



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

October 14, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RE: In the Matter of Petition for Declaratory Ruling submitted by Michael G. Branchflower and Katherine L. Branchflower

Dear Interested Parties:

The accompanying order is a "final order" issued by the department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

- (1) If the presiding officer is the agency head, the presiding officer shall issue a final order.
- (2) If the presiding officer issued a recommended order, the agency head shall issue a final order following review of that recommended order.
- (3) If the presiding officer issued a preliminary order, that order becomes a final order unless it is reviewed as required in section 67-5245, Idaho Code. If the preliminary order is reviewed, the agency head shall issue a final order.
- (4) Unless otherwise provided by statute or rule, any party may file a petition for reconsideration of any order issued by the agency head within fourteen (14) days of the issuance of that order. The agency head shall issue a written order disposing of the petition. The petition is deemed denied if the agency head does not dispose of it within twenty-one (21) days after the filing of the petition.
- (5) Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
 - (a) the petition for reconsideration is disposed of; or
 - (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.
- (6) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.

36-08313A

(7) A non-party shall not be required to comply with a final order unless the agency has made the order available for public inspection or the nonparty has actual knowledge of the order.

(8) The provisions of this section do not preclude an agency from taking immediate action to protect the public interest in accordance with the provisions of section 67-5247, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5246(4) Idaho Code.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter 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 a) of the service date of the final order, b) of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,



L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

C: IDWR - Region, Dick Larsen

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

State of Idaho
Department of Water Resources

RECEIVED

WATER RIGHT LICENSE

WATER RIGHT NO. 36-08313A

JUN 15 1994

Priority: August 20, 1986

Maximum Diversion Rate: Department 1.20 CFS
Maximum Diversion Volume: Southern Region Office

This is to certify, that MICHAEL G BRANCHFLOWER
KATHERINE L BRANCHFLOWER

PO BOX 392
WENDELL ID 83355

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 20, 1986; and has submitted Proof of Beneficial Use on October 30, 1992. An examination indicates that the works have a diversion capacity of 1.700 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	1.20 CFS	240.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 3, Township 08S, Range 14E
NESE , Sec. 3, 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	3	SENE 30	NESE 30		60

Total number of acres irrigated: 60

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
6. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
7. The Director retains jurisdiction of the right issued to change, add or remove any requirement as determined to be appropriate.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 36-08313A

CONDITIONS/REMARKS:

8. 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.
9. The issuance of this right in no way grants any right-of-way or easement across the land of another.
10. The right holder shall fully use all surface water rights appurtenant to the lands identified above prior to using water under this right.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 9th day of JUNE, 1994.

Acting for  R. Keith Higginson, Director

RECEIVED

APPROVED
STATE OF IDAHORECEIVED
JAN 13 1994

AUG 06 1993

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

Department of Water Resources
Southern Region Office

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

Comes now Mike Branch Flowerof (address) P.O. Box 392; Wendell ID 83355, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho

No. 36-08313, and requests that the permit and permit map be changed as follows:

36-8313B = SW NW

1. Point of diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, Township 8S, Range 14E, B.M.,

County of _____ Other points of diversion: _____

36-8313A = SENE, S3, 8S, 14E

NESE, S3, 8S, 14E

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

B - Amount .32 for IRRIGATION purposes from 4-1 to 10-31 (both dates inclusive)
(cfs or acre feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)A - Amount 1.20 for IRRIGATION purposes from 4-1 to 10-31 (both dates inclusive)
(cfs or acre feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

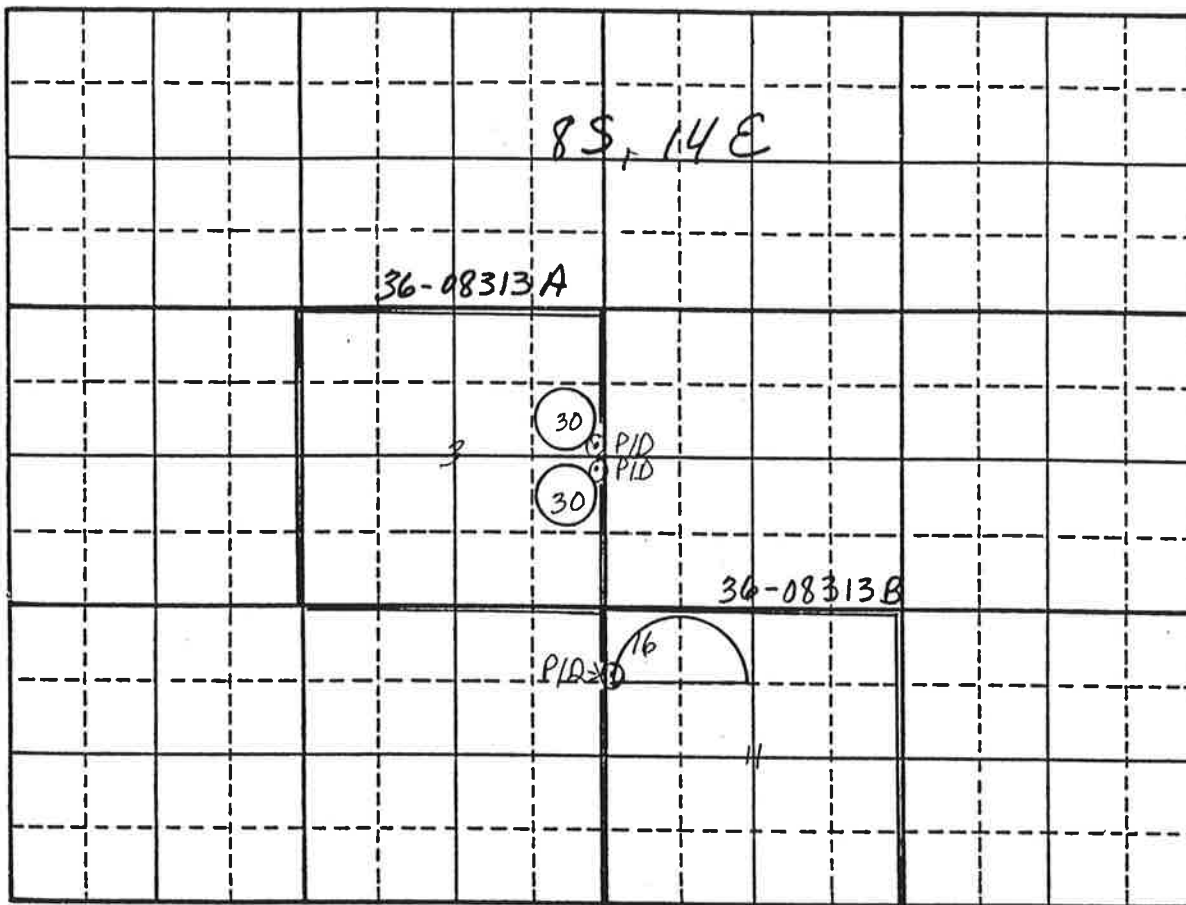
TWP	RGE	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
B = 8S	14E	11					16												16
A = 8S	14E	3				30									30				60

Total number of acres to be irrigated = 76

4. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or the place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

36-08313A & B

Complete the following map by showing land and point of diversion as proposed by this amendment.
Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile.

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Turn Falls, this 2nd day of August, 1993.
[Signature]
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by sd Fee = \$20.00

Received by MTS Date 8-2-93 5016062

Publication prepared by mb Date 12/2/93

Published in Headling Co. Leader

Publication dates 12/8 & 12/15/93

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, NORMAN C. YOUNG, Director of the Department of Water Resources hereby
approve the above referenced application for amendment provided the
conditions as set forth in Permit No. 36-08313 are met.

Witness my hand this 9th day of June, 1994.

[Signature]
Director

RECEIVED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

AUG 06 1993

Department of Water Resources
Southern Region Office

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

Comes now Mike Branch Flowerof (address) P.O. Box 392; Wendell ID 83355, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho

No. 36-08313, and requests that the permit and permit map be changed as follows:36-8313A = SW NW
1. Point of diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, Township 8S, Range 14E, B.M.,

County of _____ Other points of diversion: _____

36-8313A = SE NE, S3, 8S, 14ENE SE, S3, 8S, 14E

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

B - Amount .32 for IRRIGATION purposes from 4-1 to 10-31 (both dates inclusive)
(cfs or acre feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)A - Amount 1.20 for IRRIGATION purposes from 4-1 to 10-31 (both dates inclusive)
(cfs or acre feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

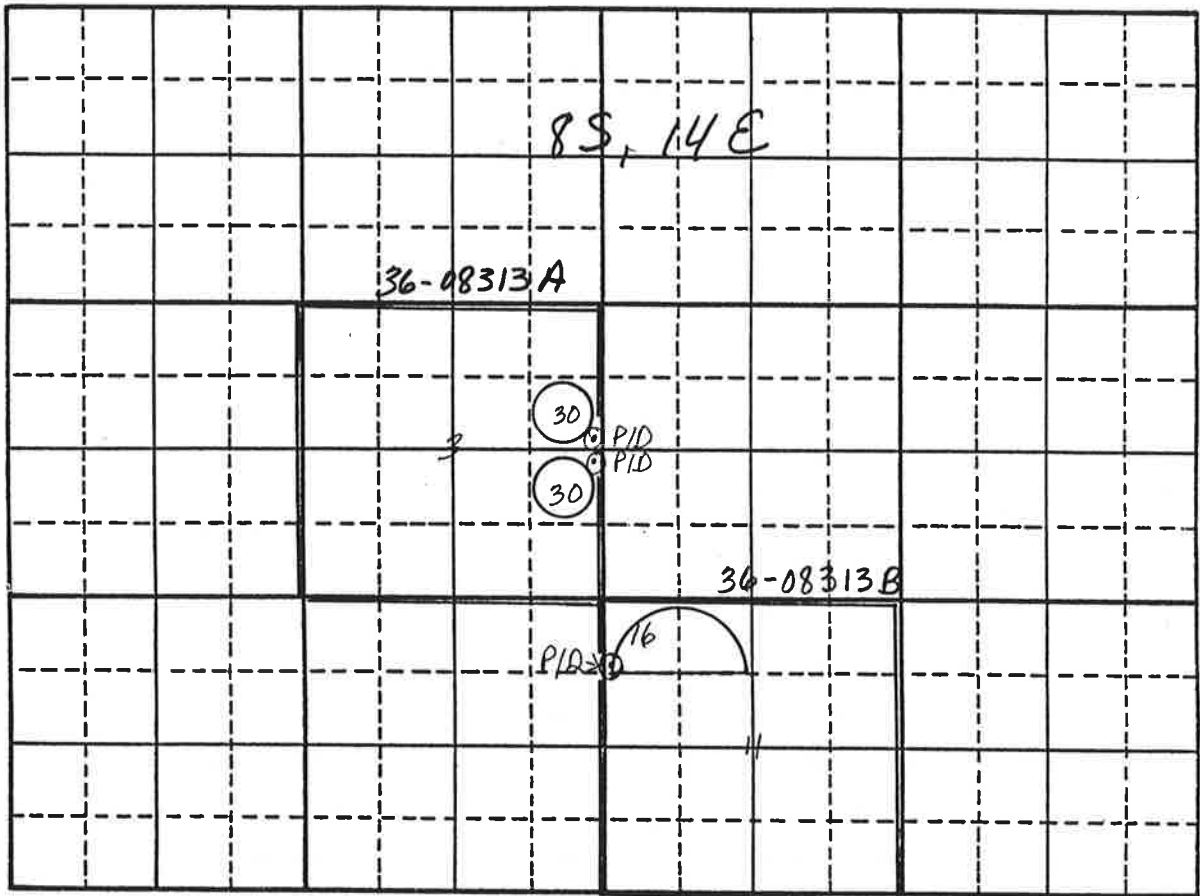
TWP	RGE	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
B = 8S	14E	11					16												16
A = 8S	14E	3				30								30					60

Total number of acres to be irrigated = 76

4. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or the place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

36-08313A+B

Complete the following map by showing land and point of diversion as proposed by this amendment.
Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile.

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Twin Falls, this 2nd day of August, 1993.

J. Richard [Signature]
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by JA Fee = \$20.00

Received by MTS Date 8-2-93

Publication prepared by MB Date 12/2/93

Published in Gooding Co. Leader

Publication dates 12/8 & 12/15/93

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, _____, Director of the Department of Water Resources hereby

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

Director



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

01-Dec-1993

R. KEITH HIGGINSON
Director

MIKE BRANCHFLOWER
PO BOX 392
WENDELL ID 83355

Re: Applications for Amendment, 36-08582 & 36-08313

Dear Mr. Branchflower:

The Department of Water Resources acknowledges receipt of your applications for amendment of a permit.

This office has scheduled advertising the applications in the Gooding County Leader on 12/8 & 12/15/93. A period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

James E. Stanton

James E. Stanton
Sr. Water Resource Agent

JS:MB

APR 07 1994

When this file is forwarded to
SO in Boise, send it to
Cindy Zimmerman. She is
holding an Application for
Amendment relating to these
splits.

Mel Schulte

36-08313 A & B

RECEIVED

OCT 30 1992

Department of Water Resources
Southern Region OfficeSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

OFFICE USE ONLY

Amt. of Fee \$ 125.00Date 10-30-92Receipt No. 5015131Receipt by J. F. Epton

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 36-08313 Telephone No. 536-2594
2. Name(s) of Permit Holder(s): PROND Mike Branchflower
3. Mailing Address: P.O. Box 392, Wendell, ID 83355
4. Source of Water: Groundwater

If GROUNDWATER, Well Driller's Name: Epton Drilling Date Drilled: May '91

OPTIONAL: 2 wells

Pump horsepower: 30 + 30 Pressure (psi): 100 Dynamic pumping level (ft.): 80

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation _____ (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 1.6 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? ____ Yes ☒ No Installed? ____ Yes ☒ No

OR

Flow Measurement Port: Required? ____ Yes ☒ No Installed? ____ Yes ☒ No

8. Fee Enclosed: \$ 125.00 (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

Permittee

Name

Telephone No.

Address

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

Date

Signature (and title, if on behalf of a company or organization)

Scanned

36-8313

36-8313

State of Idaho
Department of Water Resources
Permit To Appropriate Water

AMENDED

NO. 36-08313

AMENDED

Proposed Priority: August 20, 1986 Maximum Diversion Rate: 1.60 CFS
This is to certify, that MICHAEL G. BRANCHFLOWER

KATHERINE L. BRANCHFLOWER

P.O. BOX 392

WENDELL, ID 833550000

RECEIVED

has applied for a permit to appropriate water from: GROUNDWATER
and a permit is APPROVED for development of water as follows: MAY 14 1991

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

Department of Water Resources
Southern Region Office

IRRIGATION

04/01 to 11/01

1.60 CFS

LOCATION OF POINT(S) OF DIVERSION:

SENE Sec. 3, Township 08S, Range 14E
NESE Sec. 3, Township 08S, Range 14E
GOODING County

PLACE OF USE: IRRIGATION

TWN RGE SEC

ACRES

ACRES

ACRES

TOTAL

08S 14E 3

SENE 39

NESE 40

79

Total number of acres irrigated:

79

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1993.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. Any license issued by IDWR pursuant to the permit or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
7. Diversion and use of water under this permit is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.

36-8313

State of Idaho
Department of Water Resources

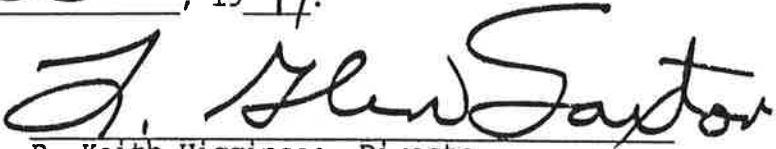
Permit To Appropriate Water

NO. 36-08313

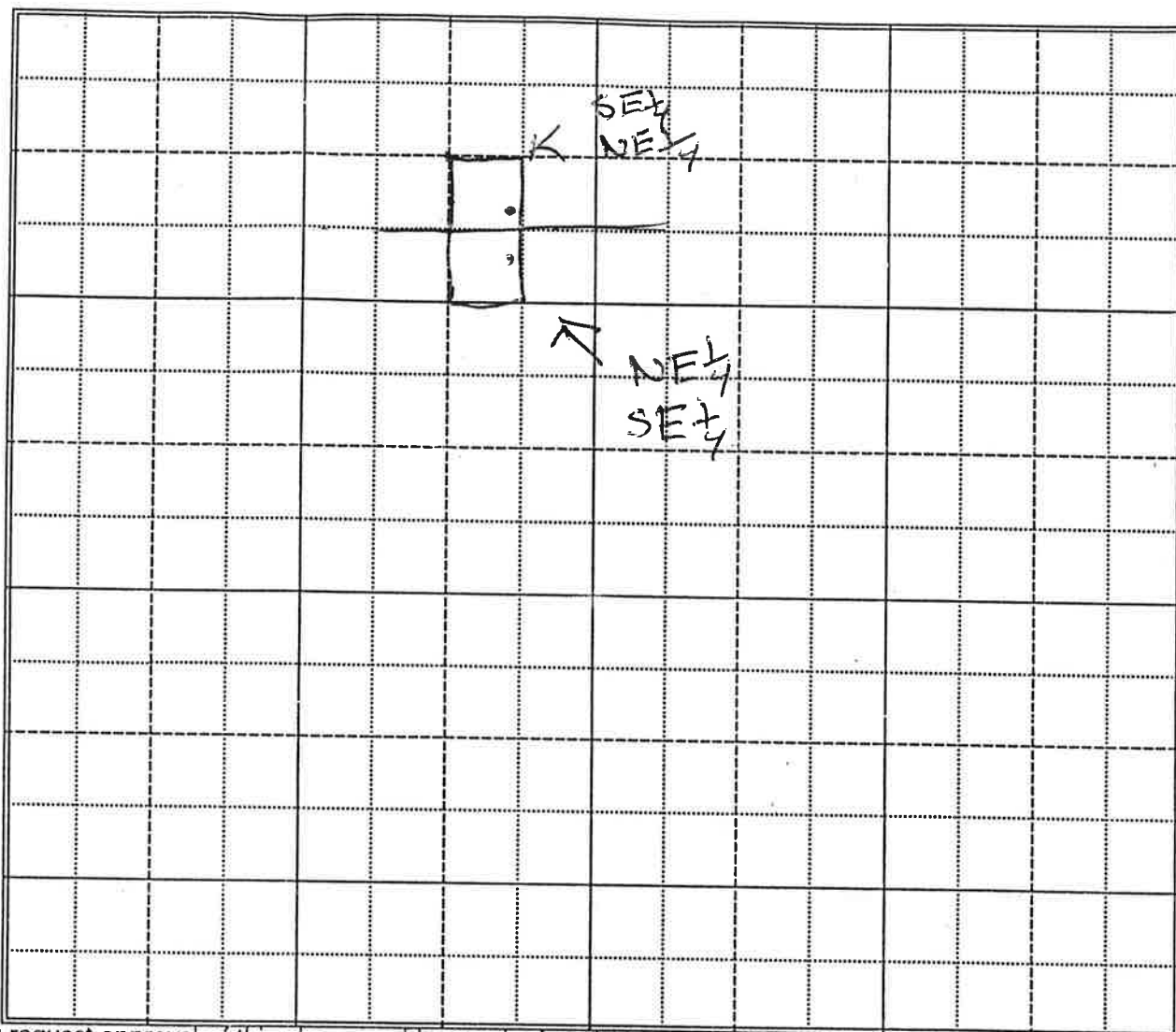
8. The Director retains jurisdiction of the permit and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
9. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

29th day of April, 1991.

for 
R. Keith Higginson, Director

Complete the following map by showing where the point of diversion and place of use are located as proposed by this amendment. (Scale: 1 block = 40 acres)



I hereby request approval of this change subject to the fact that no one will be injured by this change, and the change will be made at my own risk.

Signed this 20 day of Dec 19 90

[Signature]
Applicant

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Published in Gooding County, Idaho

Publication dates 1-9-1991 and 1-16-1991
connection 2-6-1991 and 2-13-1991

I, _____ of the Department of Water Resources hereby

RECORDED
INDEXED

MAR 28 1991

Signed this _____ day of _____ 19 _____

RECEIVED

State of Idaho
Department of Water Resources

APR 01 1986

Permit To Appropriate Water

Department of Water Resources
Southern Region Office

NO. 36-08313

Proposed Priority: August 20, 1986 Maximum Diversion Rate: 0.16 CFS
This is to certify, that MICHAEL G. BRANCHFLOWER

KATHERINE L. BRANCHFLOWER
P.O. BOX 392
WENDELL, ID 833550000

has applied for a permit to appropriate water from: GROUNDWATER
and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 11/01	0.16 CFS

LOCATION OF POINT(S) OF DIVERSION:

SENE	Sec. 3, Township 08S, Range 14E
NESE	Sec. 3, Township 08S, Range 14E
	GOODING County

<u>PLACE OF USE:</u>	<u>IRRIGATION</u>					
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08S	14E	3	SENE 39	NESE 40		79
Total number of acres irrigated:						79

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1993.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. Any license issued by IDWR pursuant to the permit or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
6. Diversion and use of water under this permit is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
7. The Director retains jurisdiction of the permit and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
8. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

36-8313

State of Idaho
Department of Water Resources

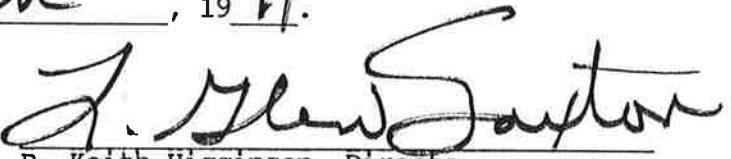
Permit To Appropriate Water

NO. 36-08313

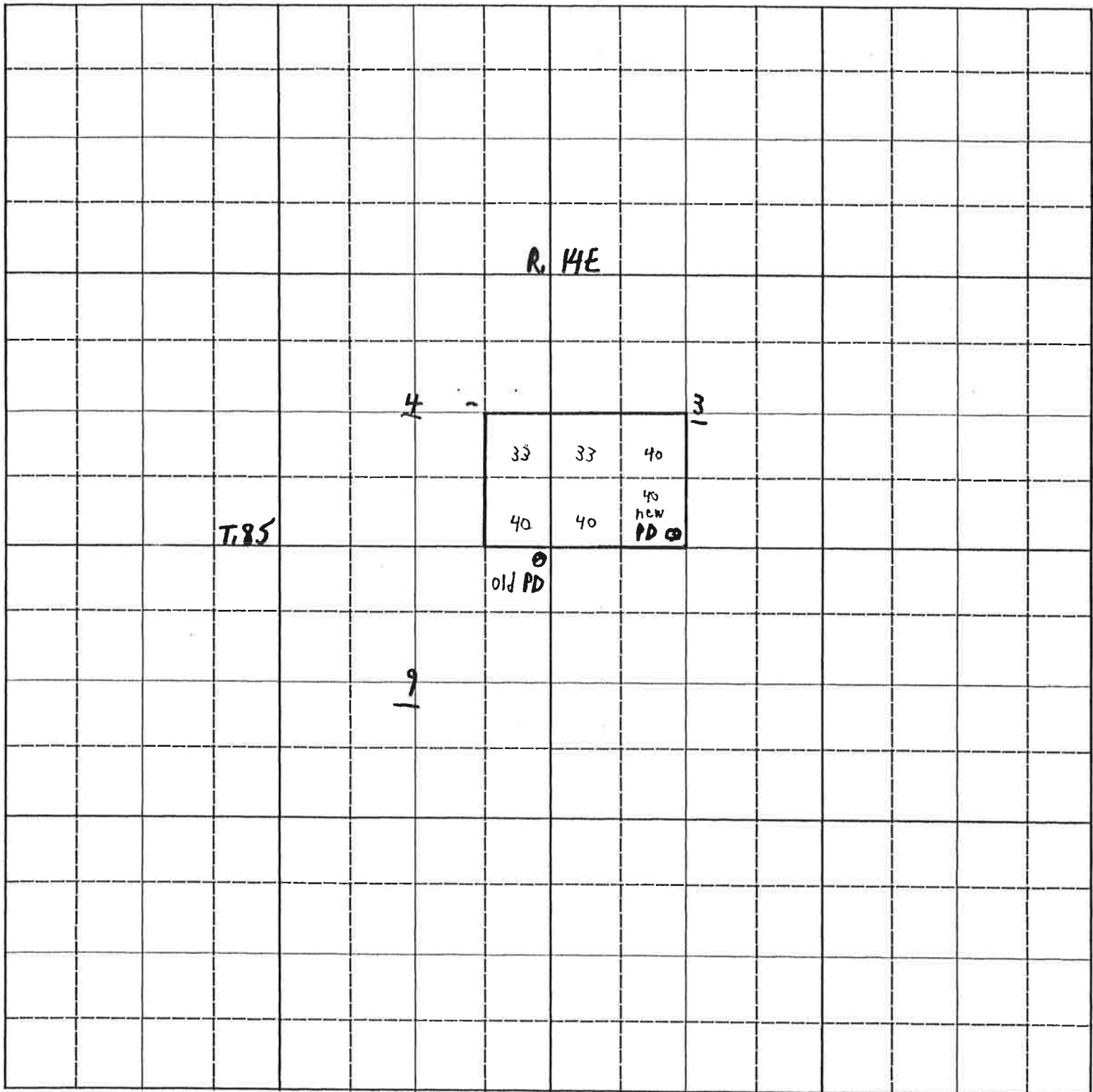
CONDITIONS/REMARKS:

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

21 day of March, 1991.

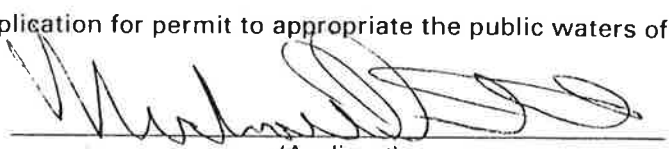
for 
R. Keith Higginson, Director

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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


(Applicant)

RECEIVED
Form 202
6-85

AUG 20 1986

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 36-8313

Date Sent to S.O. 10/4/96

Department of Water Resources
Sawtooth District Office

To appropriate the public waters of the State of Idaho

1. Name of applicant Michael G. &/or Katherine L. Branchflower Phone 536-2594

Post office address Box 392, Wendell, ID 83355

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____

Sec. 9 Township 8S Range 14E B.M. Gooding County; additional

points of diversion if any: SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 3 T. 8S R. 14E

4. Water will be used for the following purposes:

Amount 2.18 cfs for Irrigation purposes from Mar 15 to Nov 15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 2.18 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Existing & new wells & pumps, sprinklers

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.

c. Proposed well diameter is 12 inches; proposed depth of well is 150 feet.

d. Is ground water with a temperature of greater than 90°F being sought? No

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

36-8313

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

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for *Domestic*) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
8S	14E	3									40	33	40	40					153
		4													33			40	73

Total number of acres to be irrigated 226

10. Describe any other water rights used for the same purposes as described above. _____

Lic. 36-7377A (0.96 cfs) & Lic. 36-7547A (1.38 cfs)

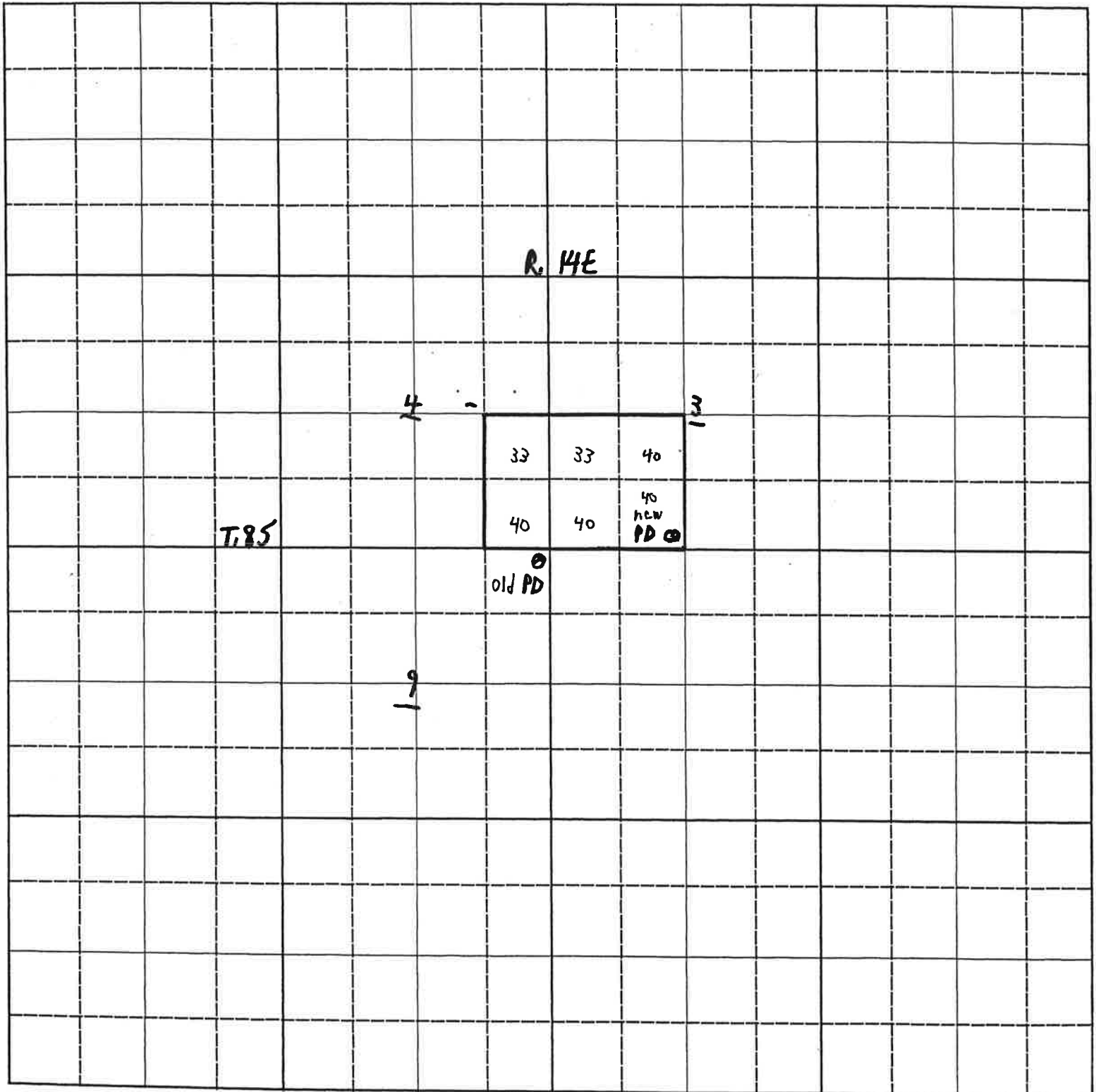
11. a. Who owns the property at the point of diversion? Applicants

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

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

12. Remarks: This filing will bring rights for existing land up to 1"/acre, and also includes 1"/acre for additional land to be watered.

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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


(Applicant)

Received by JA Date 8-20-86 Time 2 pm Preliminary check by _____
Fee \$ 85.00 Receipted by JA # 38666 Date 8-20-86
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

WATER RIGHT
BACKFILE IS
LOCATED IN

36-8313
