. The target depth for the well was 125 feet. However, the drilling contractor (Riverside, Inc.) was unable to penetrate beyond 25 feet due to unstable sands and gravel. Subsequently, they completed a well between 15 and 23 feet that produced 250 gpm. A log for the well is enclosed. Since the shallow aquifer in this area appears to be relatively continuous (i.e., without thick, laterally extensive confining layers) to more than 50 feet depth in this area, we request that the water-bearing zone to be appropriated be changed from 50 to 150 feet to 15 to 150 feet.

Please contact me with any questions or if you need additional information.

Sincerely,



Terry M. Scanlan, P.E., P.G.

Cc: Kent Mann



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 8, 2002

MANN FARMS
31801 MANN LN
PARMA ID 83660

RE: Permit No. 63-31298

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

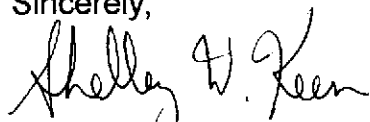
MICROFILMED

MAR 20 2002

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

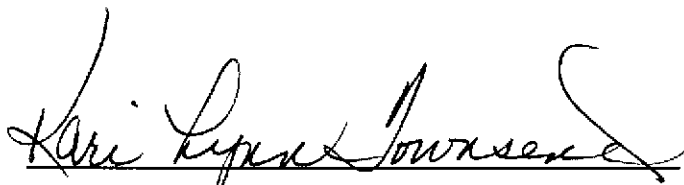
MAR 24 2003

CERTIFICATE OF MAILING

I hereby certify that on January 8, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 63-31298

**MANN FARMS
31801 MANN LN
PARMA ID 83660**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", is written over a horizontal line.

**Kari Lynn Townsend
Secretary**

MICROFILMED

MAR 27 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED
MAY 20 2003

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 12/6/01

No. 63-31298 Name: Hann Farms Corp. Officers ✓ Ad ok ✓ Govt Lots

AREA OF CONCERN: No/Yes TV Moratorium GWMA TRUST/NON-TRUST

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046
Basin 34 - 084 (if necessary)
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067

~~WMD~~

Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121

Trust - 051 (consumptive uses)
Non-Trust - 048 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18C-01H-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
 > 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/FS)-111 (instream stock)
MINING - 054-106
HEAT/COOL - R07 (injection well)
FIRE PROT - 077
COMMERCIAL/
INDUSTRIAL - 106-R07
DAIRY - 082-WD8
POWER - 17H or 17K (+uses)-17G (under FERC)
 or 17M (not FERC regulated)
 025-027-R22-08A

BENEFICIAL USE DUE: 01 2007

MISC CONDITIONS/REMARKS:

~~Protested~~ - 020-W19
Development Period
 > 1 yr - 26A
Ownership - 004
Non-consumptive - 027
Water Quality - 106-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response
In/Above MSF - WB9

PLANNING REVIEW/RESPONSE

WD - R04 (WD#)
≤ 0.20 cfs/others - 01H, 01P or No MD
> 0.20 cfs - 01J

SPRINGS/SINK, INACTIVE WD or WD

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W23, N/A
 (02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - W23, 047 (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

MUNICIPAL

Restricted area - 022,075
Irr., GW supp to SW - 102
Future needs - 007,109
FISH PROP - 029 (70's only)-007-042-106

DOMESTIC

Surface water - WB5 (Big Wood/Boise above Star Bridge)
 - 27A (Payette R)
 > 1 in restricted area - 070-071-075 (no parks/common areas)
Irr separate or none allowed - WB5
GW w/irrigation from SW evident - 065-104
Moratorium approvable - W03 (2500 gpd - meets domestic def
 i.e. D/convenience store)

Multiple pd's per ¼¼ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON - (Per updated map)

IRR VOLUME/ACRE

OTHER CONDITIONS/REMARKS WB zone 50-200 ft.

COMMENTS IDE Plus are not in the FIS layers so no digitizing was done in ArcView

ID# 0 DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: SL DATE: 9/11/01 APPLICATION: 63-31298

REQUIRED INFORMATION

SEE 9/18/01 affidavit
Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
Address:
Source: (See USGS Quad for names of water sources)
Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
County:
Quantity: (flow and/or volume)
Period of use:
Nature of proposed use: (Include description of use)
Description of diverting works:
Time required for beneficial use of water:
Place of use or acres irrigated:
Map: (show T, R, S, QQ &/or QQQ)
Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
Correct fee paid

RECEIVED
DEC - 5 2001
Gov't. Lots: N P/D
P/U

Department of Water Resources

ADDITIONAL INFORMATION

yes ADVERTISE REMARK(S)
(Reviewer identify which remarks)

YES NO

/ Overlapping place of use: (Describe source & relationship to present application on next page.)
/ Overlapping point of diversion. } Wells for stock use ... SEE
 / Critical groundwater area: } Attached proof report comments
 / Groundwater management area:
/ off 1992 moratorium: OK to process per mitigation plan*
 / Surface water source, IDFG letter needed.
 / Protected river or minimum flow reach, notify water planning bureau.
 / E-mail to SCA staff: (perennial stream, non-pump diversion &/or any mining).
 / E-mail to Dam Safety staff: (for any storage)
/ Mitigation plan: Check any that apply.
 / immediate = acceptable plan required and submitted. *
 future = open areas, acceptance of condition of approval is in file.
 / Send power requirement letter &/or fish farm requirement letter.
 / Power residency affidavit:
 / Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
/ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

Applicant officers identified

Date Requested 9/7/01 (Email) Date Response Received 9/18/01

* See hours 9-6-01 Report, especially pgs 6-7.

PROCESSING

APP. NO.

63-31298

YES NO

☒ ☐
☒ ☐
☒ ☐

In form for advertising:

Statewide advertising: (> 10 cfs &/or 1000 af)

Fee amount, receipt number and date recorded on application:

SEND COPIES TO: NOTE IF E-MAIL COMMENT LETTER USED.

YES NO

☐ ☒
☐ ☒
☐ ☒
☐ ☒

I.D. Health & Welfare

I.D. District Health

I.D. Fish & Game

I.D. Lands

YES NO

☐ ☒
☐ ☒
☐ ☒
☐ ☒
☐ ☒

U.S. BLM

U.S. Forest Service

Water Dist. #

Water Planning Bureau

Other

FINAL REGIONAL PROCESSING REVIEW:

YES NO

☒ ☐
☒ ☐

Affidavit of publication received:

Application published correctly: If not, record action taken.

☒ ☐
☐ ☒
☐ ☒
☒ ☐
☒ ☐

Publication dates and paper recorded on application:

Final date for protest 10-9-01

Protests received.

Recommendations attached:

Measuring device required: OR future reporting condition

Water delivered by water master? District #

Special conditions of approval or cover letter: SEE 11/29/01 Memo

(Approved by Gary Spademan)

NOTE: Any portion of 11/29/01 can be electronically provided if needed to more efficiently produce conditions of approval.

☒ ☐

See below for additional information

Recommended Date or Priority

9-6-2001*

Recommended by:

Approve 82

Date: 12/4/01

* 9-18-01 Revisions to Application not significant enough to advance priority.

ADDITIONAL INFORMATION:

SEE consultant's 9-6-01 Report (letter) & 9-7-01

email. New Application is for proposed Expansion at M+M Feedlot owned by Mann Farms.

Pgs. 6-7 of 9-6-01 Report summarize groundwater scenario from existing & proposed wells.

I drafting permit Appl. for 1^{of} the 16" Replacement wells in NWSE was submitted with consultant's package. SEE RBW e d.p. details.

MEMORANDUM

TO: File

FROM: Steve Lester 

DATE: November 29, 2001

RE: Background and Conditions of Approval for Application No. 63-31298

This application to expand a feedlot involves a complex history thoroughly documented by Terry Scanlan's September 6, 2001, report ("Report"). The Report is filed with pending Transfer 69555 (recently decreed 63-21364 for stockwater) but key copies from the Report are filed with Application 63-31298. The applicant also filed two Extensions of Time to Avoid Forfeiture of separate portions of SRBA Claim 63-2587B.

Application 63-31298 was processed when filed but the transfer and two extension applications were delayed during the field season. The water application was processed right away because it was more likely to result in a fairly quick decision to allow the business to function with minimal disruption. The other filings are being processed at this time and should reach the State Office within a couple of months assuming protests are not filed.

The feedlot involves replacement animals sold to dairies. The 12 gpd standard is appropriate in this setting since actual dairy operations are not involved at the site.

The applicant proposes to fully mitigate the proposed use by retiring irrigation under surface water SRBA Claim 63-2587B. The claim results from combining licenses 63-2586 and 63-2587 and then filing a split claim for A and B portions. The A portion is for another owner.

The Report traces the feedlot development and covers the stockwater and irrigation aspects of allocation and adjudication filings. The mitigation plan for 63-31298 is presented on page 7 of the Report. Report Figure 3 has been noted to show which acres have been or will be retired to mitigate the feedlot expansion. The "mitigation acres" are described in one or both extension applications. The extensions propose five years of non-use and are basically filed to maintain the validity of the retired/retiring acres. The acres offered for mitigation have been irrigated without forfeiture according to the Report and to Lori Graves' memos filed with the transfer and extension filings. Copies of Lori's memos are attached.

MICROFILMED

MAR 20 2003

Annual diversion volume for 2,500 cattle at 12gpd/animal is 33.5 af ($2500 \times .0134 = 33.5$). The acres to be retired have a consumptive use history of 2.5 afa/acre (Scanlan's 9-7-01 email). The water provided for mitigation fully covers the anticipated need ($13.5 \times 2.5 = 33.8$).

The retired/retiring acres are associated with the P/U for 63-31298. The current POU Comparison (attached) portrays all/most of each of these tracts as irrigated by surface water from the Farmers Coop Ditch Company ("Company"). This suggests an adverse impact on Company rights serving the land in question. However, the Report addresses this issue at the top of page 3. Only a few shares of Company water have been available for the Mann land. Therefore, Company rights are not adversely affected by a reduction in use of Claim 63-2587B as proposed.

Application 63-31298 should be approved.

Proposed Conditions of Approval

Use standard conditions and allow 5 years to complete the development.

Stockwater use is for 2,500 dairy replacement animals for Mann Farms aka M & M Feedlot.

This permit is fully mitigated by a 13.5 acre reduction in irrigation under Snake River Basin Adjudication Claim No. 63-2587B. The amount of water diverted for 13.5 acres under the claim must remain in the unnamed stream described by the claim instead of being diverted through the claimed point(s) of diversion. Water from another source cannot irrigate any portion of the acres retired for mitigation.

Failure to comply with any condition of approval is cause for the Director to void or cancel this permit.

CC: Lori Graves

MEMORANDUM

DATE: 11/13/01

FROM: Lori Graves

TO: Transfer File No. 69555 — *for decree 63-21364, pld change*

Attachments

1. Aerial Photos
2. Driller's Reports
3. Recorded Water Rights
4. Transfer (copy)
- 5-15. Associated Water Right and SRBA Filings (copies)
16. Application for Replacement Well (copy)
17. Ownership Info
18. Consultant's Review Letter Dated 9/6/2001

Brief

Five 6" wells have historically supplied water to the feedlot. Applicant listed four wells on the transfer application; two proposed and two existing. One of the proposed wells has recently been drilled to replace one of the five existing wells that failed. Applicant eventually hopes to use only the two new 16" wells (one just drilled as a replacement and one proposed) in the NWSE for all his stockwater needs. For back-up purposes, he will continue to maintain the two existing 6" wells in the SWNE listed on decree 63-21364. A total of four wells commingled for stockwater use in an expanded feedlot area have been proposed.

Applicant retained Terry Scanlan to bring the M & M Feedlot operation and associated farming operation up to date in regards to water rights. This transfer, along with several other SRBA and water right filings, resulted from a meeting that Terry Scanlan and the applicant had with Jan Shurte and Steve Lester on 9/6/01. See attachment 18 for more details regarding the feedlot and farm development.

Overlaps

The feedlot was purchased in 1947 and currently consists of 5500 head of beef stock, with an additional 2500 proposed via application 63-31298. The following rights were filed to reflect the historical and chronological development of ground water used for the feedlot. The cfs rates were based on 12 gpd/hd, 365 dys/yr (IDWR standards).

- First 1000 head are covered by decree 63-21364, 1944 priority date, .24 cfs.
- Next 1500 head are covered by claim 63-31292, 1963 priority date, .31 cfs.
- Next 1000 head are covered by claim 63-31293, 1973 priority date, .23 cfs.
- Next 1000 head are covered by claim 63-31294, 1976 priority date, .23 cfs.
- Next 1000 head are covered by claim 63-31295, 1982 priority date, .23 cfs.
- 2500 new head proposed on application 63-31298, filed 9/2001, .55 cfs.

MICROFILMED

MAR 7 0 2003

Until 1992, water from a drain ditch, supplied by an unnamed stream (65-2587B) and Farmers Coop Ditch shares, were also used for stockwater. Since 1992, only ground water has been available for stockwater use. No other rights are used.

SRBA

Right 63-21364 was decreed in March of 2000 in the SRBA. Applicant filed claims 63-31292 through 63-31295 to account for the feedlot's development since 1963. The entire farm consists of the "North Farm" and the "Home Place". The feedlot is located on the Home Place. Applicant supplied documentation (dated aerial photos per attachment 1) that provide visual evidence of the gradual development of the feedlot.

Two accompanying applications to avoid forfeiture on irrigation claim 63-2587B were filed and will be advertised with this transfer. The purpose of the applications is to protect 20.7 acres retired for feedlot expansion from 1996 to this year and 14.5 additional acres that plan to be retired after 2001.

*Sufficient
to mitigate
63-31298*

Recommendations

Approve the transfer as filed. Limitations cannot be made until claims 63-31292 through 63-31295 have been decreed and the new system capacity has been determined for the licensing of permit 63-31298.

Based on what we do know and what has been decreed, this right is limited to .24 cfs for 1000 range cattle when combined with all other rights serving the 5500 head existing feedlot or the 8000 head proposed feedlot.

MICHAEL

MAR 20 2000

MEMORANDUM

DATE: 11/14/01

FROM: Lori Graves *LG*

TO: Water Right File 63-2586 & 63-2587
SRBA File 63-2587B

Attachments

See same 18 attachments filed with accompanying transfer no. 69555. Those specific to the Avoid Forfeiture applications are no.s 1, 10, 11, 12, 13, 17 and 18.

Review

Rights 63-2586 for irrigation of 82 acres and 63-2587 for irrigation of 157 acres were each licensed from the same unnamed stream with a common priority date of 4/10/1939. For SRBA claim purposes, the licenses were combined in the SRBA and then split; Pace and Nielsen claimed their 86 acre portion under 63-2587A and Mann Farms claimed their 148 acre portion under claim 63-2587B. For unknown reasons, 5 licensed acres, owned by Mann Farms in the SENE S25, were not included on claim 63-2587B. The claim was then amended 9/6/01 to 153 acres irrigated at 3.06 cfs within a 190 acre PPU.

Evidence

Aerial photos from 1960 to present indicate how the area in question has had a gradual reduction in irrigated acres due to expansion of a feedlot operation. Because of IDWR's five-year window, both applications to avoid forfeiture can only protect acres retired after the 1996 irrigation season. Based on aerial photos (attachment 1), 20.7 acres were retired within the last five years, which the applicant seeks to protect from forfeiture with one application. Applicant then filed a second application on the same water right to account for an additional 14.5 acres he plans to retire after the 2001 irrigation season.

Applicant filed an SRBA claim 63-31291 to account for 37 acres that adjoin the 153 acres, which were leveled and irrigated in 1948 from the same unnamed stream. These 37 acres and the licensed 153 acres account for a total of 190 acres, which are listed on claims 63-2587B and 63-31291 as their PPU.

The aerial photos submitted as evidence of historical development for the feedlot reveal that a total of 43 acres have been forfeited as of this year due to the building of structures and corrals for the feedlot. As described above, 20.7 of these acres can be protected since they were retired after the 1996 irrigation season. An additional 14.5 acres plan to be retired after the 2001 irrigation season. The remaining 22 acres have been forfeited due to non-use prior to 1996. All these acres are part of the proposed 190 acre PPU. Based on

MICROFILMED

MAY 20 2003

the evidence provided and consultation with applicant's consultant, the proposed 190 acre PPU should be reduced to 168 acres (190 - 22) for claims 63-2587B and 63-31291. 63-2587B should then also be limited to 131 acres irrigation within a 168 PPU to account for the 22 acres forfeited.

Overlaps

Farmers Union Ditch Co rights are also used on the property for irrigation. No other rights are used.

Recommendations

Approve the applications to avoid forfeiture.

SRBA files will be flagged with this memo with reduction in PPU noted.

<u>Before</u>	<u>VERIFIED</u>	
A63-2587B	153 Acres	Amended claim lists 148 in PPU but 153 in Remarks... Remarks are correct
A63-31291	<u>37 Acres</u> 190 Acres PPU	
<u>After</u>		
A63-2587B	131 Acres	153-22 forfeited where 35.2 of 131 involved in 2 Ext. Appls. Use 13.5 of Acres in Ext. to mitigate new permit.
A63-31291	<u>37 Acres</u> 168 Acres PPU	

JR 11/29/07

MICROFILMED
MAR 2 8 2009

↓
✱

*
*

✻

MICROFILMED
MAR 8 1988

② Multiple Stock Expansion and offer to increase ...
Reduction of 13 1/2 Ac. in total does would reduce use of all overlap in my filings by and
+ 100 acres more. Reduction will impact Farmers Corp. & H. Co. rights/claims.

(3) xfer to add/change P/d the partially decayed stock right now being processed. } also = MARR
 (4) 2 Ext. Avoid tort. fine for 2 parties cla. - 63-25878 now being processed. } FAREMS

P/U comp

A63-2587B

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS.
County of Canyon)

Traci L. Griffin
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 2 time(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.
4. That said notice was published the following:
09/20/2001, 09/27/2001

STATE OF IDAHO)
County of Canyon)

On the 27th day of Sept in the year of 2001
before me, a Notary Public, personally appeared.
Traci L. Griffin,
known or identified to me to be the person
whose name is subscribed to the within
instrument, and being by me first duly sworn,
declared that the statements therein are true, and
acknowledge to me that he/she executed the same.

Jeanne Lusk
Notary Public for Idaho
Residing at Nampa
My commission expires June 21, 2003

e0100285 04504702
1 Idaho Dept. of Water Resource
2735 Airport Way
BOISE ID 83705

LEGAL NOTICE

The following application(s) have
been filed to appropriate the public
waters of the State of Idaho:

63-31298
MANN FARMS
31801 MANN LN
PARMA ID 83660

Point(s) of Diversion

✦ NWSE
S25 T06N R06W
CANYON County

Source GROUND WATER

Use: STOCKWATER

01/01 To 12/31 0.55 CFS

Total Diversion: 0.55 CFS

Date Filed: 09/08/2001

Place Of Use: STOCKWATER
T06N R06W S25
SWNE SENW NESW NESE
NWSE

Remark: Mitigation is proposed for
consumptive use at a feedlot. Water
bearing zone to be appropriated is
from 50 to 200 feet.

Permits will be subject to all prior
water rights. Protests may be sub-
mitted based on the criteria of Sec
42-203A, Idaho Code.

Any protest against the approval of
this application must be filed with the
Director, Dept. of Water Resource,
Western Region, 2735 Airport Wy,
Boise ID 83705 together with a pro-
test fee of \$25.00 for each applica-
tion on or before 10/09/2001. The
protestant must also send a copy of
the protest to the applicant.

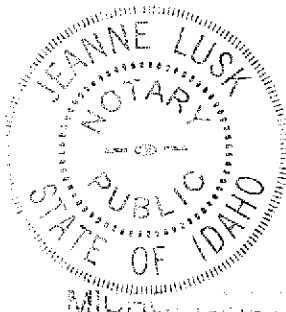
KARL J DREHER, Director
September 20, 27, 2001

04504702

RECEIVED

SEP 28 2001

WATER RESOURCES
WESTERN REGION



SEE note & legal
notice (# 4 pld)
on last page of
the file. -sc 11/20/01

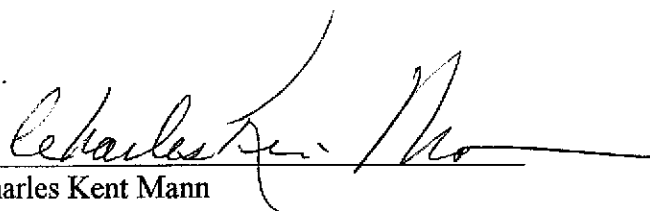
AFFIDAVIT OF GENERAL PARTNER

STATE OF OREGON)
) ss.
County of Malheur)

I, Charles Kent Mann, being first duly sworn depose and say:

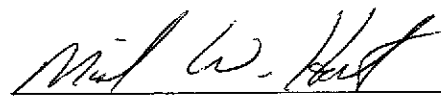
1. I am a general partner of M&M Feed Lot, an Idaho general partnership.
2. The partners of M&M Feed Lot are: Charles Kent Mann, Mann Farms, Inc., an Idaho corporation and Mary H. Mann.

Dated this 17 day of September, 2001.


Charles Kent Mann

Subscribed and sworn to before me this 17 day of September, 2001.




Notary Public for Oregon
My Commission Expires: 10/15/2005

original REC'd 9/18/01 with
SRBA information.

this a for - 63-31298

- transfer
- 2 ext. of time to record
future time

RECORDED
INDEXED

-R

AFFIDAVIT OF CORPORATE EXISTENCE

STATE OF OREGON)
) ss.
County of Malheur)

I, Mary H. Mann, being first duly sworn depose and say:

1. I am the President of Mann Farms, Inc., an Idaho corporation. The corporation was incorporated on October 9, 1973 and is still in existence.

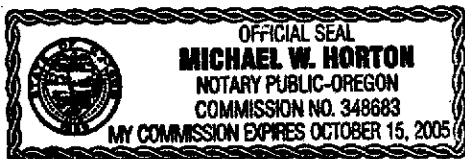
2. The officers of the corporation are: Mary H. Mann, President and Charles Kent Mann, Secretary/Treasurer.

3. The Board of Directors of Mann Farms, Inc., consists of two directors. Those directors are: Mary H. Mann and Charles Kent Mann.

Dated this 17 day of September, 2001.

Mary H. Mann
Mary H. Mann, President Mann Farms, Inc.

Subscribed and sworn to before me this 17 day of September, 2001.



Michael W. Horton
Notary Public for Oregon
My Commission Expires: 10/15/05

MICROFILMED

MAR 2 2 2003

Lester, Steve

From: Lester, Steve
Sent: Monday, September 10, 2001 3:00 PM
To: 'TMSCANLAN@aol.com'
Subject: RE: Mann Farms Application for Permit

Terry:

I will use the P/D & P/U legals confirmed by your email. Will also use the 2.5 afa/acre value as explained in your note. Changes to the application will need to be okayed on the original form by the applicant but that can be done as the legal notice process is running. The farm officer information can also be supplied later in the process.

I have everything I need to prepare the legal notice and will follow up with you later on these other details. Thanks Terry.

Steve

-----Original Message-----

From: TMSCANLAN@aol.com [mailto:TMSCANLAN@aol.com]
Sent: Friday, September 07, 2001 3:44 PM
To: SLester@idwr.state.id.us
Subject: Re: Mann Farms Application for Permit

Steve - Thanks for catching those errors.

1. You are correct. The PDs should both be in the NWSE as shown on the map.

Please make the correction.

2. In looking at this, I think that the map should have shown a slightly larger area. Based on the my previous discussion with Mann, it appears that the expanded feedlot will have a POU primarily in the SWNE and NWSE, but there might be a few acres in the corner of the SENW, a couple of acres along the edge of the NESW and a couple of acres along the edge of the NESE. Therefore, I would like to include all five 1/4 1/4 sections in the listed place of use. Do you need a new map, or is this written description close enough?

3. Maximum well depth will be 200 feet. I guess we are hopeful that it won't go past 150, but the application should have listed 200 feet.

4. The 2.5 af/ac consumptive use was based on a crop consisting of mainly field corn (USBR Agrimet data for Parma). I recall from my site visit that the farm had lots of corn when I visited last year, but I haven't researched his actual crop patterns. If it is policy to use 3.5 af/ac, that will be OK with us.

5. I will get the names/titles of the officers for Mann Farms ASAP.

MICROFILMED

Lester, Steve

From: Lester, Steve
Sent: Friday, September 07, 2001 1:27 PM
To: 'tmscanlan@aol.com'
Subject: Mann Farms Application for Permit

Contacts: Terry Scanlan

Terry:

To prepare & send the legal notice by next Wed. 9/12, need to confirm:

- 1) P/D legal is 2 wells in **NWSE** (not NWSW listed on form).
- 2) P/U legal is **SWNE, SENW** (not NESW listed on form), & **NWSE**.

These were probably just typos, easy to see how it could happen in such a large & detailed package your prepared. Good work on the package, by the way ... very impressive.

While notice runs, please provide this information:

- 3) Proposed well depth about 200' (not 150' listed) since water bearing zone is about 50-200'.
- 4) Consumptive use for mitigation from 63-2587B as 2.5 af/acre per "historical consumptive use" per your report (page 7, item 6). Does historical use mean due to certain crops, due to supplemental nature or both? The standard for a primary right in that location is 3.5 af/acre consumptive use. A very brief explanation of the 2.5 value would be helpful.
- 5) Names/titles of officers or directors for Mann Farms are needed.

Let me know if you need anything for this. If your **reply to items 1 and 2 can be received by Tuesday morning, Sept. 11**, I can get this one to the paper for publication the last 2 weeks of September.

Thanks Terry.

Steve

MICROFILMED

MAR 20 2003 1

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

September 6, 2001

Mr. Gary Spackman
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Subject: Stockwater Irrigation Water Rights for Mann Farms (M & M Feedlots)

Dear Gary:

On behalf of M&M Feedlot and Mann Farms (Kent Mann, President), this letter presents supporting information related to the following attached claims and applications:

- (1) four beneficial use claims in the SRBA for stockwater use at M & M Feedlots
- (2) one beneficial use claim in the SRBA for irrigation use at Mann Farms
- (3) three amended SRBA claims for irrigation use at Mann Farms
- (4) one application for permit with mitigation for proposed stockwater use at M & M Feedlots
- (5) one transfer of a decreed stockwater right to add two points of diversion at M & M Feedlots
- (6) two applications to avoid forfeiture for irrigation water rights associated with irrigated lands that have been or will be converted to feedlot, and
- (7) one application for drilling permit to replace an existing stockwater well at M & M Feedlots.

} held for
REST of
FIELD SEASON,
Now being
processed

Figures 1, 2, and 3 show the location of Mann Farms and M & M Feedlots, field sizes, and the location of the existing feedlot wells. Stockwater and irrigation water rights are discussed below.

STOCKWATER

History of Stockwater Use

Based on discussions with Kent Mann, I understand that development of M & M Feedlot occurred under the following chronology.

- Mr. Mann's father purchased the property in about 1947.
- The feedlot was built in about 1952. Stockwater was supplied from a main ditch and from two wells.

SEP 20 2001

- Between 1952 and 1963, the feedlot capacity expanded to 2,500 beef cattle. During this period, stockwater was supplied from a drain ditch and from two or more wells.
- By 1973, the feedlot capacity was 3,500 head.
- By 1984, the capacity of the feedlot facility reached a maximum of 6,500 beef cattle. Stockwater was obtained from the drain ditch and several wells.
- In 1984, the facility switched from raising beef cattle to raising dairy replacement cows.
- By 1987, the capacity reached 5,500 dairy replacement cows. Stockwater was obtained from the drain ditch and four wells.
- In 1992, use of the drain ditch source for stockwater was discontinued. All stockwater since 1992 has been supplied from groundwater wells.
- The facility currently has capacity for 5,500 head of dairy replacement cattle. Stockwater is supplied to the feedlot by five wells. Mr. Mann has indicated that he would like to expand the feedlot capacity to approximately 8,000 head.

Feedlot Area Expansion

The feedlot has gradually expanded over a more than 40-year period. Feedlot pen areas estimated from aerial photos are listed below for various years. Copies of the photos are provided as Attachment 1.

1960+/-	9 acres (photo map in SCS Canyon Area Soil Survey, 1957-1964 photobase)
1974	15 acres (Owyhee Quadrangle orthophotograph dated 7/18/74)
1980	15 acres (USDA color aerial photo slide)
1987	21 acres (USDA color aerial photo slide)
1994	22 acres (USDA color aerial photo slide)
1996	22 acres (USDA color aerial photo slide)
2001	43 acres (no photo, fields 6 & 7 (Figure 3, 20.7 acres) converted to pens since 1996)
2002	57.5 acres (proposed, fields 8 and 9 south of drain ditch, 14.5 acres) to be converted to pens).

Mann has expanded the feedlot area by 20.7 acres since 1996. Mann has found that he gets better results raising dairy replacement cows by providing more area per animal. Thus, while the feedlot size has increased, the number of cows has not. Mann plans to expand feedlot pens onto an additional 14.5 acres in the near future. Therefore, the irrigated area has been reduced by approximately 20.7 acres since the 1996 irrigation season, and will be reduced by an additional 14.5 acres after the 2001 irrigation season. Thus, total reduction in irrigated area after 1996 will be approximately 35.2 acres.

MICROFILMED

MAR 20 2003

Note that the drain ditch water diverted under license 63-2587B and Boise River water delivered from the Farmers Cooperative ditch (25 shares) have been commingled on the entire property, including the 35.2 acres being taken out of production. However, the irrigated acreage reduction will be associated only with the drain ditch water right (63-2587B). Mr. Mann has indicated that the delivery from Farmers Cooperative is limited by both pipeline size and number of shares (25 shares). Thus, there will be no change to Farmers Cooperative water delivery rate resulting from the acreage reduction after 1996, but use of the drain ditch source will be reduced by 35.2 acres.

Stockwater Wells

M & M Feedlot currently utilizes five wells for stockwater. Two wells are located north of the drain ditch (in the SWNE Section 25) and serve an interconnected system. Three wells are located south of the drain ditch (two wells in the NWSE Section and one well in the SWNE Section 25) and serve a separate interconnected system.

Logs for five wells are provided as Attachment 2 and described below.

- Log No. 1 is for a 36-foot deep well completed on May 12, 1976. Location listed on the well log is NESW, but location shown on the well log sketch map is NESE. Actual location is assumed to be NENWSE, on the south side of the drain ditch (Figure 2).
- The logs identified as log Nos. 2A and 2B are for a 182-foot deep stockwater well that was originally constructed to 54 feet in 1998 and then deepened in 1999. This well is believed to be the easternmost well located north of the drain ditch (SWNE) on Figure 2. The well replaced an older well (date of construction unknown) that was located approximately 50 feet away. The older well was formally abandoned in 1999.
- Log No. 3 is for a 54-foot deep well completed on April 3, 1994 in the SWNE Section 25. This well is believed to be the westernmost well located north of the drain ditch.
- Log No. 4 is for a 63-foot deep well completed on April 6, 1994. The location description (NWSE Section 25) for this well suggests that it is a feedlot well located south of the drain ditch. It appears that this log corresponds to the southernmost well.
- Log No. 5 is for a 23-foot deep well completed on June 21, 1982. Location listed on the well log is NESW, but location shown on the well log sketch map is NESE. Actual location is assumed to be SWNE, on the south side of the drain ditch.

No logs were found for wells constructed prior to 1976.

MICROFILMED

MAR 20 2003

Mann would like to construct two large-diameter wells on the south side of the drain ditch in the NWSE of Section 25 for stockwater use. The large diameter wells could be equipped with multiple pumps for redundancy and flexibility. These wells would replace the 5 existing wells and provide additional water for the proposed feedlot expansion. Mann proposes constructing one of these wells immediately to replace the well located in the SWNWSE (Log No. 4?). The existing well at this location has failed due to sand pumping. The second well will be drilled later to replace the well located in the SWNWSE (Log No. 1?)

Recorded Stockwater Rights

Recorded stockwater rights (decreed, claimed or licensed) are provided as Attachment 3 and described below.

63-21364. A partial decree has been issued for water right 63-21364 with a priority date of January 1, 1944. Use is for 1,000 head of cattle with a diversion rate of 0.24 cfs. The right lists a quantity limit of 13,000 gallons per day. Place of use is the SWNE of Section 25. Therefore, the southern portion of the feedlot is not included as part of the place of use. Point of diversion is two wells in the NESWNE, which would be north of the drain ditch. A transfer is proposed to add the southern portion of the feedlot as a place of use and to add diversion points in the NWSE.

A63-21365. Claim A63-21365 appears to be an additional point of diversion for the same use as 63-21364.

A63-02587B. A63-02587B is an SRBA claim based on a licensed irrigation water right. The source is an unnamed stream (a constructed drain ditch). Note, however, that the license does not list stockwater as a use and the license does not have a year-around period of use.

A63-04261A. A63-04261A is an SRBA claim based on a statutory claim filed for irrigation in 1974. Claimed priority date is April 1, 1954. The statutory claim did not include stockwater as a use, and did not list a year-around season of use. The irrigated lands associated with this water right were sold to Idaho Fish and Game Department. Mann Farms claimed 0.20 cfs of stockwater use under this water right with a year-around season of use.

The stockwater uses claimed under A63-02587B and A63-04261A might be better claimed under a beneficial use claim. However, this may be a moot point because the feedlot no longer utilizes the drain ditch sources for stockwater.

MICROFILM

SEP 7 0 2001

IRRIGATION

Description of Irrigation

Mann Farms irrigates approximately 190 acres at the Home Place (Section 25) and 90 acres at the North Farm (Section 24).

Sources of irrigation at the Home Place are the Farmers Cooperative Ditch Company and a drain ditch system tributary to the Snake River. The water from both of these sources is commingled in a buried pipeline system. Two drain ditch pump stations are utilized.

Sources of irrigation at the North Farm are the ~~Farmers Cooperative Ditch Company~~, the Snake River, and a drain ditch tributary to the Snake River. The Snake River water is pumped to irrigate approximately 54 acres. The drain ditch water is pumped to irrigate approximately 36 acres. Places of use for the drain ditch water and the Snake River water do not overlap.

Recorded Irrigation Water Rights

Recorded irrigation water rights are described below and included in Attachment 3.

Farmers Cooperative Ditch Company. Farmer Cooperative Ditch Company has submitted claims in the Snake River Basin Adjudication for essentially all irrigated lands (and some non-irrigated lands) in the tracts that include the Home Place and the North Farm. Claim numbers include A63-00138C, A63-00188, A63-00189, A63-00190, A63-00191, A63-00296, A63-00303A, A63-04851, and A63-04852. These claims have not been reviewed as part of this project.

A63-02587B. Claim A63-02587B is based on two water rights licenses issued to the Federal Land Bank of Spokane with priority dates of April 10, 1939 for irrigation from an unnamed stream source (constructed drain ditch). License 18767 was issued for irrigation of 82 acres located on the north side of the drain ditch. License 18768 was issued for irrigation of 157 acres on the south side of the drain ditch. License 18767 was subsequently renumbered as 63-02586 and license 18768 was subsequently renumbered as 63-02587. The lands associated with these licenses are currently owned by Mann Farms and Pace & Nielsen Farms. For SRBA claim purposes, the two licenses were combined and then split. Pace & Nielsen claimed 86 acres of irrigation under A63-02587A and Mann Farms claimed 148 acres of irrigation under A63-02587B. For unknown reasons, 5 licensed acres in the SENE Section 25 was not claimed under A63-02587B. The claim should be amended to indicate 153 acres irrigated under 63-02587B and a diversion rate of 3.06 cfs. The claim should also be amended to reflect that the water is supplied to a place of use totaling 190 acres.

Irrigated acres not listed under licenses 63-02586 and 63-02587 were probably developed after licensing of the rights in the early 1940s. Mr. Mann's father and uncle

MICRO - 100

MAR 20 2003

developed irrigation by leveling these lands in the late 1940s. A beneficial use claim is proposed for approximately 37 acres at the Home Place that were not licensed under 63-02586 and 63-02587.

03-04003/A03-04003. Water right 03-04003 is a statutory claim for 2.6 cfs from the Snake River for irrigation of 69 acres at the North Farm. Claimed priority date is April 1, 1961. Estimated irrigated area is approximately 54 acres. The actual location of the irrigated acres is not accurately reflected in the claim. The claimed diversion rate is 0.038 cfs/ac (1.88 miner's inches per acre). An amended claim is proposed to accurately identify the acres irrigated under this water right.

63-04262/A63-04262. Water right 63-04262 is a beneficial use claim for irrigation of 36 acres at the North Farm from a wastewater source. The actual location of the irrigated acres is not accurately reflected in the claim but the total is correct. Claimed diversion rate is 1.2 cfs (0.04 cfs/ac). An amended claim is proposed to accurately identify the acres irrigated under this water right.

PROPOSED WATER RIGHT ACTIONS

Stockwater Rights

1. Groundwater for the first 1,000 head of feedlot capacity is diverted under decreed water right 63-21364 with a 1944 priority date. The water right will be changed through a water right transfer to add two points of diversion in the NWSE Section 25. The place of use will be modified to include feedlot expansions into SENW and NWSE (Attachment 4).
2. Groundwater for the next 1,500 head of feedlot capacity (from 1,000 to 2,500 total) will be claimed in the SRBA as a beneficial use claim with a priority date of January 1, 1963 (Attachment 5). The priority is based on Mr. Mann's statement that the feedlot capacity was 2,500 head by 1963. The claim is for 0.31 cfs. The diversion rate is based on the IDWR recommended diversion rate for 2,500 head (0.55 cfs) minus the 0.24 cfs decreed under water right 63-21364. Daily volume is 18,000 gallons (12 gal/head for 1,500 head). The claim lists four points of diversion (3 in the SWNE and 1 in the NWSE) because these four wells were serving the feed lot as of 1987. Place of use is the SWNE and NWSE Section 25. (Note that Attachment 5 could either be an amendment to claim 63-21365 or could be submitted as a new claim).
3. Groundwater for the next 1,000 head of feedlot capacity (from 2,500 to 3,500 total) will be claimed in the SRBA under a beneficial use claim with a priority date of January 1, 1973 (Attachment 6). The priority is based on Mr. Mann's statement that the feedlot capacity was 3,500 head by 1973. The claim is for 0.23 cfs. The diversion rate is based on the IDWR recommended diversion rate for 1,000 head. Diversion volume is limited to 13,000 gallons per day. The claim lists four points of diversion (3 in the SWNE and 1 in the NWSE).

MICHO

SEP 10 2001

4. Groundwater for the next 1,000 head (from 3,500 to 4,500 total) will be claimed in the SRBA under a beneficial use claim with a priority date of May 12, 1976 (Attachment 7). Priority date is based on the completion date of the well described by log No. 1. The claim is for 0.23 cfs. The diversion rate is based on the IDWR recommended diversion rate for 1,000 head. Diversion volume is limited to 13,000 gallons per day. The claim lists four points of diversion (3 in the SWNE and 1 in the NWSE).
5. Groundwater for the next 1,000 head (from 4,500 to 5,500 total) will be claimed in the SRBA under a beneficial use claim with a priority date of June 21, 1982 (Attachment 8). Priority date is based on the completion date of the well described by log No. 5. The claim is for 0.23 cfs. The diversion rate is based on the IDWR recommended diversion rate for 1,000 head. Diversion volume is limited to 13,000 gallons per day. The claim lists four points of diversion (3 in the SWNE and 1 in the NWSE).
6. Groundwater for the proposed feedlot capacity increase of 2,500 head (from 5,500 to 8,000 total) will be supported under a new application for permit with mitigation (Attachment 9). The application for permit is for 0.55 cfs. The diversion rate is based on the IDWR recommended diversion rate for 2,500 head. Daily volume would be 30,000 gallons (12 gal/head for 2,500 head). The mitigation would consist of retiring 13.5 acres irrigation under license 63-2587B after 1996. Mitigation is based on assuming 12 gpd/head and 2.5 acre feet/acre historical consumptive use on irrigated lands. The water from each acre withdrawn from irrigation will support 186 head of cattle. Two points of diversion are proposed, both located in the NWSE of Section 25. Place of use would be the SWNE, SENW, and NWSE, Section 25.

2 Replacement wells
as existing 6"
stock wells in
NWSE

per historic
b.u. for
irrigation
see Scanlon's
9/7/01 email.

← p/w NESW & NESE

Irrigation Water Rights

7. An application to avoid forfeiture for water right 63-2587B on the 20.7 irrigated acres that were converted to feedlot after the 1996 irrigation season is provided as Attachment 10.
8. An application to avoid forfeiture for water right 63-2587B on the 22.2 acres that will be converted to feedlot and feed storage after the 2001 irrigation season is provided as Attachment 11.
9. An amended claim for 63-2587B listing 153 acres within a 190-acre place of use at the Home Place is provided as Attachment 12. The amendment increases the rate of diversion to 3.06 cfs and adds a second point of diversion.
10. A beneficial use claim listing 37 acres irrigated within a 190-acre place of use at the Home Place is provided as Attachment 13. The claim includes two points of diversion and a diversion rate of 0.74 cfs. The proposed priority date is April 1,

Notes
-PC 9/10/01

MICROFILMED

MAR 20 2001

mitigation plan

1948. Since Farmers Cooperative Ditch Company has already claimed these acres, I assume that the filing fee for this claim is the flat fee of \$50.

11. An amended claim for 03-4003 is provided as Attachment 14. The claim reduces the irrigated area from 69 acres to 54 acres, and shows the location of these acres within the proper tracts.
12. An amended claim for 63-4262 is provided as Attachment 15. The claim shows the location of these acres within the proper tracts.

} North
Farm

Drilling Permit

13. An Application for Drilling Permit is enclosed as Attachment 16. The application proposes construction of a large diameter stockwater well to replace one of the existing wells currently utilized for stockwater.

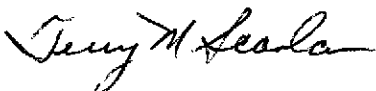
Application Fees

A check for \$1,1~~26~~ is enclosed to cover the following filing fees.

1. Water right transfer - \$250 - *attached*
2. Three small stockwater claims - \$25 each (\$75 total)
3. One large stockwater claim - ~~\$150~~ *\$1*
4. One application for permit - \$250 - *attached*
5. Two applications to avoid forfeiture - \$100 each (\$200 total) - *attached*
6. One beneficial use claim for irrigation - \$50
7. One application for drilling permit - \$200

Please contact me with any questions.

Sincerely,



Terry M. Scanlan, P.E.

Cc: Kent Mann
Jo Beeman

Attachments

1. Aerial Photography
2. Driller's Reports for Stockwater Wells
3. Recorded Water Rights
4. Application for Transfer of Water Right 63-21364
5. Beneficial Use Claim - 1,500 head, 1963 priority

MICHAEL

SEP 6 2001

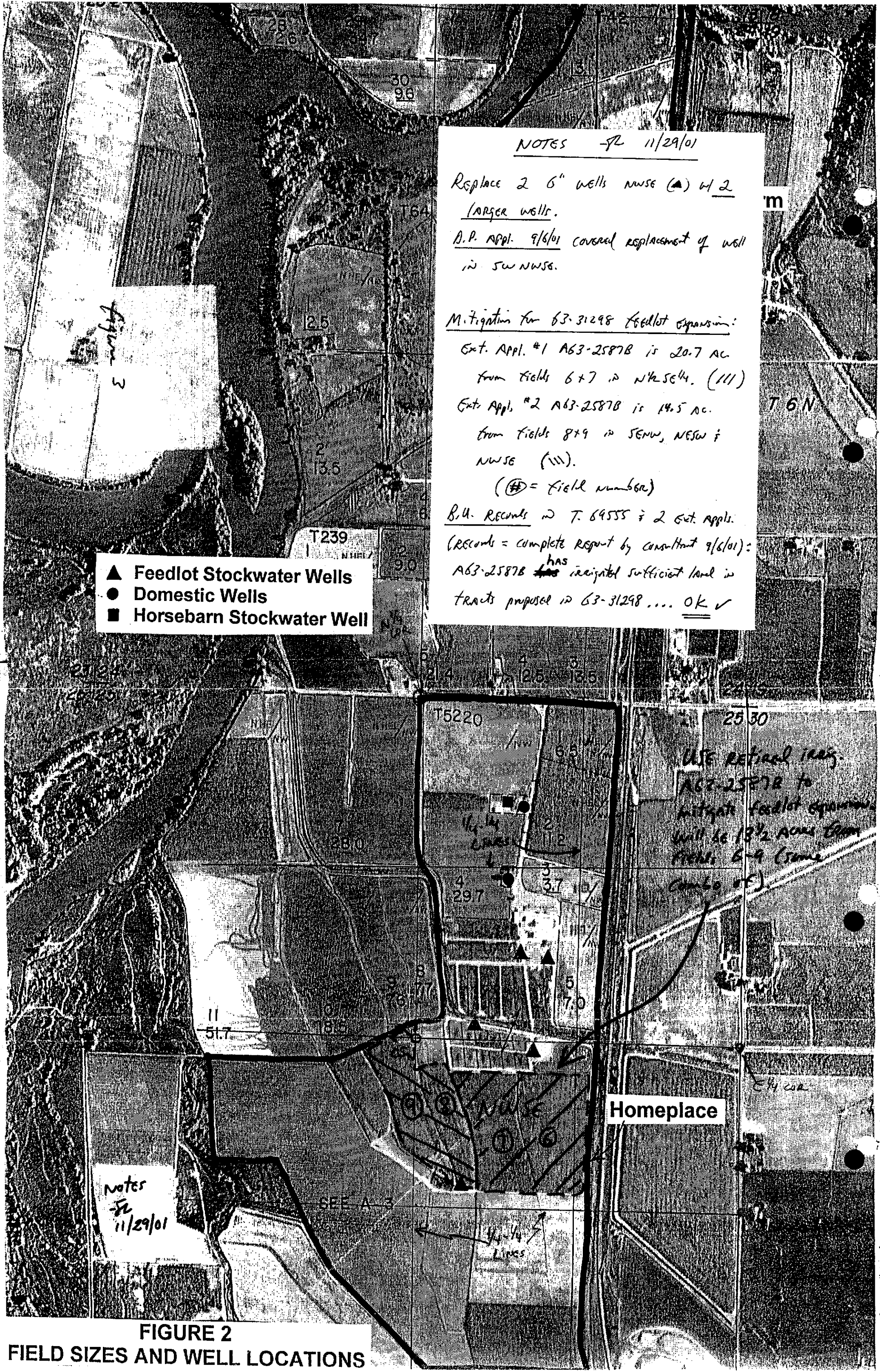
RECEIVED

SEP 06 2001

WATER RESOURCES
WESTERN REGION

6. Beneficial Use Claim – 1,000 head, 1973 priority
7. Beneficial Use Claim – 1,000 head, 1976 priority
8. Beneficial Use Claim – 1,000 head, 1982 priority
9. Application for Permit – 2,500 head
10. Application for Extension of Time to Avoid Forfeiture – (20.7 acres of 63-2587B not irrigated after 1996)
11. Application for Extension of Time to Avoid Forfeiture – (14.5 acres of 63-2587B proposed for feedlot expansion after 2001)
12. Amended Claim 63-2587B
13. Beneficial Use Claim – 37 acres within 190 acre place of use
14. Amended Claim 03-4003
15. Amended Claim 63-4262
16. Application for Drilling Permit

MICHAEL
MAY 2 11 2003



NOTES 11/29/01

Replace 2 6" wells NWSE (▲) w/ 2
larger wells.

A.P. Appl. 9/6/01 covered replacement of well
in SW NWSE.

Mitigation for 63-31298 feedlot expansion:

Ext. Appl. #1 A63-2587B is 20.7 ac.
from fields 6+7 in NWSE 1/4. (111)

Ext. Appl. #2 A63-2587B is 14.5 ac.
from fields 8+9 in SE 1/4, NE 1/4 &
NWSE 1/4.

(#) = field number

B.U. Records in T. 64555 & 2 Ext. Appls.

(Records = complete report by consultant 9/6/01):

A63-2587B ~~has~~ ^{has} irrigated sufficient land in
tracts proposed in 63-31298 OK ✓

- ▲ Feedlot Stockwater Wells
- Domestic Wells
- Horsebarn Stockwater Well

USE Retinal irrig.
A63-2587B to
mitigate feedlot expansion.
Will be 13 1/2 acres from
fields 6-9 (some
combo of).

Homeplace

Notes
11/29/01

FIGURE 2
FIELD SIZES AND WELL LOCATIONS

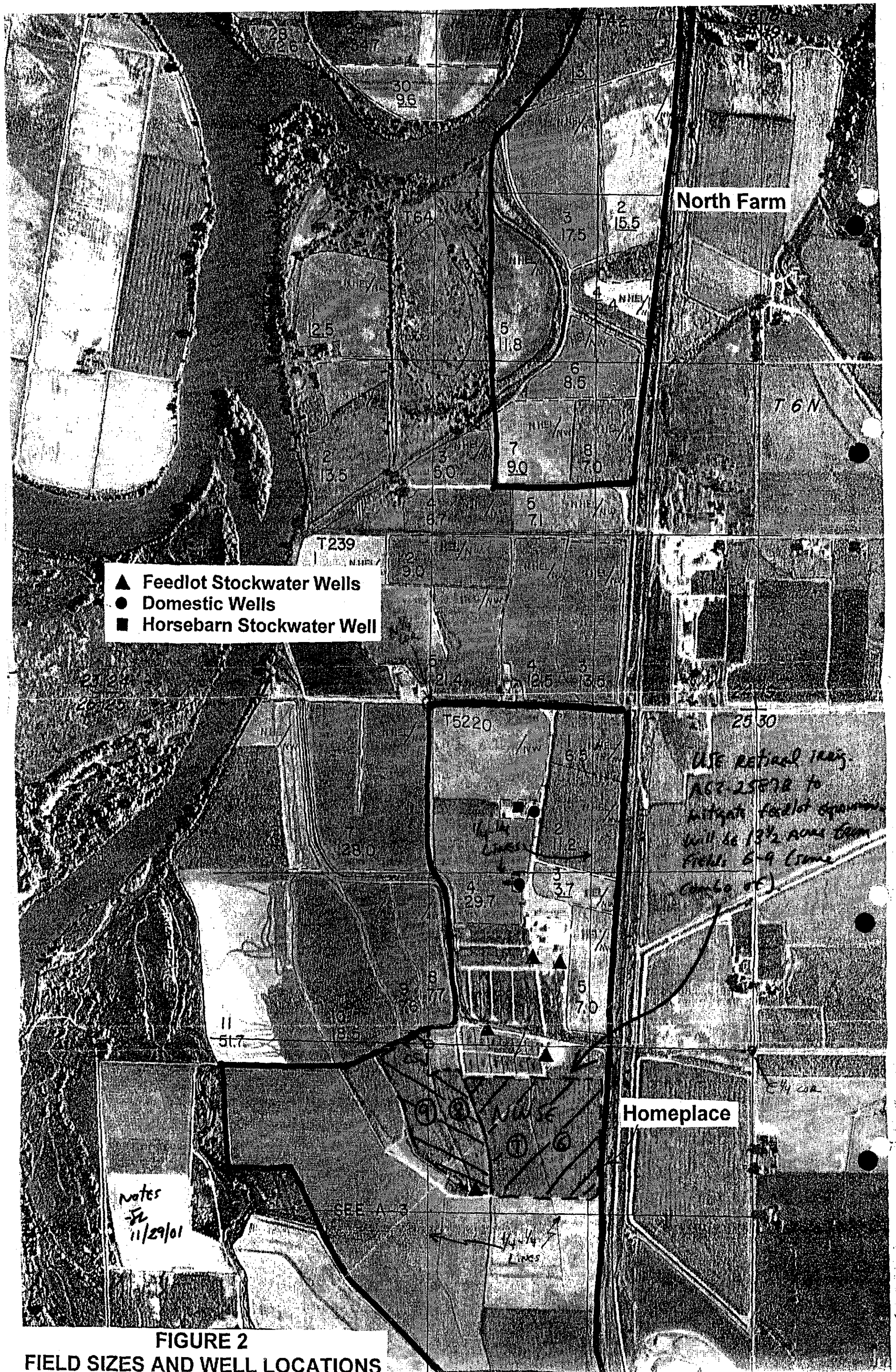


FIGURE 2
FIELD SIZES AND WELL LOCATIONS

Idaho Department of Water Resources Receipt

Receipt ID W028270

Payment Amount **\$1,106.00** Date Received **9/6/2001 12:11:04 PM** Region **Western** Status
 Payment Type **Check** Check Number **3161**

Payer **M&M FEEDLOTS**

Comment **NOTICE OF CLAIM: 63-31292, 63-31294 & 63-31295 (\$25 EACH)**
NOTICE OF CLAIM: 63-31293 (\$81)
NOTICE OF CLAIM: 63-31291 (\$50)

APPL. FOR PERMIT - MANN FARMS (\$250)
 APPL. FOR TRANSFER - MANN FARMS (\$250)
 2- APPL. FOR EXTENSION TO AVOID FORFEITURE (\$100 ea)
 APPL. FOR DRILLING PERMIT (\$200)

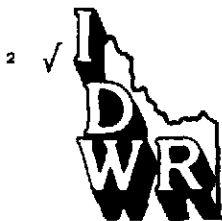
Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$206.00	ADJUDICATION FILING FEE	0337		42503	1155
\$200.00	DRILLING PERMITS	0229	21	62134	1205
\$250.00	TRANSFERS	0229	21	62105	1155
\$200.00	EXTENSIONS	0229	21	62103	1155
\$250.00	PERMITS	0229	21	62103	1155

Signature Line (Dept. Representative)

MICROFILMED

SEP 20 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 12, 2001

Legal Notice Department

Press-Tribune

PO Box 9399

Nampa ID 83652

RE: Transfer No. 69387 - Water Right No(s). 63-11176A
Water Right No. 63-31298

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 10/09/2001. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

MICROFILMED

MAR 21 2000

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-31298

MANN FARMS
31801 MANN LN
PARMA ID 83660

Point(s) of Diversion NWSE S25 T06N R06W CANYON County Source GROUND WATER

Use: STOCKWATER 01/01 To 12/31 0.55 CFS

Total Diversion: 0.55 CFS

Date Filed: 09/06/2001

Place Of Use: STOCKWATER

T06N R06W S25 SWNE SENW NESW NESE NWSE

Remark: Mitigation is proposed for consumptive use at a feedlot.
Water bearing zone to be appropriated is from 50 to 200 feet.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 10/09/2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published on September 20 and 27, 2001.

*Print report shows 2 pld in NWSE entered ~~twice~~ twice.
Legal notice should show same.*

*Appears IOWR "cleaned up" ad by deleting 1 of the
double entry NWSE PLO items to make cleaner ad.
That would be ok if revise Remarks so ad i.c.
2 wells.*

*I consider this a non-fatal "error" & an unfortunate
by-product of workflow system. IOWR editing was
well-intentional but not the best way to proceed.*

*This possible over-editing approach has been discussed
with staff to prevent repeats of this syndrome
use the workflow ad unless some very compelling
reason exists to edit the product. Also promotes efficiency.
Should not need to re-advertise this Appl.*

MICROFILMED

MAR 20 2003

-JZ 11/20/01

REQUEST TO PROCESS

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED USING ONE OF THE
THREE ALTERNATIVES BELOW

Name of Applicant Mann Farms
Mailing Address 31801 Mann Lane
Parma, ID 83660
Application No. 63-31298
(if known)

 IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

*

X PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

 WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

LeAnn Mann

Date

9-6-01

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

MAY 20 2003

* 566 ps 7 of consultant's 9/6/01 Report for dotside
-82