

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 88653**

This is to certify that: DOUGLAS L MATHERS
3485 E 3100 N
KIMBERLY, ID 83341
AND
MATHERS RANCH INC
3485 E 3100 N
KIMBERLY, ID 83341-5251

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
47-2279	WR/DECREED	8/27/1954	1.600 cfs	380.0 af	95.0	100.0	MC MULLEN CREEK

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
47-2298	WR/DECREED	3/7/1957	0.560 cfs	112.0 af	28.0	100.0	MC MULLEN CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
47-2279	YES	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
47-2279	47-17770	0.740 cfs	176.0 af	44.0	63.5	47-2279	0.860 cfs	204.0 af	51.0	100.0
COMBINED TOTALS		0.740 cfs	176.0 af	44.0	63.5		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 47-2279

Transfer No. 88653

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 88653

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 13th day of December, 2023.



Southern Region Manager



WATER RIGHT NO. 47-2279

As Modified by Transfer No. 88653

In accordance with the approval of Transfer No. 88653, Water Right No. 47-2279 is now described as follows:

Right Holder: MATHERS RANCH INC
3485 E 3100 N
KIMBERLY, ID 83341-5251
AND
DOUGLAS L MATHERS
3485 E 3100 N
KIMBERLY, ID 83341

Priority Date: 8/27/1954

Source: MC MULLEN CREEK **Tributary:** COTTONWOOD CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.860 cfs 0.860 cfs	204.0 af 204.0 af

LOCATION OF POINT(S) OF DIVERSION

MC MULLEN CREEK SWNWNE Sec 29 Twp 11S Rge 18E TWIN FALLS County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	18E	29	10.3	20.1	29.3	38.4									1.9				100.0

Right Acre Limit: 51.0
POU Total Acres: 100.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 51.0 acres within the authorized place of use in a single irrigation season.
2. Rights 47-2279 and 47-2298 when combined shall not exceed a total diversion rate of 1.26 cfs, a total annual maximum diversion volume of 224.0 af at the field headgate, and the irrigation of 56.0 acres.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 47O.

Transfer No. 88653

WATER RIGHT NO. 47-2279
As Modified by Transfer No. 88653

CONDITIONS OF APPROVAL

4. Upon specific notification, the right holder shall install and maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. Use of this right is combined with water from Twin Falls Canal Co.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 47-17770

As Modified by Transfer No. 88653

In accordance with the approval of Transfer No. 88653, Water Right No. 47-17770 is now described as follows:

Right Holder: MATHERS RANCH INC
3485 E 3100 N
KIMBERLY, ID 83341-5251
AND
DOUGLAS L MATHERS
3485 E 3100 N
KIMBERLY, ID 83341

Priority Date: 8/27/1954

Source: MC MULLEN CREEK **Tributary:** COTTONWOOD CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.740 cfs	176.0 af
			0.740 cfs	176.0 af

LOCATION OF POINT(S) OF DIVERSION

MC MULLEN CREEK SWNWNE Sec 29 Twp 11S Rge 18E TWIN FALLS County

PLACE OF USE: IRRIGATION

				NE				NW				SW				SE				Totals
Twp	Rng	Sec		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	18E	29		8.0	0.7	14.0	39.0									1.8				63.5

Right Acre Limit: 44.0

POU Total Acres: 63.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 44.0 acres within the authorized place of use in a single irrigation season.
2. This right is limited to the irrigation of a specific 44.0 acres within the 63.5 acre place of use authorized by this right in a single irrigation season. The specific 44.0 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right. Before changing the 44.0 acres to be irrigated within the 63.5 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

Transfer No. 88653

WATER RIGHT NO. 47-17770
As Modified by Transfer No. 88653

CONDITIONS OF APPROVAL

3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 47O.
4. Upon specific notification, the right holder shall install and maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. Use of this right is combined with water from Twin Falls Canal Co.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 47-2298**As Modified by Transfer No. 88653**

In accordance with the approval of Transfer No. 88653, Water Right No. 47-2298 is now described as follows:

Right Holder: MATHERS RANCH INC
3485 E 3100 N
KIMBERLY, ID 83341-5251
AND
DOUGLAS L MATHERS
3485 E 3100 N
KIMBERLY, ID 83341

Priority Date: 3/7/1957

Source: MC MULLEN CREEK **Tributary:** COTTONWOOD CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.560 cfs	112.0 af
			0.560 cfs	112.0 af

LOCATION OF POINT(S) OF DIVERSION

MC MULLEN CREEK SWNWNE Sec 29 Twp 11S Rge 18E TWIN FALLS County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	18E	29	10.3	20.1	29.3	38.4									1.9				100.0

Right Acre Limit: 28.0

POU Total Acres: 100.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 28.0 acres within the authorized place of use in a single irrigation season.
2. Rights 47-2279 and 47-2298 when combined shall not exceed a total diversion rate of 1.26 cfs, a total annual maximum diversion volume of 224.0 af at the field headgate, and the irrigation of 56.0 acres.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 470.

Transfer No. 88653

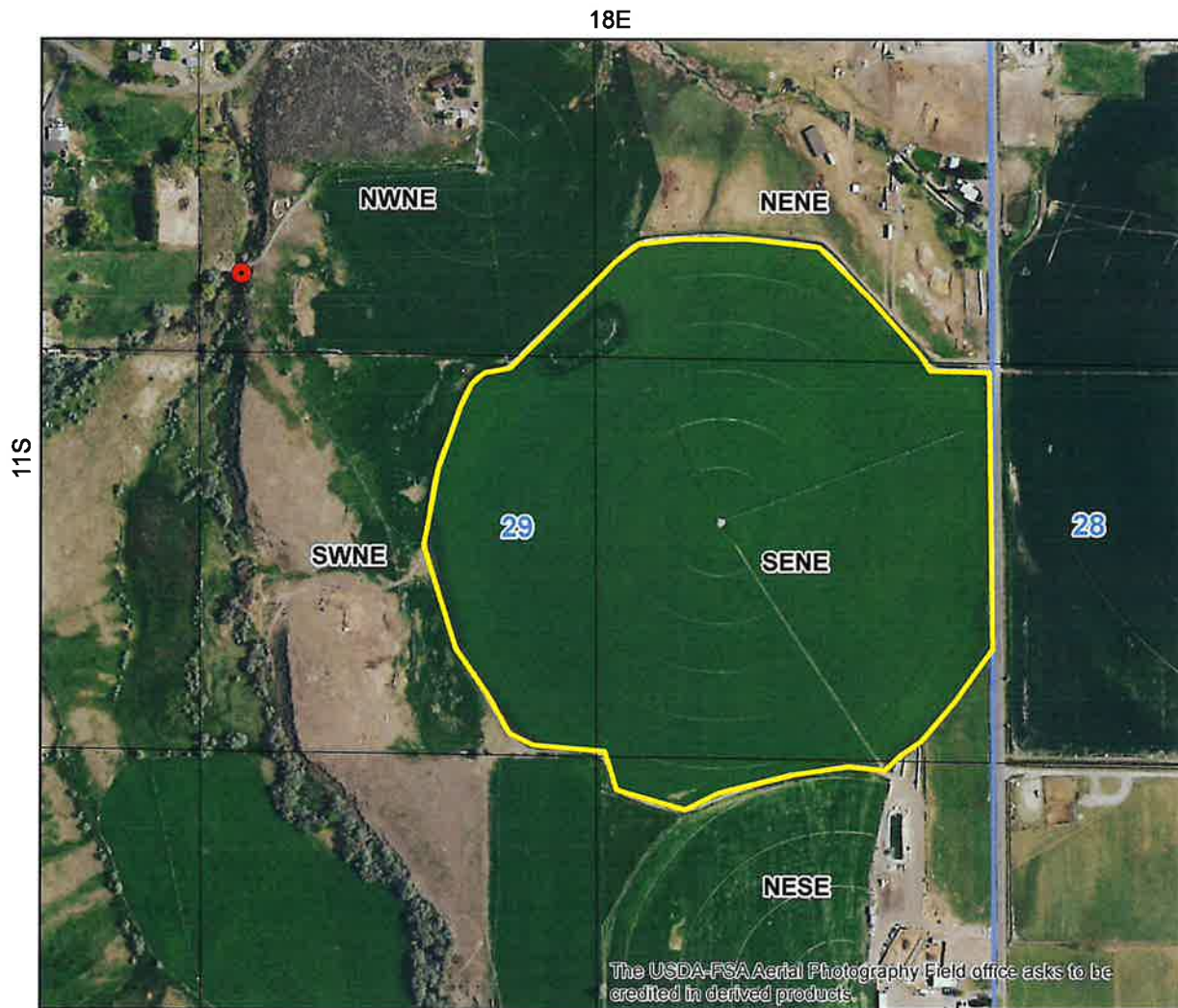
WATER RIGHT NO. 47-2298
As Modified by Transfer No. 88653

CONDITIONS OF APPROVAL

4. Upon specific notification, the right holder shall install and maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. Use of this right is combined with water from Twin Falls Canal Co.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources
Attachment to Transfer # 88653
47-17770

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.075 0.15 0.3 Miles

-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Point of Diversion



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STATE OF IDAHO

Transfer No. 88653

DEPARTMENT OF WATER RESOURCES

DEC 08 2023

DEPT OF WATER RESOURCES
SOUTHERN REGION**MINIMUM REQUIREMENTS CHECKLIST**
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Name of Applicant(s) MATHERS RANCH INC; DOUGLAS L MATHERS;**Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.****Yes N/A** *Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☒ ☐ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☒ ☐ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☐ #9 Other. Please describe: _____

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant MATHERS RANCH INC Phone (208) 423-5847

Mailing Address 3485 E 3100 N, KIMBERLY ID 83341-5251 Email _____

Name of Applicant DOUGLAS L MATHERS Phone (208) 731-9200

Mailing Address 3485 E 3100 N, KIMBERLY ID 83341 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative SNAKE RIVER MANAGEMENT INC Phone (208) 731-9930

Mailing Address STAN HAYE III
403 CENTER ST E, KIMBERLY ID 83341-1809 Email stan@sbandranch.net

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

☐ Send original correspondence to the applicant and copies to the representative.

☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.

Douglas L Mathers Douglas L Mathers Pres 12-7-23
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	47-2279	Yes	No	Yes	No	No	No

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DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**

Applicant proposes to shift acres within the existing place of use for better irrigations practices.

- B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT TO A SEPARATE SYSTEM, DESCRIBE PORTIONS TO BE CHANGED TO A SEPARATE SYSTEM AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.**

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
47-17770	0.740 cfs	176.0 af	44.0	63.5	47-2279	0.860 cfs	204.0 af	51.0	56.0

**COMBINED
TOTALS**

0.740 cfs 176.0 af 44.0 63.5 N/A N/A N/A N/A

2. Total amount of water proposed to be transferred or changed 0.74 cubic feet per second and/or _____ acre-feet per annum
3. Points(s) of Diversion:
☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
☒ As shown in Part 1.
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5.**
4. Place of Use:
☐ No changes to place of use are proposed. (Proceed to #5.)
☒ As shown in Part 1.
☐ See Attachment.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Unchanged Portion After Requested Changes

Original Water Right No. 47-2279

Current Water Right Owner

MATHERS RANCH INC
 3485 E 3100 N
 KIMBERLY, ID
 83341-5251

AND

DOUGLAS L MATHERS
 3485 E 3100 N
 KIMBERLY, ID 83341

Priority Date: 8/27/1954

Origin: Water Right

Basis: Decreed

Status Active

Source: MC MULLEN CREEK

Tributary: COTTONWOOD CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	0.860 CFS	204.0 AFA	
Total Diversion			0.860 CFS	204.0 AFA	

Source and Point(s) of Diversion:

MC MULLEN CREEK

SWNWNE

Sec. 29 Twp 11S Rge 18E TWIN FALLS County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	18E	29	10.3	20.1	22.6	1.1									1.9				56.0

Right Acre Limit: 51.0

POU Total Acres: 56.0

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Split Portion After Requested Changes**

Proposed Water Right No. 47-17770

(Original Water Right No. 47-2279)

Current Water Right Owner

MATHERS RANCH INC
3485 E 3100 N
KIMBERLY, ID
83341-5251

AND

DOUGLAS L MATHERS
3485 E 3100 N
KIMBERLY, ID 83341

Priority Date: 8/27/1954

Origin: Water Right

Basis: Decreed

Status Active

Source: MC MULLEN CREEK

Tributary: COTTONWOOD CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	0.740 CFS	176.0 AFA	
Total Diversion			0.740 CFS	176.0 AFA	

Source and Point(s) of Diversion:

MC MULLEN CREEK

SWNWNE

Sec. 29 Twp 11S Rge 18E TWIN FALLS County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	18E	29	8.0	0.7	14.0	39.0									1.8				63.5

Right Acre Limit: 44.0

POU Total Acres: 63.5

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future
The point of diversion is a pump from the creek for stockwater and irrigation. When required a measuring device will be installed.

- b. Who owns the property at the point(s) of diversion

Applicants

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
N/A

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
No, ☒ If Yes, ☐

Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
None

- e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
Right 47-2298 is also associated with the property, and being transferred in a companion transfer.

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes

☐

No

☒☐☐☐☒☒☒☒

undergone a period of five or more consecutive years of non-use,

currently leased to the Water Supply Bank,

currently used in a mitigation plan limiting the use of water under the right, or

currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe: None

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

Current Water Right No. 47-2279

Current Water Right Owner

MATHERS RANCH INC
 3485 E 3100 N
 KIMBERLY, ID
 83341-5251

AND

DOUGLAS L MATHERS
 3485 E 3100 N
 KIMBERLY, ID 83341

Priority Date: 8/27/1954

Origin: Water Right

Basis: Decreed

Status: Active

Source: MC MULLEN CREEK

Tributary: COTTONWOOD CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	1.600 CFS	380.0 AFA	
Total Diversion			1.600 CFS	380.0 AFA	

Source and Point(s) of Diversion:

MC MULLEN CREEK

SWNWNE

Sec. 29 Twp 11S Rge 18E TWIN FALLS County

Place of Use: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	18E	29	10.3	20.1	29.3	38.4									1.9				100.0
Right Acre Limit:			95.0																
POU Total Acres:			100.0																

Conditions/Remarks:

1. This right is limited to the irrigation of 95.0 acres within the authorized place of use in a single irrigation season.
2. Rights 47-2279 and 47-2298 when combined shall not exceed a total diversion rate of 2.00 cfs, a total annual maximum diversion volume of 400.0 af at the field headgate, and the irrigation of 100.0 acres.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 47O.
4. Upon specific notification, the right holder shall install and maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. Use of this right is combined with water from Twin Falls Canal Co.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Conditions/Remarks:

9. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements)

- ☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.: _____

N/A

FOR DEPARTMENT USE ONLY

Transfer Contains 10 pages and _____ attachments.

Received By _____ Date _____ Prelim. Check By _____ Date _____

Fee Paid \$ 1,000.00 Date 12-8-2023 Received By SG Receipt # 5040017

Add'l Fee Paid _____ Date _____ Received By _____ Receipt # _____

State of Idaho
Department of Water Resources

Water Right

47-17770



0 0.075 0.15 0.3 Miles

-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Point of Diversion
-  State Outline



88653



Idaho Corporation Annual Report Form

File online at: sosbiz.idaho.gov



Return completed form within 30 days to:

Idaho Secretary of State
Attn: Annual Reports
450 North 4th Street
Boise, ID 83720
Phone: (208) 334-2300

For Office Use Only

-FILED-

File #: 0005442365

Date Filed: 10/13/2023 9:48:00 AM

Due no later than: 11/30/2023

Annual Report: No filing fee if received by the due date.

SOS Control Number: 157348

Filing Status: Active-Good Standing

General Business Corporation (D)

Date Formed: 11/30/1973

Formation Locale: ID

Name and Mailing Address:

MATHERS RANCH, INC.

3485 E 3100 N

KIMBERLY, ID 83341-5251

(1) Add or Change Mailing Address:

INCORPORATION DATE: 12-01-73

Registered Agent (RA) and Registered Office (RO) Address:

DOUGLAS L. MATHERS

3485 E 3100 N

KIMBERLY, ID 83341

(2) Change RA and/or RO Address:

Note: The Registered Office address must be a physical Idaho address (no postal box).

(3) New Registered Agent (RA) Signature:

If a new agent is appointed in item (2) above, the new agent must sign here to accept the appointment.

(4) Corporations: Enter names and business addresses (with zip code) of the President, Vice President, Secretary, Treasurer.

Title	Name	Business Address	City, State, Zip
PRESIDENT	DOUGLAS L. MATHERS	3485 E. 3100N.	KIMBERLY, IDAHO 83341
VICE PRESIDENT	JEANNE L. MATHERS	3485 E. 3100N.	KIMBERLY, IDAHO 83341
SECRETREAS	LOTTIE L. MATHERS	3485 E. 3100N.	KIMBERLY, IDAHO 83341

(5) Board of Directors names and business addresses (with zip code). Attach additional sheet if necessary.

Name	Business Address	City, State, Zip

(5) Signature: Lottie L. Mathers

(6) Date: OCTOBER 11, 2023

(7) Type/Print Name: LOTTIE L. MATHERS

(8) Title: SEC. / TREAS.

Instructions: Legibly complete the form above. Sign and date this form and return to the address provided above.

B0846-0419 10/13/2023 9:48 AM Received by Office of the Idaho Secretary of State



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

December 22, 2023

MATHERS RANCH INC
DOUGLAS L MATHERS
3485 E 3100 N
KIMBERLY ID 83341

Re: Transfer No: 88653
Water Right No(s): 47-2279, 47-2298

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) 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 the APPLICANT 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.

ANY PERSON aggrieved by any decision, determination, order or action 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 Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

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) 736-3033.

Sincerely,



Corey Skinner
Southern Regional Manager

Enclosure

c:

SNAKE RIVER MANAGEMENT INC
STAN HAYE III
403 CENTER ST E
KIMBERLY ID 83341-1809

CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2023 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 88653

Water Right No(s): 47-2279, 47-2298

MATHERS RANCH INC
DOUGLAS L MATHERS
3485 E 3100 N
KIMBERLY ID 83341

SNAKE RIVER MANAGEMENT INC
STAN HAYE III
403 CENTER ST E
KIMBERLY ID 83341-1809



Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

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. **Note: the petition must be received by the department within this fourteen (14) day period.** 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 Water Resource 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 service date 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.

Sufficiency Memorandum

Date: December 11, 2023
To: Transfer 88653
From: Benny Walker
Re: Evaluation of Sufficiency of Information Submitted

The transfer application proposes to shift approximately 44.0 acres and 0.74 cfs of a surface water right from Mc Mullen Creek. The proposed shift is within the existing place of use (POU) for the water right. There is no proposed point of diversion changes. The POU is located approximately 8.0 to 8.6 miles south and 4.4 to 5.0 miles east of Twin Falls. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval. The water right is within water district 470 but is located in the inactive portion of the district, therefore watermaster comments were not solicited.

- **Authority to File:**
The applicants are listed as the current owners of the water right involved in the transfer.
- **Water Right Validity:**
The water right involved in the transfer was decreed in the SRBA in 2010. Recent aerial photography indicates that the water right has been used in recent years.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No negative impacts anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as beneficial uses of water.
- **Effect on Economy of the Local Area:**
None anticipated.
- **Effect of the Agricultural Base of the Local Area:**
None anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

MEMORANDUM

Date: December 11, 2023
To: Transfer 88653
From: Benny Walker
Re: Legal Notice Not Required

Legal Notice Not Required
12/11/2023

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

FEE MEMORANDUM

Date: December 11, 2023
To: Mathers Ranch INC;- Douglas L Mathers, Transfer #88653 File
From: Benny Walker
Re: Receipting/disposition of fees paid

This transfer was filed on December 8, 2023, and the purpose of this transfer is to change the place of use by shifting acres for better irrigation practices. The fee is based on the adjusted acres flow rate of the water right (47-2279) involved, 0.74 cfs. From the transfer fee schedule, the appropriate fee is \$500.00, which was paid by check #7966 from Mathers Ranch, INC at the time of filing. The IDWR receipt number is S040017.