

Water Right Number - X36-025178 Prefix Translation: XFER OF RECOM. CLAIM Old (D) Number - 30177

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

BRANCHFLOWER MICHAEL G 1 - PO BOX 392
2 -
3 -
City- WENDELL State- ID Zip- 83355
Phone - 208-536-2594

BRANCHFLOWER KATHY L 1 - PO BOX 392
2 -
3 -
City- WENDELL State- ID Zip- 83355
Phone - 208-536-2594

*** O - ORIGINAL OWNER ***

DAKE IMOGENE 1 - 3003 S 1600 E
2 -
3 -
City- WENDELL State- ID Zip- 83355
Phone - 208-536-6261

DAKE VIRGIL W 1 - 3003 S 1600 E
2 -
3 -
City- WENDELL State- ID Zip- 83355
Phone - 208-536-6261

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +

09/11/1961 17 SOUTHERN L - LICENSE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +

GROUNDWATER

+ - - - - Point of Diversion - - - - - +

Twn	Rng	Sec	Tract	Lot	RFlg	County
08S	14E	2	NE NW	3	(47)	GOODING

+ - - - - Water Use - - - - - +

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31	0.210	89.10

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +

0.210 89.10 0.0

+ - - - - Place of Use - - - - - +

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
08S	14E	2	NE NW	3	25.0	01	IRRIGATION	(47) GOODING

Total Acres: 25.0

+ - - Diversion Means - WELL, PUMP, SPRINKLERS

Water right number - X36-02517B

Prefix Translation: XFER OF RECOM. CLAIM

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - SEE CONDITIONS

+ - - - - - Remarks - - - - - +
PURSUANT TO APPROVED TRANSFER NO. 4053:
1. RIGHT HOLDER SHALL COMPLY WITH THE DRILLING PERMIT REQUIREMENTS OF SECTION 42-235, IDAHO CODE.
2. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 4.0 AFA PER ACRE FOR THE LANDS ABOVE.
3. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.
4. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.
5. THE CHANGE APPROVED BY THIS TRANSFER IS SUBJECT TO THE TERMS OF THE COURT'S FINAL DECREE OF THIS RIGHT IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - - +
S17 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM
- NORTH SIDE CANAL CO. LTD.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - - Comments - - - - - +
Date: 11/06/1992 User Id: GIVENS Subject: OWNERSHIP CHANGE
CHANGE OF OWNERSHIP RECEIVED 11/2/92 ORIGINAL OWNER VIRGIL W &/OR IMOGENE DAKE NEW OWNERS MICHAEL G &/OR KATHY L BRANCHFLOWER.
COPY OF WARRANTY DEED SUBMITTED.
Date: 02/01/1995 User Id: JROBERTS Subject: AMENDED/SPLIT/TRANSFER
This is a portion of 36-02517 which was split & amended pursuant to approved Transfer No. 4053. jr

+ - - Audit Fields - - +
02/01/95 JROBERTS

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 07/20/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Regia Adjud.

MAR 29 1994

TRANSFER OF WATER RIGHT

Department of Water Resources
Southern Region Office

TRANSFER NO. 4053
WATER RIGHT NO(S). 36-02517B/36-02517C

This is to certify that: **MIKE BRANCHFLOWER**
PO BOX 392
WENDELL ID 83355

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 36-02517B :			
IRRIGATION	04/01 to 10/31	0.21 CFS	89.1 AF
Right No. 36-02517C :			
IRRIGATION	04/01 to 10/31	0.17 CFS	72.2 AF
	TOTAL:	0.38 CFS	161.3 AF

DATE OF PRIORITY:

Right Nos. 36-02517B/C : 09/11/1961

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

Right No. 36-02517B : Lot 3(NENW), Sec. 2, Township 08S, Range 14E
Right No. 36-02517C : SWSE , Sec. 30, Township 07S, Range 15E
GOODING County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
Right No. 36-02517B :						
08S 14E	2	Lot 3(NENW)	25			25
				Subtotal number of acres irrigated:		25
Right No. 36-02517C :						
07S 15E	30	NESW 23		SESW 7	SWSE 2	32
				Subtotal number of acres irrigated:		32 *
				TOTAL NUMBER OF ACRES IRRIGATED:		57

TRANSFER NO. 4053
WATER RIGHT NO(S). 36-02517B/36-02517C

CONDITIONS/REMARKS:

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
5. The change approved by this transfer is subject to the terms of the court's final decree of this right in the ongoing Snake River Basin Adjudication.
- * 6. Right No. 36-02517C is limited to the irrigation of 20 acres in the 32 acre place of use described above in a single irrigation season.

Dated this 17th day of March, 1994.


Chief, Water Alloc. Bureau

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4053APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant Mike Branch Flower Phone 536-2594
Post Office address P.O. Box 392, Wendell, ID 83355

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Split right
2. Describe the reason for the proposed changes Move portion of right to new land. Also to record unrecorded transfer of right that occurred after 1987.

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

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
- | | | | | |
|-------------------|------------------|-----------------|---------------|----------------------------|
| <u>R36-02517A</u> | <u>9-11-1961</u> | <u>0.21 cfs</u> | <u>Irrig.</u> | <u>4-1</u> to <u>10-31</u> |
| <u>R36-02517C</u> | <u>"</u> | <u>0.17 cfs</u> | <u>"</u> | <u>"</u> to <u>"</u> |
| | | | | to |
| | | | | to |
2. Total amount of water being transferred 0.38 cfs cubic feet per second and/or 180 acre-feet per annum.
3. Source of water Groundwater tributary to
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
3		NE	NW	2	8S	14E	Gooding	R36-02517A Well
		NE	SE	30	15S	15E	Gooding	R36-02517C Well

5. Lands irrigated or place of use: * Not to exceed 28 acres per annum when combined with R36-07460E

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8S	14E	2					25												* 25
							23												
15S	15E	30									20		7		2				32**

** Not to exceed 20 acres per (P.U. with R36-07460E)

Total acres

PART 1

6. General Information:

a. Description of diversion system Separate well, pump, gravity on sprinkler irrigation system for each transferred portion of right.

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

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Part B will be irrigated from a different well (no change in P/U).

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 19____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. R36-02517 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 7-11-1961

5. Water is used for the following purpose:

amount 1.44 cfs for Irrig. purposes from 4-1 to 10-31
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

6. Total amount of water under right 1.44 cubic feet per second and/or 676 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
1	NE	NE	NE	2	8S	14E	Gooding	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8S	14E	2	39	25	40	40	25												169
							*												

* Not to exceed 39 acres per annum in this tract when combined with R36-07460D

Total acres 169

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.38 cfs for Irrig. purposes from 4-1 to 10-31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: Syme

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
85	14E	2	6		7	7	25												45

Total acres 45**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT** (omit if there is no change) R36-02517A

1. amount 1.06 cfs for Irrig. purposes from 4-1 to 10-31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: Syme

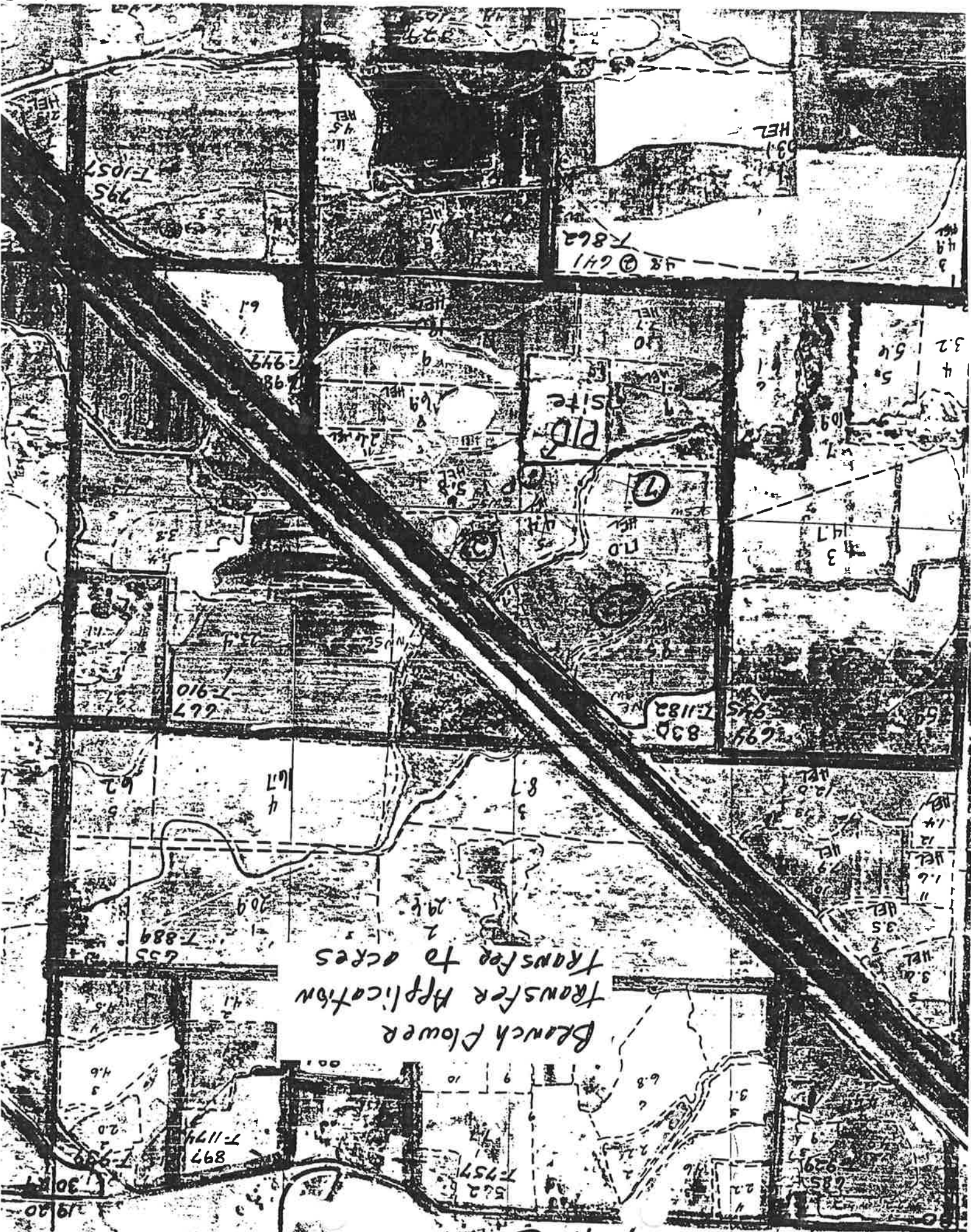
Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
85	14E	2	33	25	33	33													124
			171	172															

Total acres 124

ES 07 #7



Branch Flower
Transfer Application
Transfer to acres

75.15E

507-405

85, 14E E

11

11

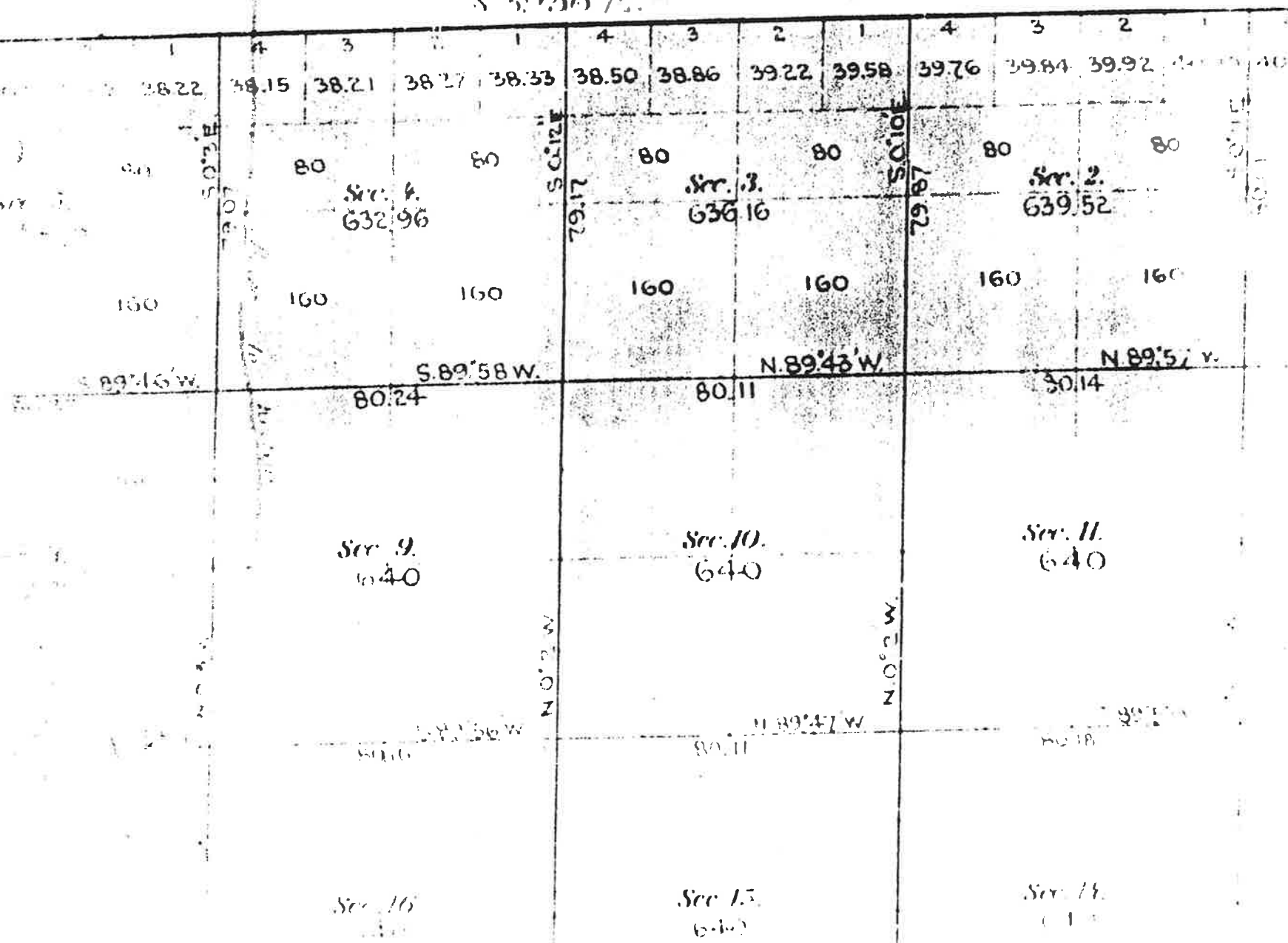
(

(4)

6

11

8-50206/22



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

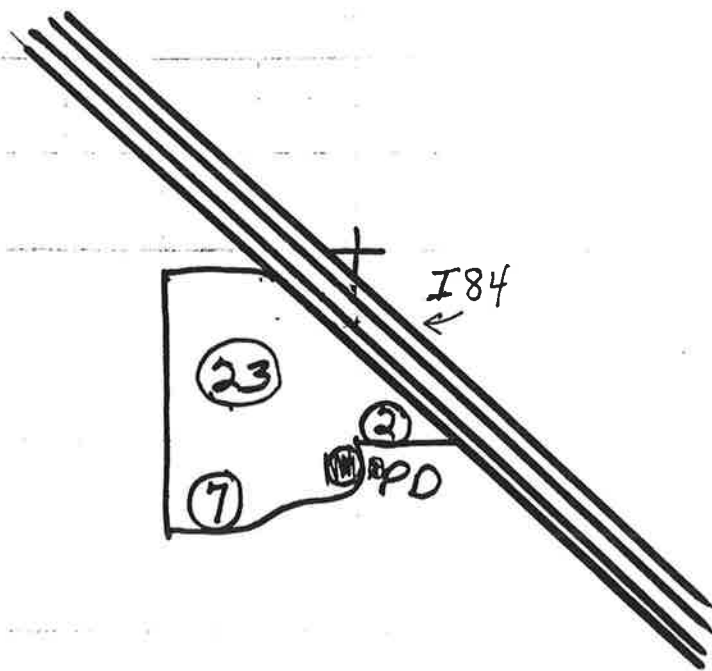
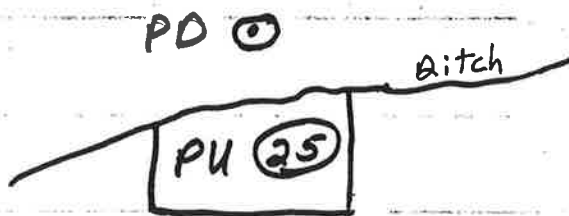
A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

36-2517B

36-2517C

8S, 14E, 52

7S, 15E, 530



PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

[Signature]
(Signature of Applicant)

Subscribed and sworn to before me this 29th day of January, 19 93.

[Signature]
(Notary Public)

My commission expires 7/18/95.

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 2 attachments

Received by MTS Date 1-29-93 Protest filed by _____

Prelim. check by _____ Fee \$50

Receipted by JS - MTS Date 10-30-92 *

Published in Gooding Co. Leader Copies of protest forwarded by _____

Pub. dates 2/10 & 2/17/93 Hearing held by _____ Date _____

Watermaster recommendation requested on N/A Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by JA

Copy of transfer sent to lien holder _____

* See attached memo for explanation

Log for claim 36-02517B

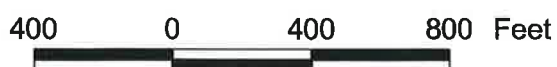
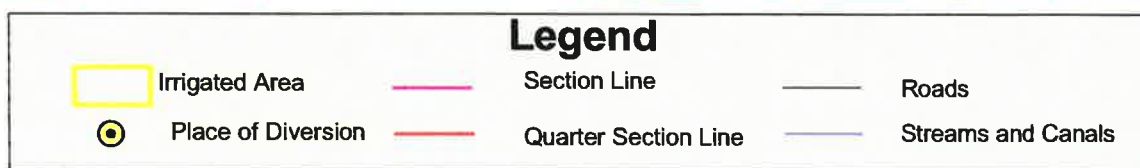
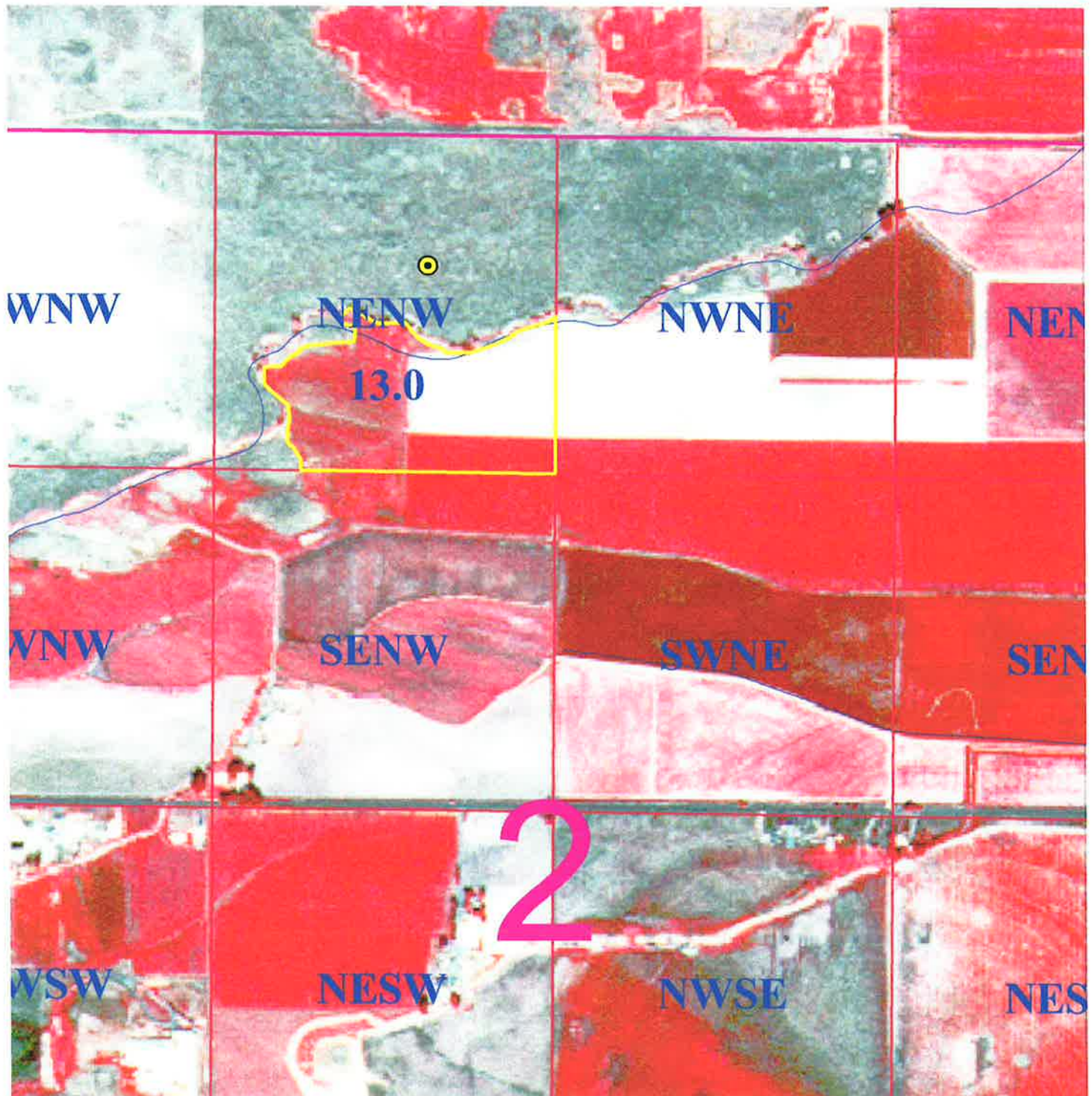
Spatial Dynamics BTD

11/14/01

TR	SEC	QQ	Acres Recommended	Acres Shaped	COMMENT
08s14e	2	NENW	25	13	Wrong tract in database?
Totals:			25	13	

Water Right Number 36-02517B
Township , 8S14E

11/14/2001



BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PETITION FOR)
DECLARATORY RULING SUBMITTED BY)
MICHAEL G. BRANCHFLOWER AND) **FINAL ORDER**
KATHERINE L. BRANCHFLOWER)
_____)

This matter having come before the Idaho Department of Water Resources (department), as a result of the filing of a petition for a declaratory ruling, the department makes the following Findings of Fact, Conclusions of Law and Final Order:

FINDINGS OF FACT

1. On February 18, 1997, Michael G. Branchflower and Katherine L. Branchflower (petitioner) filed a Petition for Declaratory Ruling in connection with certain transfer approvals and licenses granted by the department to the petitioner.

2. On May 22, 1996, the department issued license no. **36-08581** with Conditions of Approval no's. 5 and 9 as follows:

This right when combined with all other water rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre for the lands above.

Diversion and use of water under this right is subject to rules that may subsequently be promulgated for the use of existing rights used for supplemental purposes.

Water right no. 36-08581 was not established as a supplemental water right for use with surface water.

Condition no. 5 is general in nature relative to the maximum amount of water authorized for diversion and does not limit use of the right to use as a supplemental source of water.

3. On February 20, 1996, the department issued license no. **36-08560B** with Conditions of Approval no's. 7 and 8 as follows:

Diversion and use of water under this right is subject to rules that may subsequently be promulgated for the use of existing rights used for supplemental purposes.

This right when combined with all other water rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre for the lands above.

The original water right no. 36-08560 was not established as a supplemental water right for use with surface water.

Condition of Approval no. 8 is general in nature relative to the maximum amount of water authorized for diversion and does not limit use of the right to use as a supplemental source of water.

4. On February 20, 1996, the department issued license no. **36-08582** with Conditions of Approval no's. 7 and 8 as follows:

Diversion and use of water under this right is subject to rules that may subsequently be promulgated for the use of existing rights used for supplemental conditions.

This right when combined with all other water rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre for the lands above.

Water Right no. 36-08582 was not established as a supplemental water right for use with surface water.

Condition of Approval no. 8 is general in nature relative to the maximum amount of water authorized for diversion and does not limit use of the right to use as a supplemental source of water.

5. On January 31, 1996, the department issued transfer no. 4375 involving water right no. **36-02517C** with Conditions of Approval no's. 6, 7, and 10 as follows:

The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right.

This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased, or used on any other place of use.

Use of this right is combined with water from the North Side Canal Co. Ltd.

The original water right no. 36-02517 was established as a supplemental water right to supplement surface water from North Side Canal Company shares. Transfer no. 4375 did not change the use of water right no. 36-02517C from supplementing surface water.

6. On January 31, 1996, the department approved transfer no. 4404 involving water right no. **36-07460G** with Conditions of Approval Nos. 6 and 7 as follows:

The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right.

This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased, or used on any other place of use.

The original water right 36-07460 was not established as a supplemental water right for use with surface water.

7. Water right no. **36-07460E** is the remaining portion of right 36-07460D after transfer no. 4052 involving right no's. 36-07460F and 36-07460G was approved on June 20, 1995. Right no. 36-07460E contains the following remark:

Use of this right is combined with water from North Side Canal Co. Ltd.

This remark is based on the recommendation of this right in the Snake River Basin Adjudication.

8. On June 9, 1994, the department issued license no's. **36-08313A** and **36-08313B** with Condition of Approval no. 10 as follows:

The right holder shall fully use all surface water rights appurtenant to the lands identified above prior to using water under this right.

The original water right no. 36-08313 was not established as a supplemental water right for use with surface water.

9. On March 17, 1994, the department issued transfer no. 4053 involving water right no. **36-02517B** with Condition of Approval no. 2 as follows:

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 for the lands above.

The original water right no. 36-02517 was established as a supplemental water right to supplement surface water from North Side Canal Company shares. Transfer no. 4053 did not change the use of water right no. 36-02517B from supplementing surface water.

CONCLUSIONS OF LAW

1. IDAPA 37.01.01402 (Rule of Procedure 402) provides in pertinent part as follows:

402. PETITIONS FOR DECLARATORY RULINGS TO BE DECIDED BY ORDER (Rule 402).

01. Final Agency Action. The agency's decision on a petition for declaratory ruling on the applicability of any statute, rule or order administered by the agency is a final agency action decided by order.

2. The department should respond to the request for declaratory ruling as follows:
 - a. 36-07460E and 36-07460G - The department should rescind Condition of Approval no's. 6 and 7.
 - b. 36-08313A and 36-08313B - The department should rescind Condition of Approval no. 10.
 - c. 36-08560B and 36-08582 - The department should rescind Condition of Approval no. 7.
 - d. 36-08581 - The department should rescind Condition of Approval no. 9.
 - e. The department should not change the remarks or conditions of approval for right no's. 36-02517B and 36-02517C.

ORDER

IT IS THEREFORE, HEREBY ORDERED as follows:

1. Condition of Approval no's. 6 and 7 for right no's. 36-07460E and 36-07460G are **RESCINDED.**
2. Condition of Approval no. 10 for right no's. 36-08313A and 36-08313B is **RESCINDED.**
3. Condition of Approval no. 7 for right no's. 36-08560B and 36-08582 is **RESCINDED.**
4. Condition of Approval no. 9 for right no. 36-08581 is **RESCINDED.**
5. The department will not change the remarks or Conditions of Approval for right no's. 36-02517B and 36-02517C.

DATED this 2nd day of October, 1997.



KARL J. DREHER
Director

CERTIFICATE OF SERVICE

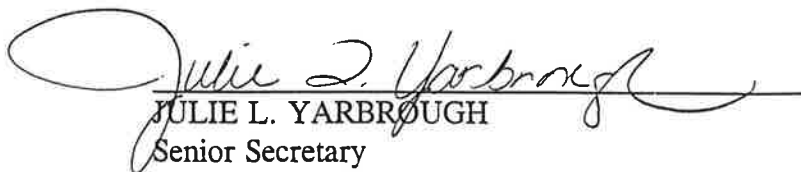
I do hereby certify that on this 14th day of October, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing FINAL ORDER to the following:

Mike and Kathy Branchflower
Box 392
Wendell, ID 83355

Kevin F. Trainor
STEPHAN KVANVIG STONE
& TRAINOR
102 Main Ave. South
P.O. Box 83
Twin Falls, ID 83303-0083

HAND DELIVERED

Scott King
Idaho Dept. of Water Resources
1301 N. Orchard St.
Boise, ID 83706


JULIE L. YARBROUGH
Senior Secretary