

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: X36-07460J
Date Received: / /
Receipt No: X777777
Received By: 

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: MIKE BRANCHFLOWER
Address: PO BOX 392
WENDELL ID

208-536-2594

83355

2. Date of Priority: MAR 25, 1974

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	14E	11	SW	NW			GOODING

5. Description of diverting works:

WELL, PUMP, MAINLINE TO CENTER PIVOT & HANDLINES IN CORNER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	1.230		276.00

7. Total Quantity Appropriated is:

1.230 C.F.S. (and/or) 276.00 A.F.A.

8. Total consumptive use is 207.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	14E	11	SW	NW		IRR	36.0
			SE	NW		IRR	33.0

Section Acres 69.0

10. Place of Use: Continued

Total Acres 69.0

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
 NONE

14. Remarks:
 1/25/96, DJ: THIS CLAIM CREATED PURSUENT T#4051 AND MODIFIED PURS
 UENT TO STIPULATION FILED IN SRBA SUBCASE SETTLEMENT AND NOTICE
 FROM CLAIMANT THAT AMOUNT OF WATER UNDER THIS CLAIM IS A PROPOR-
 TIONAL SHARE OF THE THE ROOT RIGHT 36-07460C, 1.23 CFS (NOT 1.38)

15. Basis of Claim: LICENSE

Michael G. Branchflower
P.O. Box 392
Wendell, ID 83355

RECEIVED

MAR 20 1996

March 20, 1996

Department of Water Resources
Southern Region

Douglas Jones, P.E.
Water Rights Supervisor
Department of Water Resources
222 Shoshone St. East
Twin Falls, ID 83301

RE: Janss/Branchflower Transfer
Branchflower/Whitesides Transfer

Dear Mr. Jones:

This will acknowledge receipt of your correspondence to me and my attorney dated January 24, 1996. It will also acknowledge my concurrence with your calculations set out in that letter for Water Right No. 36-07460 Part J. Specifically, I acknowledge that my proportional share under Transfer No. 4051 as 1.23 cubic feet per second rather than 1.38 cubic feet per second on that 69 acres.

My agreement with Mr. Brent Whitesides for the transfer of water to him will reflect that change.

Sincerely yours,



MICHAEL G. BRANCHFLOWER

MICROFILMED

DEC 04 1996

S-ADS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

RECEIVED

TRANSFER NO. 4051
WATER RIGHT NO. 36-07460J

JUN 23 1995

Department of Water Resources
Southern Region

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>
IRRIGATION	04/01 to 10/31	1.38 CFS	276.0 AF

SOURCE

GROUNDWATER

Priority: 03/25/1974

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 11, Township 08S, Range 14E
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>
08S	14E	11	SWNW 36	SENEW 33		69
Total number of acres irrigated:						69

CONDITIONS/REMARKS:

1. 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.
2. 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.
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.

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TRANSFER NO. 4051
WATER RIGHT NO. 36-07460J

CONDITIONS/REMARKS:

5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 20th day of June, 1995

J. Glen Saylor
Chief, Water Alloc. Bureau

MICROFILMED

DEC 04 1996

RECEIVED

MAY 20 1996

Department of Water Resources
Southern Region

RECEIVED

MAY 15 1996

OFFICE OF THE
ATTORNEY GENERAL

CHANGE ALREADY MADE

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

STANDARD FORM 3

(Check Appropriate Box)

☐ NOTICE OF CHANGE IN ADDRESS

OR

☒ CONSENT TO SUBSTITUTION OF
PARTY

36-07460J

INSTRUCTIONS FOR USE

This form is to be used to provide notice of a change in address of a party or to substitute a party whose water right was recommended in a director's report. *The filing of Standard Form 3 cannot result in a contested matter and a hearing will not be scheduled.* If completed as directed, the form will be accepted by the court and no further orders will issue. Standard Form 3 shall not operate to excuse compliance with the statutory requirements of I.C. § 42-1409(7) (1986) where a water right recommendation is not before the court.

This form has been adopted by the court in Re SRBA, Twin Falls County Case 39576, *SRBA Administrative Order 1 Rules of Procedure* (amended 6/21/93), Section 4Ac(3), which may be consulted for further information.

A party may copy or reproduce the standard form. The text of the form must be on the front and back of each page, exactly as it appears here. Follow the instructions on the form or it will not be accepted for filing. The Verification and the Certificate of Mailing must be completed.

Standard forms may be obtained from the Idaho Department of Water Resources or the SRBA Court.

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1007

CHANGE IN ADDRESS

You must use this form to advise the court and parties of any change in your address during the pendency of the SRBA.

You must provide a copy of the completed form to each party or if the party is represented by an attorney you must serve the attorney in every subcase in which you are a party.

No hearing will be held and no further order will issue from this court.

My name is Theresa Vandenberg

I am the claimant of X36-07460J
(Insert each water right number)

I have filed an objection/response to the following water right(s) _____

(Insert each water right number)

My new mailing address is _____

My phone number is: Work _____ Home _____
(Go to Page 4)

CONSENT TO SUBSTITUTION OF PARTY

This form may only be used if a water right number is included as a "recommendation" in a director's report. *This form cannot be used for water rights that are not in a director's report or when portions of a water right are involved (i.e. where a water right is split).* You must use this form to substitute a new party into the SRBA.

You are to provide a copy of the completed form to every party in each subcase in which the new party is to be substituted. If the party is represented by an attorney you must serve the attorney. Because this is a "consent" form, it is a stipulation that there is no disagreement between the prior claimant/seller and the new claimant/purchaser that the prior claimant/seller has transferred all interests in the water right. No hearing will be held and no further order will issue.

"Prior claimant/seller" means any person who, pursuant to I.C. §§ 42-1409(2), (3) and (6) (1986), filed a notice of claim asserting the right to the use of water or on whose behalf the

right to the use of water was asserted. "New claimant/purchaser" means any successor in interest of the "prior claimant/seller," whether the interest is acquired by purchase, gift, inheritance or other means.

A *Consent to Substitution of Party (Substitution)* must be signed by the prior claimant/seller and the new claimant/purchaser. The Substitution shall be filed by the new claimant/purchaser.

I am the new claimant/purchaser of X36-07460J

(Insert each water right number)

My name is Irene Vandervegt

My address is _____

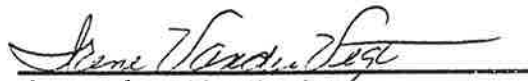
My phone number is: Work _____ Home _____

The name and address of the prior claimant/seller who I wish to be substituted for are:

Michael G. Branchflower and Katherine L. Branchflower



Signature of prior claimant/seller
Michael G. Branchflower



Signature of new claimant/purchaser
Irene Vandervegt

If an attorney is filing this form on behalf of a water right claimant or party in the SRBA, the attorney must complete the following information, in addition to the information required above.

Attorney name _____

Attorney of record for _____

(Identify party/claimant)

Attorney address and phone number: _____

- ☐ I have filed a *Notice of Appearance* for the party on whose behalf I am filing this form.
- ☐ A *Notice of Appearance* accompanies this form indicating which party and water rights I represent.

VERIFICATION

(To be completed for either a *Notice of Change in Address* or for *Consent for Substitution of Party*)

State of IDAHO

County of GOODING

Irene Vandervegt, being first duly sworn, upon oath, deposes and says:
(Insert name of party/claimant filing form)

That I am the person or entity filing this form, that I am a water right claimant or party or their successor in interest, defined by I.C. §§ 42-1401A(1), (7) or (10) (1986); that the water right number I am asking the court to substitute a party on is a water right in a director's report filed with the court and that I have read this form and know its contents and that the statements are true to the best of my knowledge and belief.

Irene Vandervegt

Signature of person filing form
Irene Vandervegt

BY: [Signature]
Attorney signing in representative capacity

Subscribed and sworn to before me on May 10, 1996
(Insert Date)



Susan M. Bolton
Notary Public for IDAHO
Residing at: Gooding, ID
My Commission expires: 10/16/98

5. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

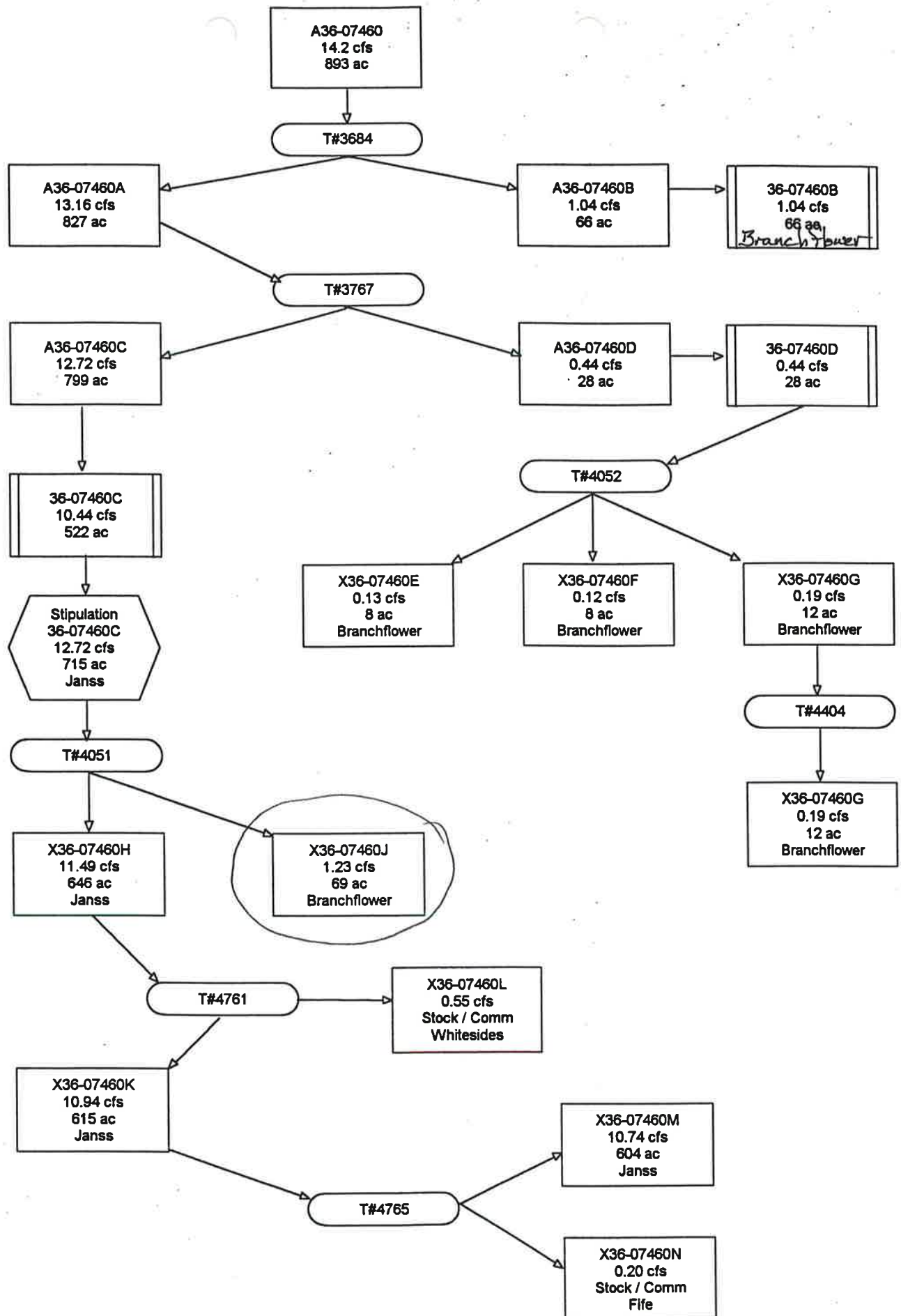
6. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83724



Signature of person or attorney mailing the form

Irene Vandervegt



5/15/96
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DEC 04 1996

Form 42-1409(7)



**NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

Please print or type
(see instructions on back of page)

RECEIVED

DATE OF CLOSING: 5/10/96

MAY 15 1996

LEGAL DESCRIPTION OF PROPERTY: Township 8South Range 14 EMB Department of Water Resources
Section 11, SW 1/4 of NW 1/4 of 1/4, Govt. Lot 14, Southern Region
Lot , Block , Subdivision/Townsite
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: X36-07460J
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Michael G. Branchflower and Katherine L. Branchflower
P.O. Box 392
Wendell, ID 83355
- ☐ New Owner/Claimant (Purchaser): Irene Vandervegt
- ☐ New Mailing Address: 76 East 400 South
Jerome, ID 83338
- ☐ New Telephone Number: (208) 324 - 4252
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: recorded Warranty Deed
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
- ☐ Signature of New Owner/Claimant(s) Irene Vandervegt Date
Date
- ☐ Signature of Former Owner/Claimant(s): Michael G. Branchflower Date
Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: By:
Further Action Needed:

Further Action Taken
Date: By:
Final Review and Data-Entry
Date: By:
Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

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WARRANTY DEED

For Value Received

MICHAEL G. BRANCHFLOWER AND KATHERINE L. BRANCHFLOWER, husband and wife,

the grantor(s), do(es) hereby grant, bargain, sell, and convey unto

**Irene VanderVegt,
a single woman****165452**

the grantee(s), whose current address is

76 East 400 South, Jerome, ID 83338

the following described premises, to-wit:

See Attached Exhibit "A"STATE OF IDAHO COUNTY OF GOODING **FIRST AMERICAN TITLE**

Filed for record at the request of

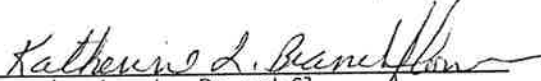
45 min. past 3 o'clock P.m. this 10
 of May, 1996 6.00
 By Aubita Siles Deputy

Together with 69 acres of ground water under that certain Water Right No. X36-07460J.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that he/she/they will warrant and defend the same from all claims whatsoever.

Dated: May 9, 1996


 Michael G. Branchflower


 Katherine L. Branchflower

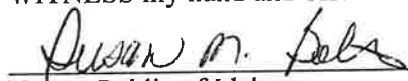
STATE OF IDAHO

: ss

COUNTY OF GOODING

On This 10th Day of May, in the year 1996, before me, a Notary Public in and for said State, personally appeared **Michael G. Branchflower and Katherine L. Branchflower**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.


 Notary Public of Idaho

Residing at Gooding, Idaho

Commission Expires: 10/16/98

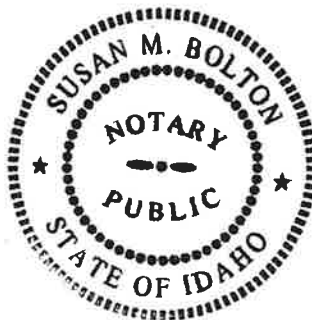
*First American Title Company of Idaho*



EXHIBIT "A"

Township 8 South, Range 14 East of the Boise Meridian, Gooding County, Idaho

Section 11: S1/2NW1/4, EXCEPTING therefrom that portion deeded to the State of Idaho for highway purposes by Right-of-Way Deed recorded January 7, 1944 in Book 35 Page 240 as Instrument Number 89051, Gooding County records.

ALSO EXCEPTING therefrom that part of the SW1/4NW1/4 described as follows:

BEGINNING at the West quarter corner of said Section 11, said point being the
TRUE POINT OF BEGINNING;

Thence North along the West boundary of said Section 11, 488.00 feet;

Thence Southeasterly, 725.50 feet, more or less, to a point on the South boundary
of said SW1/4NW1/4;

Thence West along the South boundary of said SW1/4NW1/4, 540.00 feet, more or
less, to the TRUE POINT OF BEGINNING.

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First American Title Company
P.O. BOX 446, GOODING, IDAHO 83330



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MAY 15 1996

Department of Water Resources
Southern Region

Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, ID 83301

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: X36-07460J
Date Received: / /
Receipt No: X777777
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: IRENE VANDER VEGT
Address: 76 E 400 S
JEROME ID

208-324-4252

83338

2. Date of Priority: MAR 25, 1974

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	14E	11	SW		NW		GOODING

5. Description of diverting works:

WELL, PUMP, MAINLINE TO CENTER PIVOT & HANDLINES IN CORNER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	1.230		276.00

7. Total Quantity Appropriated is:

1.230 C.F.S. (and/or) 276.00 A.F.A.

8. Total consumptive use is 207.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	14E	11	SW	NW		IRR	36.0
			SE	NW		IRR	33.0

Section Acres 69.0

10. Place of Use: Continued

Total Acres 69.0

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
 NONE

14. Remarks:

 1/25/96, DJ: THIS CLAIM CREATED PURSUENT T#4051 AND MODIFIED PURSUENT TO STIPULATION FILED IN SRBA SUBCASE SETTLEMENT AND NOTICE FROM CLAIMANT THAT AMOUNT OF WATER UNDER THIS CLAIM IS A PROPORTIONAL SHARE OF THE THE ROOT RIGHT 36-07460C, 1.23 CFS (NOT 1.38)

 6/17/96, DJ: OWNERSHIP CHANGE REC'D 5/15/96, NCAP COMPLETED.

15. Basis of Claim: LICENSE

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. X36-07460J

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Steve Clelland

April 11, 1996 4:07pm

NAME:
IRENE VANDERVEGHT

CAMEIN

RE:
QUERY ON LAND AND RIGHTS

SHE IS PLANNING TO PURCHASE LAND AND WANTED TO GET PROFILES OF THE WATER RIGHTS FOR THE PLACE. THE BASIC RIGHT IS BASED ON THE TRANSFERRED RIGHT **X36-07460J**. SHE ALSO REQUESTED COPIES OF THE RIGHTS X36-07460G, 36-08313, 36-08701 AND 36-02517C. ATTEMPTED TO GIVE HER THE WR VERSION AND THE AJ VERSION OF EACH RIGHT. SOME DATA ENTRY WAS NOT COMPLETE FOR ALL RIGHTS HOWEVER.

POU QUERY SHOWED NSCC WATER ON THE FULL 80 ACRES BUT THE DEED STATED THE CANAL SHARES WERE NOT INCLUDED IN THE SALE.

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DEC 04 1996

02/21/1996 12:59 3275400

IDWR

COPY

NICHOLAS B. SPENCER
BRENT R. KING
Deputy Attorneys General
Idaho Department of Water Resources
P.O. Box 44449
Boise, ID 83711-4449
Telephone: (208) 327-7920
Fax: (208) 327-7866

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MAR 15 1996

Department of Water Resources
Adjudication Bureau

Attorneys for IDWR

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Sub-case No.: 36-07460C

Case No. 39576

AMENDED
STIPULATION

DESCRIPTIVE SUMMARY

This is a stipulation to correct the prior stipulation on water right number 36-07460C.

STIPULATION

To resolve the dispute over the above-captioned water rights, the Idaho Department of Water Resources (IDWR), and Michael G. and Katherine L. Branchflower (the objectors), stipulate and agree that:

ELEMENTS OF WATER RIGHT NO. 36-07460C

A. The name and address of the claimant is:

JANSS FARMS
PO BOX 99
BLISS ID 83314

Required Statement: As recommended in the director's report.

STIPULATION - Page 1

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DEC 04 1996

02/21/1996 12:59 3275400

IDWR

B. The source of water is:**Source: GROUNDWATER****Required Statement: As recommended in the director's report.****C. The quantity of water used in cubic feet per second or the quantity of water stored in acre-feet per year is:**

IRRIGATION	12.72	CFS
	2860.0	AFY
TOTAL QUANTITY:	12.72	CFS
	2860.0	AFY

Required Statement: IDWR and the objectors stipulate that this is the correct description of the quantity of water.**D. The priority date is:****03/25/1974****Required Statement: As recommended in the director's report.****E. The legal description of the point(s) of diversion is; if the claim is for an instream flow, then a legal description of the beginning and ending points of the claimed instream flow:****T07S R14E S21 SWNWSE
T07S R14E S28 SWNWNE, NWSWSE****Required Statement: As recommended in the director's report.****F. The purpose of use is:****IRRIGATION****Required Statement: As recommended in the director's report.**

G. The legal description of the place of use or of the reservation is:

T07S R14E S20 SESE 33.0 acres
T07S R14E S21 SWSW 33.0 acres, NESE 33.0 acres, NWSE 33.0 acres, SWSE 33.0 acres, SESE 33.0 acres
T07S R14E S28 SWNE 17.0 acres, SENE 39.0 acres, NWNW 33.0 acres, SWNW 35.0 acres, SENW 13.0 acres, NESW 35.0 acres, NWSW 38.0 acres, SWSW 26.0 acres, SESW 26.0 acres, NESE 40.0 acres, NWSE 35.0 acres, SWSE 39.0 acres, SESE 39.0 acres
T07S R14E S29 NENE 33.0 acres, SENE 33.0 acres, NESE 36.0 acres
715.0 ACRES TOTAL

Required Statement: IDWR and the objectors stipulate that this is the correct description of the place of use. The place of use is located in Gooding County, Idaho.

H. The annual volume of consumptive use is:

2145.0 AFY

Required Statement: IDWR and the objectors stipulate that this is the correct description of the volume of consumptive use.

2. The objectors and IDWR agree that the water right above describes the right as it was originally used, but that part of the right has been sold to the objectors. The part of right 36-07460C that has been sold to the objectors is the water that had been used on the land with the following description.

T07S R14E S28 SWNE 17.0 acres, SENE 39 acres, NESE 40.0 acres, NWSE 28 acres, SWSE 30.0 acres, SESE 39.0 acres
193.0 ACRES TOTAL

3. The objectors and IDWR agree that the amount of water used on the 193 acres described above in paragraph number 2 is 3.43 cfs, used for irrigation.

4. The objectors and IDWR agree that the objectors will, in a practical and reasonable amount of time, be filing a transfer application(s) with IDWR on the 3.43 cfs to another place of use.

5. This stipulation has been reached through good faith negotiations for the purpose of resolving legal disputes, including pending litigation, and IDWR and the objectors agree that no offers and/or compromises made in the course thereof shall be construed as admissions against interest or be used in any legal proceeding, and that this agreement is not and shall not be used as precedent for any other claim to a water right.

STIPULATION - Page 3

MICROFILMED

DEC 04 1996

6. IDWR and the objectors agree to bear their own costs and attorney's fees in connection with this matter.

7. This stipulation were entered into and executed voluntarily by all parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence whatsoever.

8. IDWR and the objectors agree that the period of use is not being addressed by this stipulation. The understanding is that the objectors will wait to see how other similar objections are resolved before they decide how to proceed with their own period of use objection.

Dated this 26 day of February, 1996.

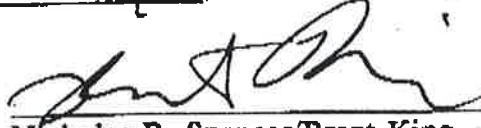


Kevin F. Trainor

Attorney for Objector

Micahel G. Branchflower & Katherine L.
Branchflower

Dated this 21 day of February, 1996.



Nicholas B. Spencer/Brent King

Deputy Attorney General

Idaho Department of Water Resources

Dated this 2 day of March, 1996.



Peter Janss



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033

Fax (208) 736-3037

March 12, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

KEVIN TRAINOR, ATTORNEY
STEPHAN, KVANVIG, ET AL
PO BOX 83
T.F. ID 83303-0083

RE: JANSS/BANCHFLOWER TRANSFER; BANCHFLOWER/WHITESIDES TRANSFER

Dear Mr Trainor:

I call your attention to correspondences dated 1/24/1996 and forwarded to your office in which I requested certain steps be taken by Branchflower with regards to the above transfers. To reiterate: 1) IDWR must receive acknowledgement from Branchflower that his proportional share under transfer #4051 is reduced from that approved. 2) Mr Branchflower also must amend his agreement with Whitesides to provide the proportional rate appurtenant to the acres specified to be dried up in the initial agreement predicated on the incorrect stipulation.

IDWR must receive the above material as soon as possible, if not sooner, in order to move the Whitesides transfer through the approval process so they can finalize financing, county approval and begin work. I have spoken to you, Branchflower and Whitesides in the last day. Branchflower said that you need to write the letters for him to sign, which will take time, so hence this letter requesting prompt action.

If you have any questions or need to see the file(s) please feel free to come to the office.

Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor
Southern Adjudication Unit



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033

Fax (208) 736-3037

January 24, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

MIKE BRANCHFLOWER
PO BOX 392
WENDELL ID 83355

RE: Whitesides transfer, Stipulation

Dear Mike:

Enclosed is the packet of information which I have sent to Peter Janss. Please review it and get in touch with me if you have any questions. The proposed changes affect the Whitesides transfer as follows:

- 1) If all parties agree with the modification of the stipulation - 12.72 cfs on 36-07460C and 3.43 cfs for your portion on 193 acres;
- 2) And that the diversion rate for the 69 acres transferred under T#4051 should be proportional (as shown on the Adjudication Data split tree);
- 3) Then the diversion rate available to Whitesides, appurtenant to 31 acres, is 0.55 cfs (not 0.49 cfs).

Water volume requirements for the proposed Whitesides Dairy indicate that 31 acres of irrigation must be foregone in order to meet those needs. Your present agreement with Whitesides specifies 0.49 cfs (correct under original stipulation).

I need you to write IDWR a letter indicating concurrence with the proportional adjustment of T#4051 and submittal of the modified stipulation (through your attorney). I think that an updated agreement between Whitesides and yourself should be submitted to IDWR which correctly identifies a diversion rate of 0.55 cfs. I have refined the Whitesides transfer to reflect the above information and will proceed with the processing. If other changes come up then we can all deal with the ramifications.

I look forward to hearing from at the earliest opportunity. Again, if you have any questions please contact us.

Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor



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January 24, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

PETER JANS
PO BOX 99
BLISS ID 83314

RE: Stipulation affecting 36-07460C

Dear Mr Jans:

Recently I spoke to you regarding the above referenced stipulation. IDWR initially recommended partial forfeiture of the right due to apparent lack of irrigation occurring on part of the land. A stipulation was drafted after negotiation with Brent King, Attorney with IDWR, and was signed by Kevin Trainor, Attorney for Branchflower, and you (copy enclosed with proposed changes). The stipulation specifies that the diversion rate under 36-07460C should be 14.2 cfs for use on 715 acres. The acreage includes the remaining 193 acres of the original 287 ac for which the 227" of water sold to Branchflower was appurtenant, as well as the 69 acres in Sec 29 conveyed to Branchflower later (1993).

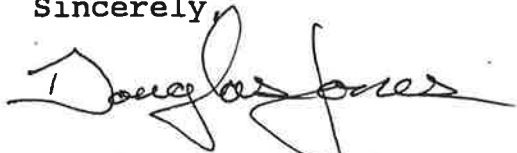
Mike Branchflower has now contracted with an individual to convey a portion of the right originally conveyed to him in your agreement of 1990. In order to reconcile IDWR records with respect to the underlying water right I have had to review the sequence of events leading up to this new transaction. Apparently an error was made in the stipulation while evaluating the diversion rate remaining under 36-07460C. I have attached a flow chart which tracks the splits and changes which have affected the license. This analysis indicates that the diversion rate should be 12.72 cfs (not 14.2 cfs) for use on 715 acres (as stipulated), due to prior transfers splitting off portions of the original license.

As I indicated during our phone conversation, I have spoken with Mike Branchflower and Kevin Trainor about this. An initial response from them seems to be supportive of modifying the stipulation. Because the change would affect your interests I am asking you to consider the proposed changes and to contact me with any questions you might have. Mr Branchflower has also indicated that he would be willing to allow the Department to modify the rights resulting from transfer T#4051 to reduce the quantity of water appurtenant to the 69 acres from 1.38 cfs to a proportional share of 1.23 cfs.

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If you concur with the proposed changes - both to the stipulation (pages 2 & 3) and the approval of T#4051, please contact Mr Trainor who will pursue modification of the stipulation, and also write the Department a letter. I am available to discuss the information and am willing to consider additional information if I have made erroneous assumptions. Thank you for your efforts on this matter and I look forward to your earliest response and input.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas Jones", with a stylized, flowing script.

Douglas Jones, P.E.
Water Rights Supervisor

enc

cc w/ enc: Kevin Trainor
Mike Branchflower

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DEC 04 1996

36-07460

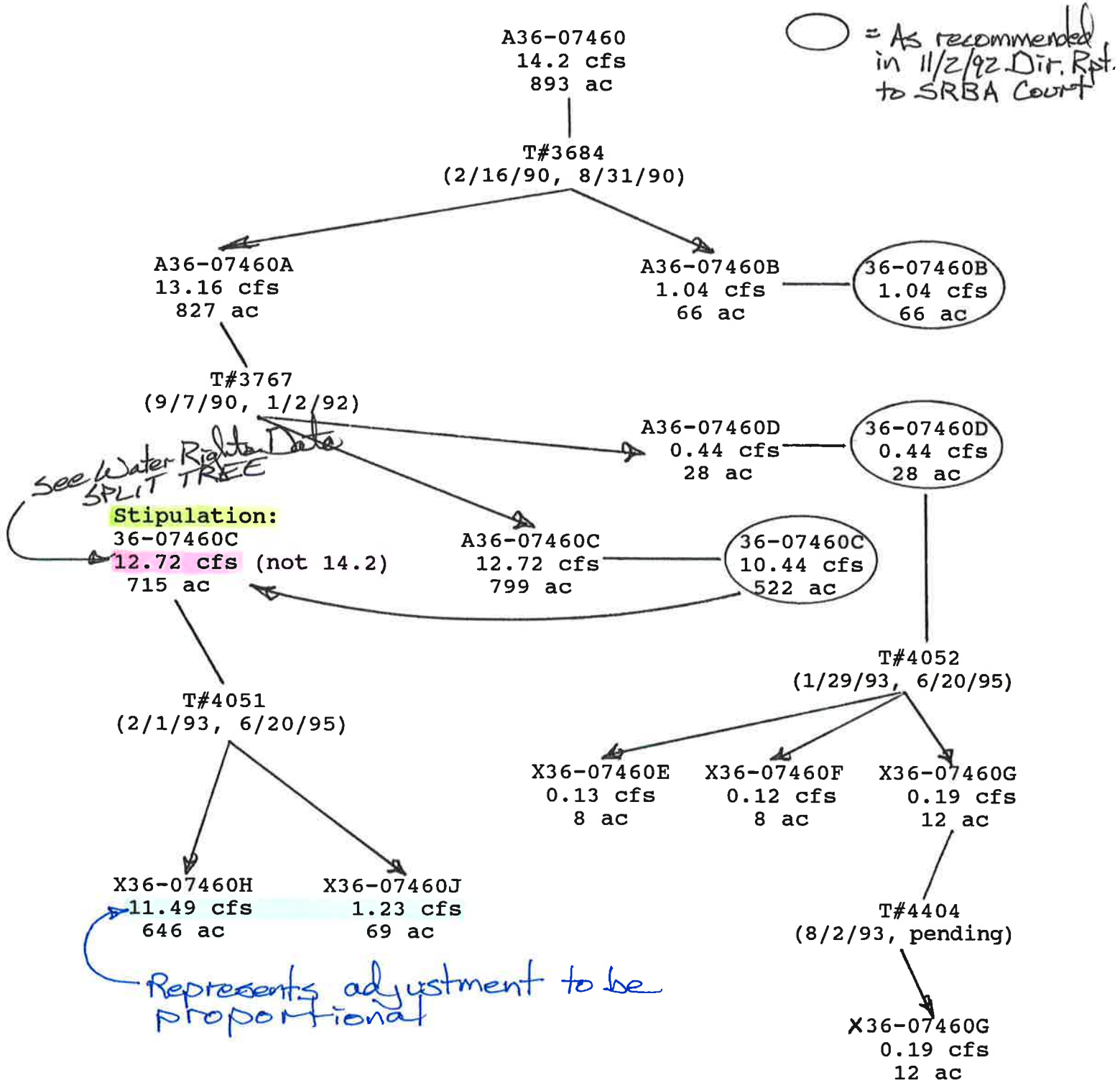
MICROFILMED
DEC 04 1996

SPLIT TREE

Adjudication Data

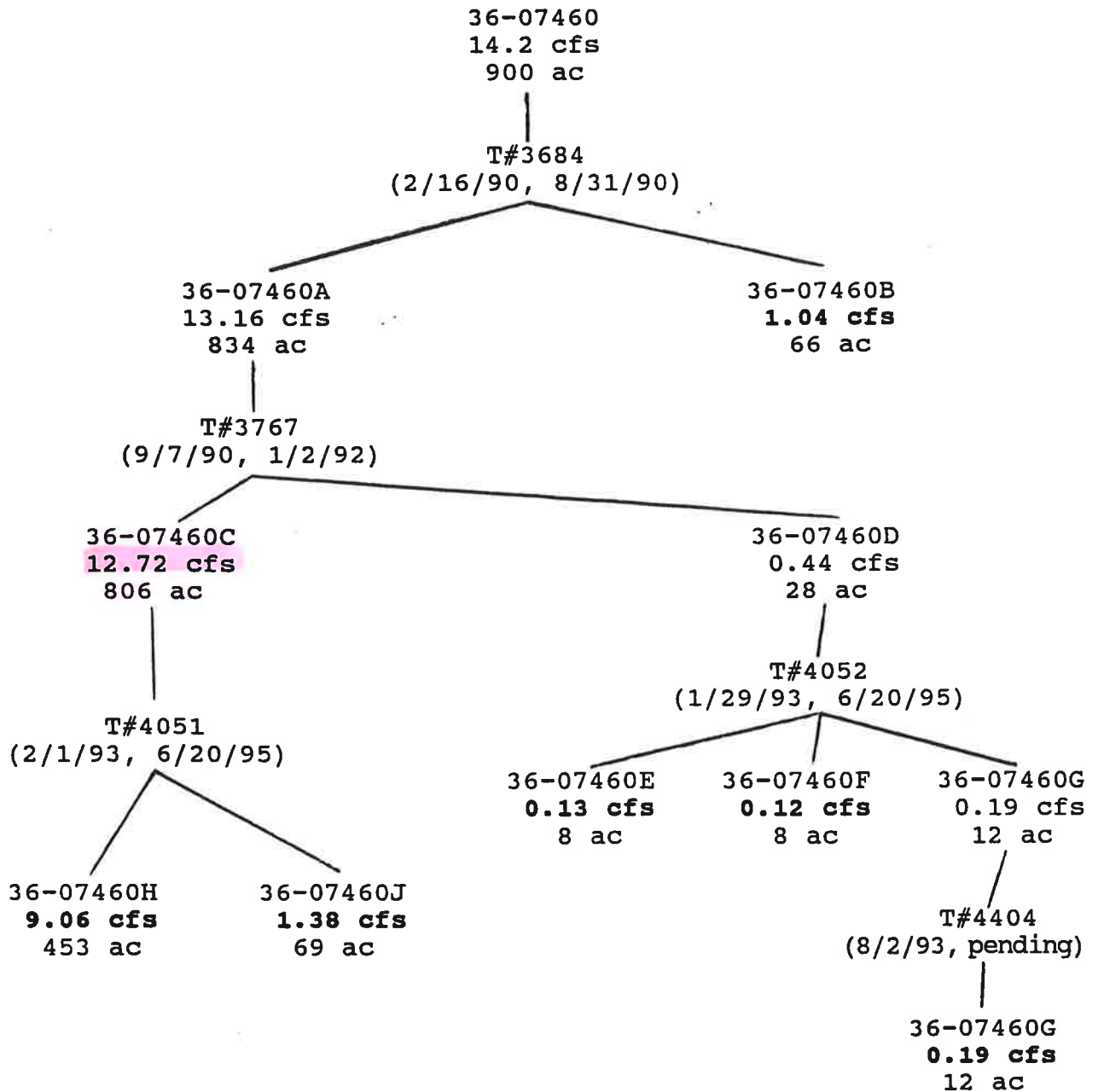
(Combined Structure)

[accounts for as-recommended & as stipulated in SRBA subcase]



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SPLIT TREE
Water Rights Data
(Present Structure)



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DEC 4 1996

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Attorneys for IDWR

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

) Sub-case No.: 36-07460C
)
)
)
)
)

STIPULATION

DESCRIPTIVE SUMMARY

This is a stipulation to partially resolve the objection to water right number 36-07460C.

STIPULATION

To resolve the dispute over the above-captioned water rights, the Idaho Department of Water Resources (IDWR), and Michael G. and Katherine L. Branchflower (the objectors), stipulate and agree that:

1. The following description sets forth the description of the water right as agreed by IDWR and the objectors for every element of the water right, except for the period of use. All decrees, whether partial or final, should describe the water rights as shown in this

STIPULATION - Page 1

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stipulation, except for the period of use.

ELEMENTS OF WATER RIGHT NO. 36-07460C

- A. The name and address of the claimant is:

JANSS FARMS
PO BOX 99
BLISS ID 83314

Required Statement: As recommended in the director's report.

- B. The source of water is:

Source: GROUNDWATER

Required Statement: As recommended in the director's report.

- C. The quantity of water used in cubic feet per second or the quantity of water stored in acre-feet per year is:

IRRIGATION	14.2	CFS
	2860.0	AFY
TOTAL QUANTITY:	14.2	CFS
	2860.0	AFY

Required Statement: IDWR and the objectors stipulate that this is the correct description of the quantity of water.

- D. The priority date is:

03/25/1974

Required Statement: As recommended in the director's report.

- E. The legal description of the point(s) of diversion is; if the claim is for an instream flow, then a legal description of the beginning and ending points of the claimed instream flow:

T07S R14E S21 SWNWSE
T07S R14E S28 SWNWNE, NWSWSE

Required Statement: As recommended in the director's report.

F. The purpose of use is:

IRRIGATION

Required Statement: As recommended in the director's report.

G. The legal description of the place of use or of the reservation is:

T07S R14E S20 SESE 33.0 acres ✓
T07S R14E S21 SWSW 33.0 acres, NESE 33.0 acres, NWSE 33.0 acres, SWSE 33.0 acres, SESE 33.0 acres ✓
T07S R14E S28 SWNE 17.0 acres, SENE 39.0 acres, NWNW 33.0 acres, SWNW 35.0 acres, SHNW 13.0 acres, NESW 35.0 acres, NWSW 38.0 acres, SWSW 26.0 acres, SESW 26.0 acres, NESE 40.0 acres, NWSE 35.0 acres, SWSE 39.0 acres, SESE 39.0 acres
T07S R14E S29 NENE 33.0 acres, SENE 33.0 acres, NESE 36.0 acres
715.0 ACRES TOTAL

Required Statement: IDWR and the objectors stipulate that this is the correct description of the place of use. The place of use is located in Gooding County, Idaho.

H. The annual volume of consumptive use is:

2145.0 AFY

Required Statement: IDWR and the objectors stipulate that this is the correct description of the volume of consumptive use.

2. The objectors and IDWR agree that the water right above describes the right as it was originally used, but that part of the right has been sold to the objectors. The part of right 36-07460C that has been sold to the objectors is the water that had been used on the land with the following description.

T07S R14E S28 SWNE 17.0 acres, SENE 39 acres, NESE 40.0 acres, NWSE 28 acres, SWSE 30.0 acres, SESE 39.0 acres
193.0 ACRES TOTAL

31 whiteshades

3. The objectors and IDWR agree that the amount of water used on the 193 acres described above in paragraph number 2 is 3.06 cfs, used for irrigation.

4. The objectors and IDWR agree that the objectors will, in a practical and reasonable amount of time, be filing a transfer application with IDWR on the 3.06 cfs to another place of use.

COPY

5. This stipulation has been reached through good faith negotiations for the purpose of resolving legal disputes, including pending litigation, and IDWR and the objectors agree that no offers and/or compromises made in the course thereof shall be construed as admissions against interest or be used in any legal proceeding, and that this agreement is not and shall not be used as precedent for any other claim to a water right.

6. IDWR and the objectors agree to bear their own costs and attorney's fees in connection with this matter.

7. This stipulation were entered into and executed voluntarily by all parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence whatsoever.

8. IDWR and the objectors agree that the period of use is not being addressed by this stipulation. The understanding is that the objectors will wait to see how other similar objections are resolved before they decide how to proceed with their own period of use objection.

Dated this 24 day of September, 1995.

Peter Janss
Peter Janss

Dated this 26 day of September, 1995.

Kevin F. Trainor
Kevin F. Trainor
Attorney for Objector

Dated this _____ day of _____, 1995

Nicholas B. Spencer/Brent King
Deputy Attorney General
Idaho Department of Water Resources

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DEC 04 1998