

779
T-1040

719
T-923

36-08252E
36-08063C

Branch Flower
Amendment Applications
Transfer to acres

383 = 36-15219B = T4054

5 = 36-08252E

15 = 36-08063C

33 = 36-08063C

733
T-992

837
T-1189

V 2 9 1994

Complete the following map by showing land and point of diversion as proposed by this amendment.
 Show 1/4 1/4, section, township, range and ditches. (the smallest subdivision represents 40 acres)

Scale: 2 inches equal 1 mile

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

Signed this 20 day of April, 1994. Oliver A. Brundage
 Permit Holder

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Preliminary check by J. J. Stanton Publication prepared by MB Date 6/30/94
 Published in Gooding Co. Leader Publication dates 7/13 + 7/20/94

I, R. KEITH HIGGINSON, of the Department of Water Resources hereby
 approve the above referenced application for amendment. See the attached
 sheet for the conditions of approval.

Witness my hand this 26TH day of OCTOBER, 1994.

R. Keith Higginson
 SIGNATURE

NOV 29 1994

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



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.

F. F. Manning
(Applicant)

h

i

k

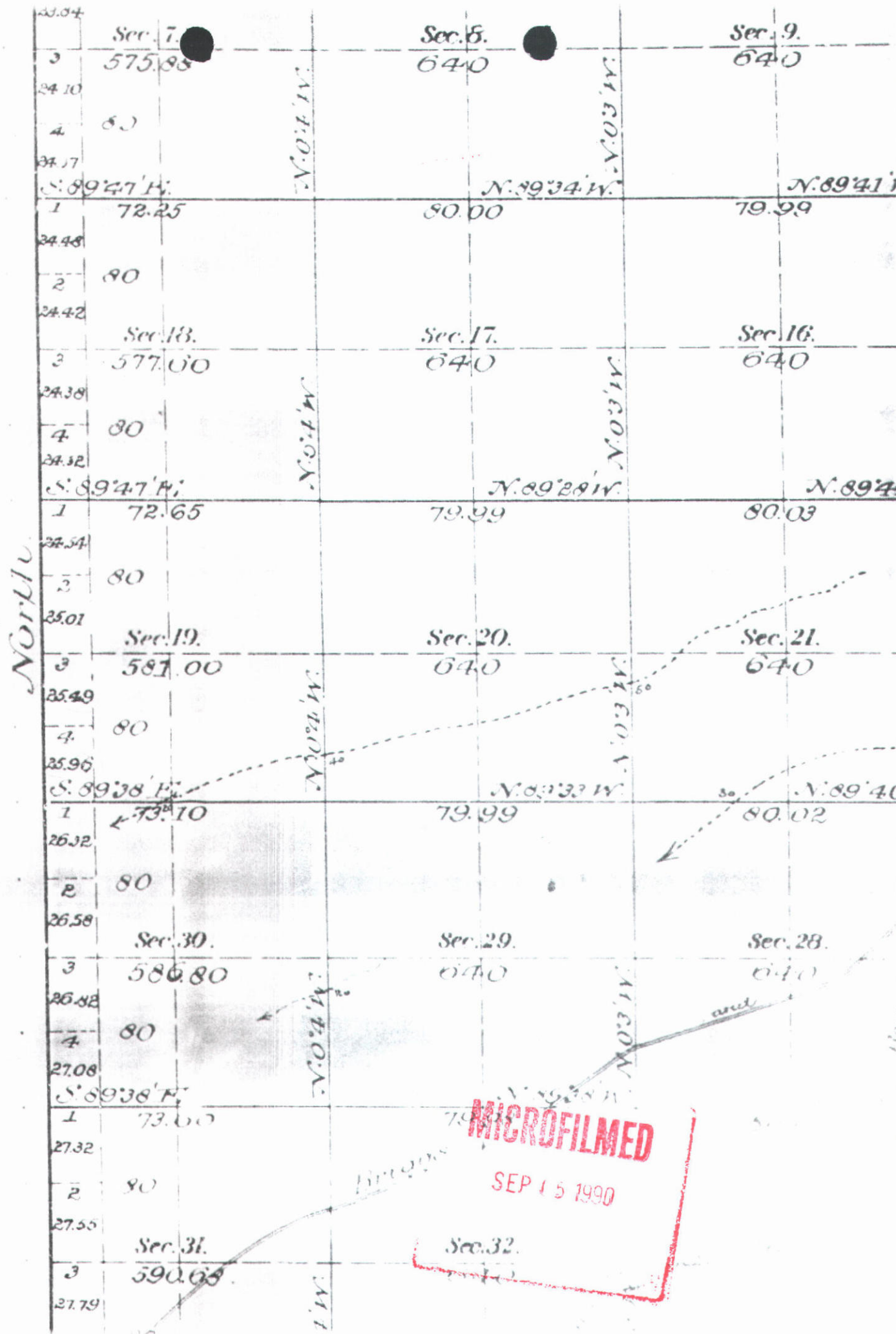
k

L

i

M

m



AFFIDAVIT of PUBLICATION

RECEIVED
JUL 27 1990

State of Idaho,)
) SS.
County of Gooding)

Department of Water Resources

Patty Nance, being first duly sworn,
deposes and says that he is the printer (publisher) of the Gooding
County Leader, a newspaper published every week in Gooding, County
of Gooding, State of Idaho, that said newspaper has been continuous-
ly and uninterruptedly published for a period of seventy-eight consecu-
tive weeks prior to the first publication of the annexed notice, and is
a newspaper qualified to publish legal notices as provided by act of
the 1919 session of the legislature of the State of Idaho, known as
House Bill 145; that the annexed advertisement was published once
each week for 2 consecutive issues in said newspaper
proper and not in a supplement; that the date of the first publication
of said advertisement was on the 18th day of July
19 90, and the date of the last publication was on the 25th
day of July, 19 90.

Patty Nance

Subscribed and sworn to before me this 25th
day of July, 19 90.
(SEAL)

Vivian Gandia
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice _____
Number of Insertions 2X

— Lines tabular at _____ 6¢/Pica
— 337.5 Lines straight at 16.18 5¢/Pica
— Subsequent lines at 13.50 4¢/Pica
TOTAL COST 30.38

COPY OF NOTICE (Paste Here)

Appl. Trust Water R.
TITLE OF NOTICE
F.F. Gunning
36-08252

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

BILL TO

NOTICE OF APPLICATION FOR TRUST WATER RIGHT 36-08252

GUNNING, F. F.
P.O. BOX 716
WENDELL, ID 83355
Source: GROUNDWATER
Diversion Pt: SESE Sec 24 T07S R15E
SWNE Sec 25 T07S R15E
Use: IRRIGATION (2,400 CFS)
Total Diversion: (2,400 CFS)
Date Filed: 10/17/1984
In: T07S R15E S24 SWNE SENE SWSW
SESW

NESE NWSE SWSE
120.0 ACRES TOTAL

The permit(s) will be subject to all prior
water rights. Protests may be submitted
based on the criteria of Sec. 42-203A,
Idaho Code and/or the new public in-
terest criteria of Sec. 42-203C, Idaho
Code. Protests must be filed with the
Director, Dept. of Water Resources,
Statehouse Mail, Boise, Idaho 83720 on
or before AUGUST 6, 1990.

R. Keith Higginson
Director
G12700

Pub:7-18, 25

FEES AND RATES (Idaho Code, Rev. Statutes 1984)

7-8 pt. per line straight.....5¢/Pica
7-8 pt. per line tabular.....6¢/Pica
7-8 pt. per line successive
insertions.....4¢/Pica

No 665

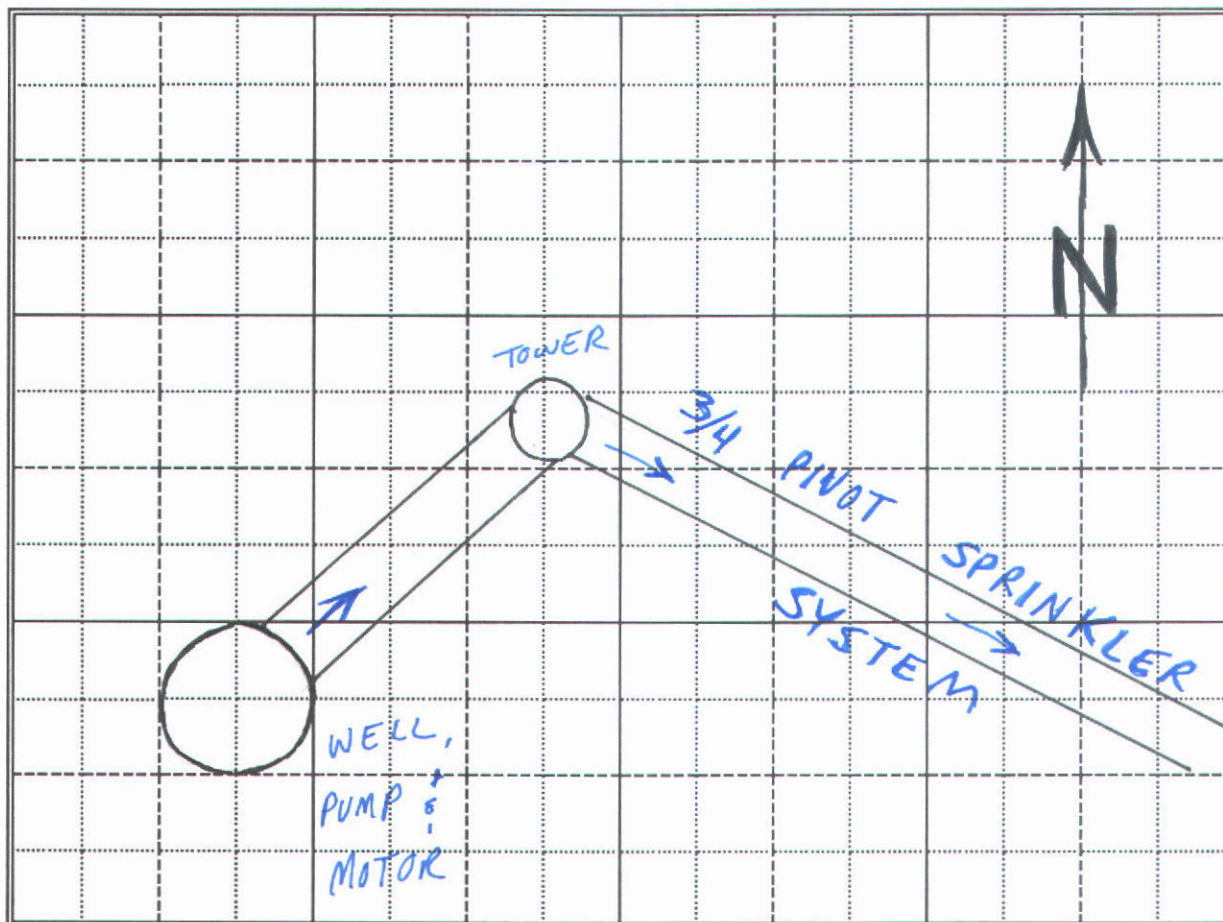
12700

MICROFILMED
SEP 05 1990

OK
JY2

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Rec	36-15219B	MICHAEL G BRANCHFLOWER,	GROUND WATER	08S14E3									33			33			33		99
Rec	36-7460B	KATHY L BRANCHFLOWER, MICHAEL G BRANCHFLOWER,	GROUND WATER	08S14E3									33			33			33		99
Right	36-15219B	MICHAEL G BRANCHFLOWER, KATHY L BRANCHFLOWER,	GROUND WATER	08S14E3									33			33			33		99
Right	36-7460B	KATHY L BRANCHFLOWER, MICHAEL G BRANCHFLOWER,	GROUND WATER	08S14E3									33			33			33		99
Right	36-8063C	MICHAEL G BRANCHFLOWER, KATHY L BRANCHFLOWER,	GROUND WATER	08S14E3									33			33			33		99
TRight	36-15219B	MICHAEL G BRANCHFLOWER, KATHY L BRANCHFLOWER,	GROUND WATER	08S14E3									33			33			33		99
TRight	36-7460B	KATHY L BRANCHFLOWER, MICHAEL G BRANCHFLOWER,	GROUND WATER	08S14E3									33			33			33		99
Rec	36-7377A	KATHERINE L BRANCHFLOWER, MICHAEL G BRANCHFLOWER,	GROUND WATER	08S14E3										33	39	2					74
Rec	36-7547A	KATHERINE L BRANCHFLOWER, MICHAEL G BRANCHFLOWER,	GROUND WATER	08S14E3										33	39	2					74
Rec	36-10916	MICHAEL G BRANCHFLOWER, KATHY L BRANCHFLOWER,	WASTE WATER	08S14E3										33	39	2					74
Rec	36-4021	KATHY L BRANCHFLOWER, MICHAEL G BRANCHFLOWER,	WASTE WATER	08S14E3										33	39	2					74
Right	36-4021	MICHAEL G BRANCHFLOWER, KATHY L BRANCHFLOWER,	WASTE WATER	08S14E3										33	39	2					74
Right	36-4246	LYNDELL S LEHMANN,	WASTE WATER	08S14E3										33	39	2					74
Permit	36-8252E	MICHAEL G BRANCHFLOWER, KATHY L BRANCHFLOWER,	GROUND WATER	08S14E3															4		4
Permit	36-8063C	MICHAEL G BRANCHFLOWER, KATHY L BRANCHFLOWER,	GROUND WATER	08S14E3															5		5
Rec	36-10033	SALMON FALLS LAND & LIVESTOCK CO INC,	GROUND WATER	08S14E3															15		15
Rec	36-10035	SALMON FALLS LAND & LIVESTOCK CO INC,	GROUND WATER	08S14E3																	104
Rec	36-15219A	LIBERTY TRUST,	GROUND WATER	08S14E3																	104
Rec	36-2166	SALMON FALLS LAND & LIVESTOCK CO INC,	GROUND WATER	08S14E3																	104
Rec	36-2178	SALMON FALLS LAND & LIVESTOCK CO INC,	GROUND WATER	08S14E3																	104
Right	36-15219A	LIBERTY TRUST,	GROUND WATER	08S14E3																	28
Right	36-2166	ROY VADER,	GROUND WATER	08S14E3																	28
Right	36-7377A	MICHAEL G BRANCHFLOWER, KATHERINE L BRANCHFLOWER,	GROUND WATER	08S14E3																	52
Right	36-7547A	MICHAEL G BRANCHFLOWER, KATHERINE L BRANCHFLOWER,	GROUND WATER	08S14E3										20	5						25
Right	36-8313A	KATHERINE L BRANCHFLOWER, MICHAEL G BRANCHFLOWER,	GROUND WATER	08S14E3										33	39						72
Right	5-Jan	NORTH SIDE CANAL CO,	SNAKE RIVER	08S14E3														30			0
Right	16-Jan	NORTH SIDE CANAL CO,	SNAKE RIVER	08S14E3																	0
Right	1-212	TWIN FALLS NORTH SIDE LAND & WATER, NORTH SIDE CANAL CO,	SNAKE RIVER	08S14E3																	0
Right	1-213	NORTH SIDE CANAL CO, TWIN FALLS NORTH SIDE LAND & WATER CO,	SNAKE RIVER	08S14E3																	0
Right	1-215	TWIN FALLS NORTH SIDE LAND & WATER CO, NORTH SIDE CANAL CO,	SNAKE RIVER	08S14E3																	0
Right	1-220	TWIN FALLS NORTH SIDE LAND & WATER CO, NORTH SIDE CANAL CO,	SNAKE RIVER	08S14E3																	0
Rec	36-15540	SALMON FALLS LAND & LIVESTOCK CO INC,	WASTE WATER	08S14E3																	104
Rec	36-15540	SALMON FALLS LAND & LIVESTOCK CO INC,	WASTE WATER	08S14E3					X	X											0

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = NO SCALE

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☒ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
GPS# A003428	G. E.	75	UD282017	LAYNE BOWLER	LP90169

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

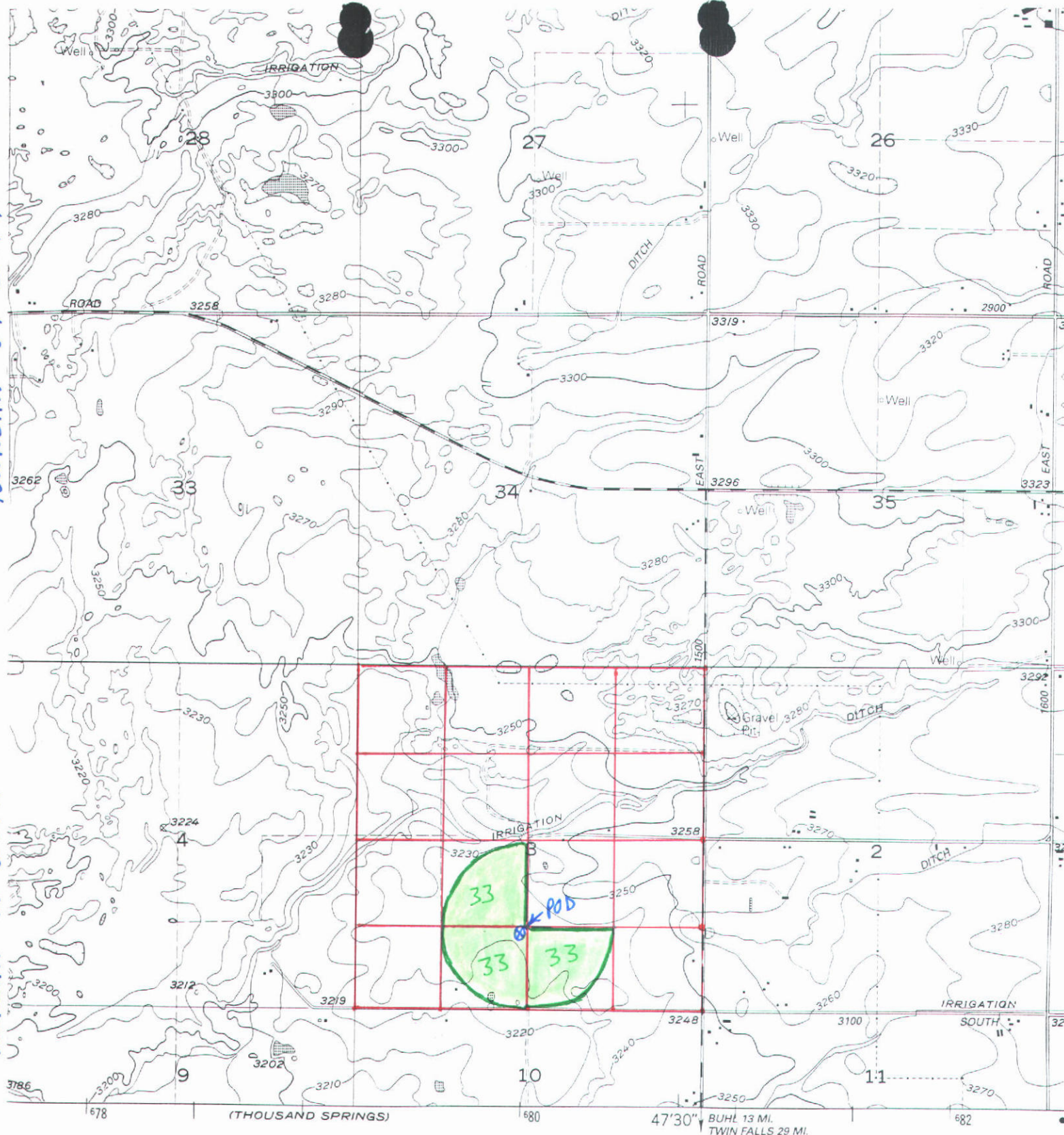
Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
POLYSONIC	?	?	?	?	?	?

2. Measurements: GARY SPACKMAN'S 07/31/95 FLOW MEASUREMENT (S)
USED TO DETERMINE MICROPILOT SYSTEM WERE USED. COPIES OF
RESULTS ARE ENCLOSED. 914 GPM (2.03 cfs) MEASURED

APR 11 2001

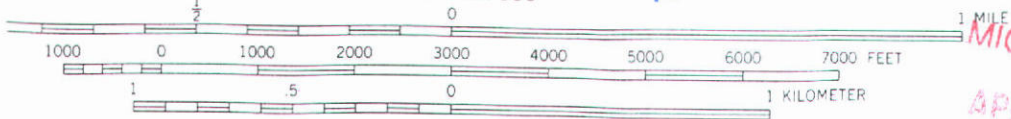
TOWNSHIP 07 SOUTH

TOWNSHIP 08 SOUTH



SCALE 1:24 000

RANGE 14 EAST



CONTOUR INTERVAL 10 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929

MICROFILMED
APR 11 2001

Primary high
hard surface...
Secondary high
hard surface...
Interst.



QUAD AA70

TUTTLE, IDAHO

COMPLIES WITH U.S. GEOLOGICAL SURVEY STANDARDS FOR SPATIAL ACCURACY-CLASS 2

36-08252E FIELD EXAM PHOTOS
TAKEN 05/29/98 BY COREY SKINNER

View looking south showing the following:

1: Well, pump, motor location that serves as the point of diversion.

2: Pipe that used to provide water from the North Side Canal Company system. Note that this pipe is not plumbed into the pivot sprinkler system.

The place of use is visible in the foreground and background of this view. Bare looking area to the right in this view is planted in silage corn. Green grassy areas are irrigated, and livestock graze in field (and on grass) after the crop is harvested.



View looking southwest at same area shown in photo above, arrows indicate the following:

A: Wooden post where GPS site tag (#A0003428) is attached.

B: Pipe that used to provide North Side Canal water to the irrigation system. Note that the pipe has been disconnected, and is not plumbed into the sprinkler system.



MICROFILMED

APR 11 2001

PIPE O.D.
8.435 IN

PIPE WALL THICKNESS
0.130 IN

PIPE I.D.
7.805 IN

PIPE MATERIAL
CARBON STEEL

TRANSDUCER SPACING
6.037 IN

SIGNAL STRENGTH UP
5.41

SIGNAL STRENGTH DOWN
5.41

4020:29 07-31-95

in. Rate 911.32 GPM
ex. Rate 915.78 GPM
vg. Rate 913.29 GPM
LOW RATE 913.23 GPM
ET TOT(X1) 982312 GAL

4020:29 07-31-95

in. Rate 910.13 GPM
ex. Rate 918.59 GPM
vg. Rate 913.82 GPM
LOW RATE 918.55 GPM
ET TOT(X1) 984140 GAL

404:29 07-31-95

in. Rate 909.61 GPM
ex. Rate 919.01 GPM
vg. Rate 913.92 GPM
LOW RATE 910.44 GPM
ET TOT(X1) 985967 GAL

406:29 07-31-95

in. Rate 908.35 GPM
ex. Rate 919.01 GPM
vg. Rate 912.35 GPM
LOW RATE 916.29 GPM
ET TOT(X1) 987702 GAL

408:29 07-31-95

in. Rate 908.35 GPM
ex. Rate 919.01 GPM
vg. Rate 912.35 GPM
LOW RATE 916.29 GPM
ET TOT(X1) 987702 GAL

08S1.4E

MICROFILMED

APR 1 1961

POSSIBLE CONTAMINATION SOURCES.

Is there evidence of Chemigal? ☐ Yes ☒ No

If yes, is there a check-valve present? ☐ Yes ☐ No

Is there a possible source of contamination nearby? ☐ Yes ☒ No

If yes, what Type? _____

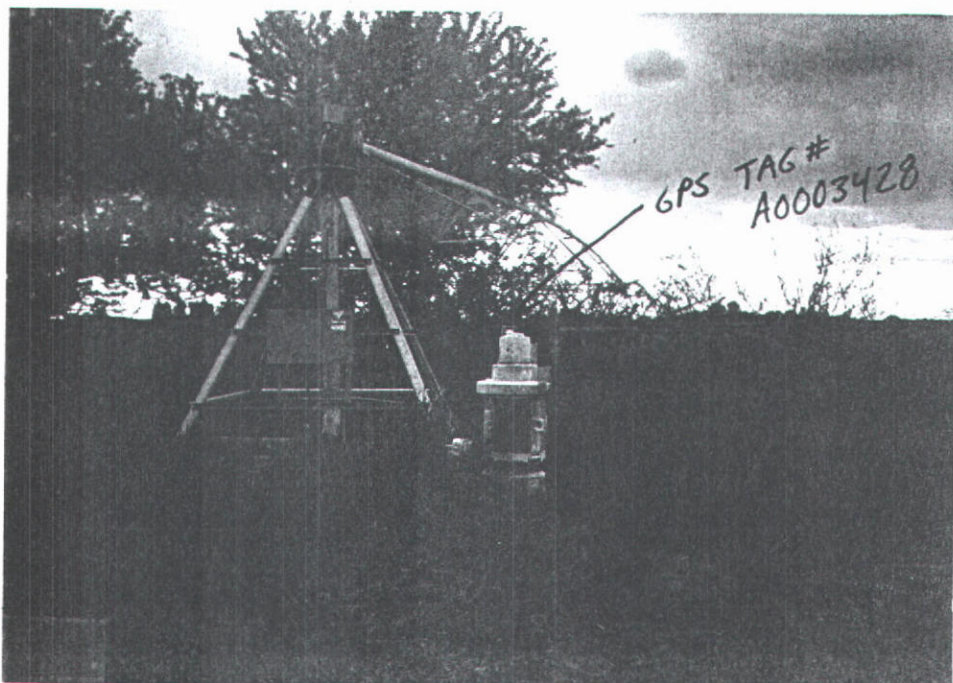
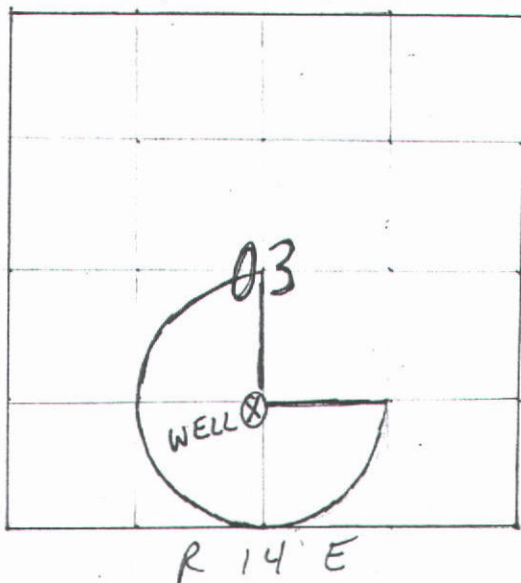
How far away from the well is this source? _____

9. REMARKS: WELL MAYBE DRILLED UNDER PERMIT #
36-90-S-0016-000? WELL HAS BEEN GPS ED.
SITE TAG # A0003428. LONGITUDE = 114.801320°
LATITUDE = 42.7575907° WHICH CORRESPONDS TO NESESW 1/4
OF SECTION 03 (T08S, R14E). WELL IS CLOSE TO 1/4 LINE(S).
WATER RIGHT 36-07460B HAS ALSO BEEN DIVERTED OUT OF THIS
WELL. TRANSFER HAS BEEN FILED TO CIST THIS WELL AS
36-07460B'S POINT OF DIVERSION

Cory Shuman E.I.T.
Signature of Dept. Representative & Title

05/29/98
Inspection Date

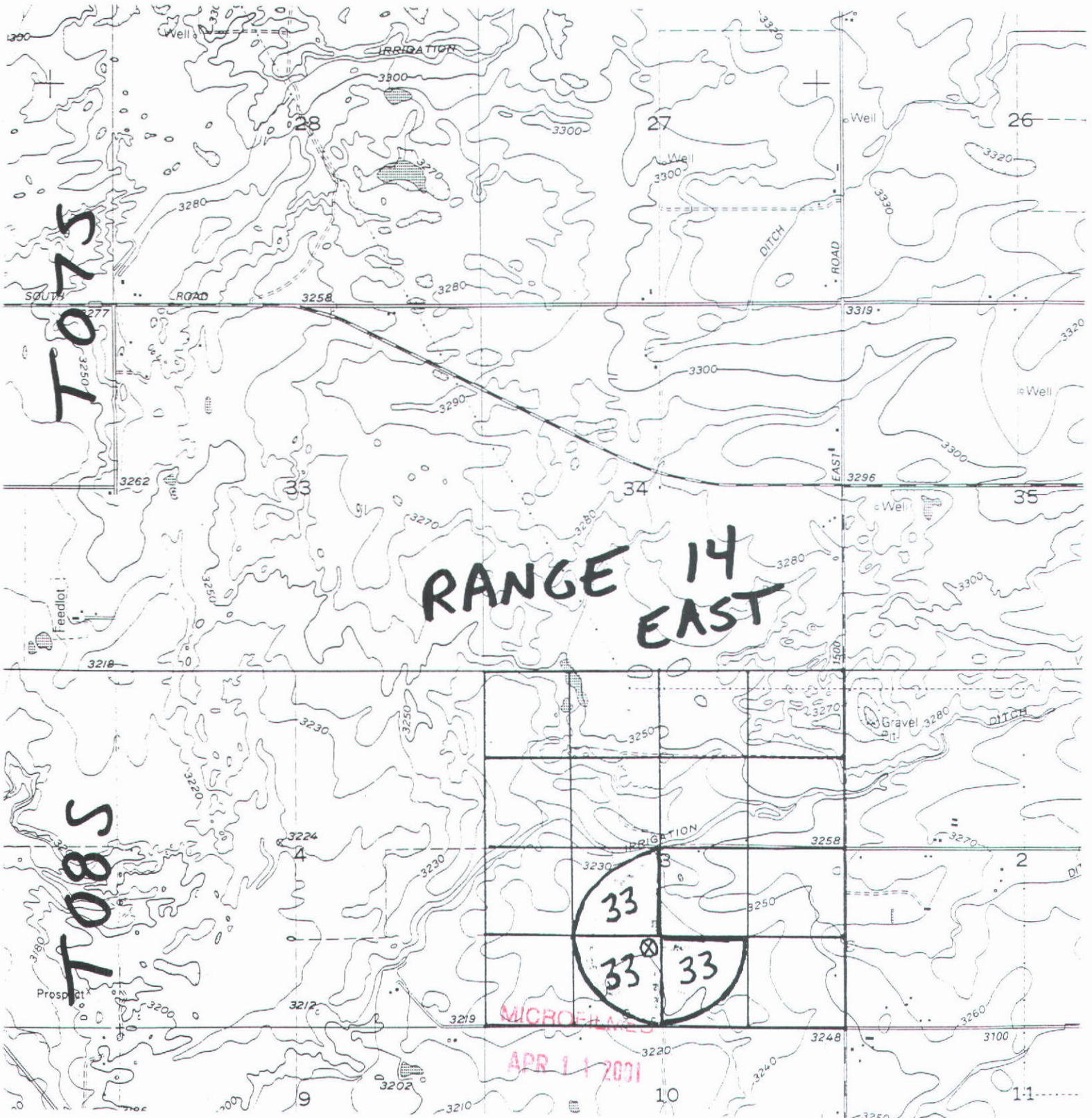
PHOTOS, DRAWINGS, OTHER ATTACHMENTS:



MICROFILMED
APR 11 2001

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.**



AFFIDAVIT of PUBLICATION

State of Idaho }
County of Gooding } ss.

JUL 28 1994

Department of Water Resources
Southern Region Office

Patty Nance, being first duly sworn, deposes and says that she is the printer (publisher) of the Gooding County Leader a newspaper published every week in Gooding County, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for

2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 13 day of July, 1994, and the date of the last publication was on the 20 day of July, 1994.

Subscribed and sworn to before me this 20 day of July, 1994.

(SEAL)

Charles Irish
NOTARY PUBLIC

#933/51029

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2x's

561.44 Lines tabular at _____ 6¢/Pica

Lines straight at \$28.07 5¢/Pica

Subsequent lines at 22.46 4¢/Pica

TOTAL COST \$50.53

COPY OF NOTICE

(Paste Here)

Notice of Amendment to a Water Permit

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Department of Water Resources

BILL TO

NOTICE OF AMENDMENT OF WATER PERMIT

NO. 36-08252B

Notice is hereby given that MIKE &/OR KATHY BRANCHFLOWER of Wendell, ID are the holders of Approved Permit No. 36-08252B with a priority date of 10/17/1984 authorizing the diversion of 2.02 cubic feet per second of water from groundwater within the SESE, S24, T07S, R15E; SWNE, S25, T07S, R15E; County of Gooding, to be used for irrigation of 101 acres within SWNE, SESW, NESW, SWSE, S24, T07S, R15E. An assignment of 0.52 cfs of Water Right No. 36-08252B creates Water Right 36-08252C and Water Right 36-08252D. Two Amendments of Water Right No. 36-08252C creates Water Right No. 36-08252E and Water Right No. 36-08252F.

This Application for Amendment proposes to change point of diversion and place of use.

The permit holder has applied to the Department of Water Resources for an Amendment to the Permit, to be changed as follows:

Amount: 0.10 cfs

Period of Use: 04/01 to 10/31

Point of Diversion: SESW, S3, T08S, R14E; Gooding County.

Place of Use: Five (5) acres within SWSE, S3, T08S, R14E; Gooding County.

Any protest against approval of the amending of Permit No. 36-08252C which creates Part E as set forth above must be filed with the Director, Idaho Department of Water Resources, 222 Shoshone Street East, Twin Falls, Id 83301 together with a protest fee of \$25 on or before August 1, 1994. The protestant must also send a copy of the protest to the applicant.

R. Keith Higginson, Director

Pub: 7/13-7/20

G51029

AFFIDAVIT of PUBLICATION

State of Idaho }
County of Gooding } ss.

1994

JUL 22 1994

Department of Water Resources
Southern Region Office

Patty Hance, being first duly sworn, deposes and says that she is the printer (publisher) of the Gooding County Leader a newspaper published every week in Gooding County, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for

2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 13 day of July, 1994, and the date of the last publication was on the 20 day of

July, 1994.

Patty Hance

Subscribed and sworn to before me this 20 day of

July, 1994.

(SEAL)

Charlene Irish

NOTARY PUBLIC

#935/51031

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2x's

Lines tabular at _____ 6¢/Pica

451 Lines straight at \$22.55 5¢/Pica

Subsequent lines at 18.04 4¢/Pica

TOTAL COST \$40.59

COPY OF NOTICE

(Paste Here)

Notice of Amendment to a Water Permit

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Department of Water Resources

BILL TO

NOTICE OF AMENDMENT TO A WATER PERMIT

NO. 36-08252D

Notice is hereby given that HILL BRANDSMA of Wendell, ID is the holder of a part of Approved Permit No. 36-08252B with a priority date of 10/17/1984 authorizing the diversion of 2.02 cubic feet per second of water from groundwater. An assignment of 0.52 cfs of Water Right No. 36-08252B creates Water Right No. 36-0252C and Water Right No. 36-0252D.

This Application for AMendment proposes to change point of diversion, place of use, and nature of use. The permit holder has applied to the Department of Water Resources for an Amendment to the Permit, to be changed as follows:

Use and Amount:

Stockwater (0.24 cfs)

Commercial (0.28 cfs)

Period of Use: 01/01 to 12/31

Point of Diversion: SENE, S14, T08S, R15E; Gooding County.

Place of Use: Within E1/2NE, S14, T08S, R15E; Gooding County.

Any protest against approval of the amending of Permit No. 36-08252, Part D as set forth above must be filed with the Director, Idaho Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of \$25 on or before August 1, 1994. The protestant must also send a copy of the protest to the applicant.

R. Keith Higginson, Director

Pub: 7/13-7/20

G51031

#935

JUN 27 1995

WATER RIGHT NUMBER	NAME	CFS
36-08252	SPLIT BY ASSIGNMENT INTO PARTS A & B.	
36-08252A	GUNNING , F F - VOIDED	
36-08252B	SPLIT BY ASSIGNMENT INTO PARTS C & D. SEE 36-08252C.	
36-08252C	SPLIT BY AMENDMENT INTO PARTS E & F. SEE 36-08252E.	
36-08252D	BRANDSMA , HILL BANK OF AMERICA	0.52
36-08252E	BRANCHFLOWER , MIKE BRANCHFLOWER , KATHY	0.10
36-08252F	BRANCHFLOWER , MIKE - LAPSED	1.40

MICROFILMED
MAR 03 2001MICROFILMED
MAY 16 2002

Lapsed

MICROFILMED
MAY 16 2002

Part F- ^{left}~~right~~ side

Part **E** - left side

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 36-08252E

Priority: October 17, 1984

Maximum Diversion Rate: 0.10 CFS
Maximum Diversion Volume: 20.0 AF

It is hereby certified that SOUTHFIELD DAIRY
3308 S 1600 E
WENDELL ID 83355 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated October 17, 1984; and has
submitted Proof of Beneficial Use on November 02, 1994. An examination indicates that the works have
a diversion capacity of 2.03 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	03/15 to 11/15	0.10 CFS	20.0 AF

LOCATION OF POINT OF DIVERSION:

GROUND WATER NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 3, Twp 08S, Rge 14E, B.M., GOODING County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	14E	3																	

Total Acres: 99

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 5 acres within the place of use described above in a single irrigation season.
2. Rights 36-07460B, 36-15219B and 36-08063C are also diverted through the point of diversion described above.
3. Rights 36-07460B, 36-15219B, 36-08063C and 36-08252E when combined shall not exceed the irrigation of 99 acres.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

MICROFILMED
MAY 16 2002

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 36-08252E

5. Use of water under this water right will be regulated by the watermaster of State Water District No. 130.
6. Diversion and use of water under this right is subject to rules that may subsequently be promulgated for existing rights used for supplemental purposes.
7. 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.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 9TH day of MAY, 2002.

Acting for


KARL J. DREHER
Director

MICROFILMED
MAY 16 2002

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 36-08252E

RECEIVED

APR 18 2002

Department of Water Resources

Date of Priority: October 17, 1984

Maximum Diversion Rate: 0.10 CFS

Maximum Diversion Volume: 20.0 AF

Comes now MICHAEL G BRANCHFLOWER And KATHY L BRANCHFLOWER
PO BOX 575

HAGERMAN ID 83332-0575 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. 36-08252E, and requests that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.10 CFS	20.0 AF

LOCATION OF POINT OF DIVERSION:

GROUND WATER NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 3, Twp 08S, Rge 14E, B.M., GOODING County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S 14E 3									33.0				33.0				99.0

Total Acres: 99

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this _____ day of _____, 200__.

Anthony J. Smith
(Signature)

MICROFILMED

MAY 16 2002

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 36-08252E

FOR DEPARTMENT USE ONLY
Preliminary check by KW Fee = \$50.00 Received by JM # C061481 Date 4/18/02

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 36-08252E with the following:

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 5 acres within the place of use described above in a single irrigation season.
2. Rights 36-07460B, 36-15219B and 36-08063C are also diverted through the point of diversion described above.
3. Rights 36-07460B, 36-15219B, 36-08063C and 36-08252E when combined shall not exceed the irrigation of 99 acres.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 130.
6. Diversion and use of water under this right is subject to rules that may subsequently be promulgated for existing rights used for supplemental purposes.
7. 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.

Witness my hand this 9TH day of MAY, 2002.

Acting for


KARL J. DREHER
Director

MICROFILMED

MAY 16 2002

11/99

For Office Use Only
\$25 filing fee
Receipt # 5024870
Date 4/25/2002

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 26 2002

Department of Water Resources
Southern Region

ASSIGNMENT OF PERMIT

To change the ownership of a permit

I, Mike & Kathy Branchbauer, hereby assign to Southfield Dairy
of, 3308 S. 1600 E. Wendell, Idaho 83353
(Full Address) (Phone)

All my right, title, and interest in and to Permit No. 3608252E to
appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to for
Permit No. _____ to appropriate the public waters of the State of Idaho.
(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre
subdivision, point of diversion location, and amount of the water in cubic feet per second.)

Made this 19 day of April, 2002.

Permit Holder(s)

Kathy Branchbauer

State of Idaho)
County of Gooding)ss

On this 19 day of April, 2002, personally appeared before me the signer(s) of the above
instrument, who duly acknowledged to me that he (she) (they) executed the same.

Matthew G. Bunn
Notary Public residing at

SEAL

Wendell Id

My commission expires: 12-5-2003

MICROFILMED

MAY 15 2002

7/94

L G E U V

FOR OFFICE USE ONLY

Amt. of Fee \$: 50Receipt No. 5017515Receipt By: MTSDate Received: 11-2-94

NOV 02 1994

STATE OF IDAHO

Department of Water Resources

DEPARTMENT OF WATER RESOURCES

Southern Region Office

RECEIVED

PROOF OF BENEFICIAL USE NOV 7 1994

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 be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 36-08252 E Telephone No. 536-2594
2. Name(s) of Permit Holder(s): Mike & Kathy Branchflower
3. Mailing Address: P.O. Box 392; Wendell ID 83355
4. Source of Water: Groundwater If GROUNDWATER (well), Date Drilled: mo. / yr. 1990
- a. Well Driller: Eaton Drilling Permit Number: - -

b. OPTIONAL:

Pump Horsepower: Pressure (psi): Dynamic pumping level (ft):

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): Stockwater (No. and type of stock): Irrigation (No. of acres): 5 Other: 6. Total rate of diversion and/or volume for which proof is submitted: cfs OR acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes ☒ or No ☐

Has the measuring device been installed?

Yes ☒ or No ☐

Flow Measurement Port: Is a flow measurement port required?

Yes ☒ or No ☐

Has the measurement port been installed?

Yes ☒ or No ☐8. Fee Enclosed: \$ 50 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

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

Name: Same as above Telephone Number: 536 2594Address: Box 392 Wendell 83355

10. The information given on this form 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.

Signature of permit holder: [Signature]

(Include your title, if on behalf of company or organization)

OWNER

Date: 11/02/94

NOV 29 1994

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 36-08252E	)	ORDER EXTENDING
	)	PROOF OF
IN THE NAME OF MIKE & KATHY BRANCHFLOWER	)	BENEFICIAL USE
_____	)	

WHEREAS, the Department has issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use be submitted on or before October 1, 1994; and,

WHEREAS, notice was not given to the permit holder sixty days prior to the date that proof of beneficial use of water was due as required by Section 42-204, Idaho Code;

IT IS THEREFORE HEREBY ORDERED that the time within which to submit the proof of beneficial use of water under Permit No. 36-08252E be extended to January 1, 1995.

Dated this 28th day of October, 1994.



L. GLEN SAXTON
Chief, Water Allocations Bureau

NOV 19 1994

RECEIVED

APPROVED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Receipt No. 5016795
Received By MFS
Date 4-21-94

MAY 03 **APPLICATION FOR AMENDMENT OF A PERMIT**

Department of Water Resources

Southern Region Office

Applicant Mike and/or Kathy Branchflower

Phone 536-2594

Address PO Box 392; Wendell, ID 83355

I am the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 36-08252E, and request that the permit and permit map be amended and/or changed as follows:

Purpose of Amendment: X Change point of diversion Add point of diversion
X Change place of use Change nature of use Change period of use Other

1. Point of diversion: 1/4 SE 1/4 SW 1/4, Section 3, Township 8S, Range 14E, B.M.,
County of Gooding. Other points of diversion

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

Amount .10 for Irrigation purposes from 4-1 to 10-31 (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)

Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)

Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)

3. Place of use or land to be irrigated:

T w p	R g e	S e c	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8S	14E	3															5		5

Total number of acres to be irrigated = 5

4. a. Who owns the property at the point of diversion? applicant
b. Who owns the land to be irrigated at the place of use? 11
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

RECEIVED

AUG 09 1994

NOV 29 1994

Department of Water Resources

Show 1/4 1/4, section, township, range and ditches. (the smallest subdivision represents 40 acres)

85, 14 E

3

P/D

5

Scale: 2 inches equal 1 mile

Signed this 21 day of April, 1994.

Permit Holder

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Preliminary check by G.F. Stanton Publication prepared by msb Date 7/30/94
Published in Gooding Co. Leader Publication dates 7/13 & 7/20/94

I, R. KEITH HIGGINSON, of the Department of Water Resources hereby
approve the above referenced application for amendment provided the conditions as set
forth in permit No. 36-08252 are met.

Witness my hand this 26th day of OCTOBER, 1994 NOV 29 1994

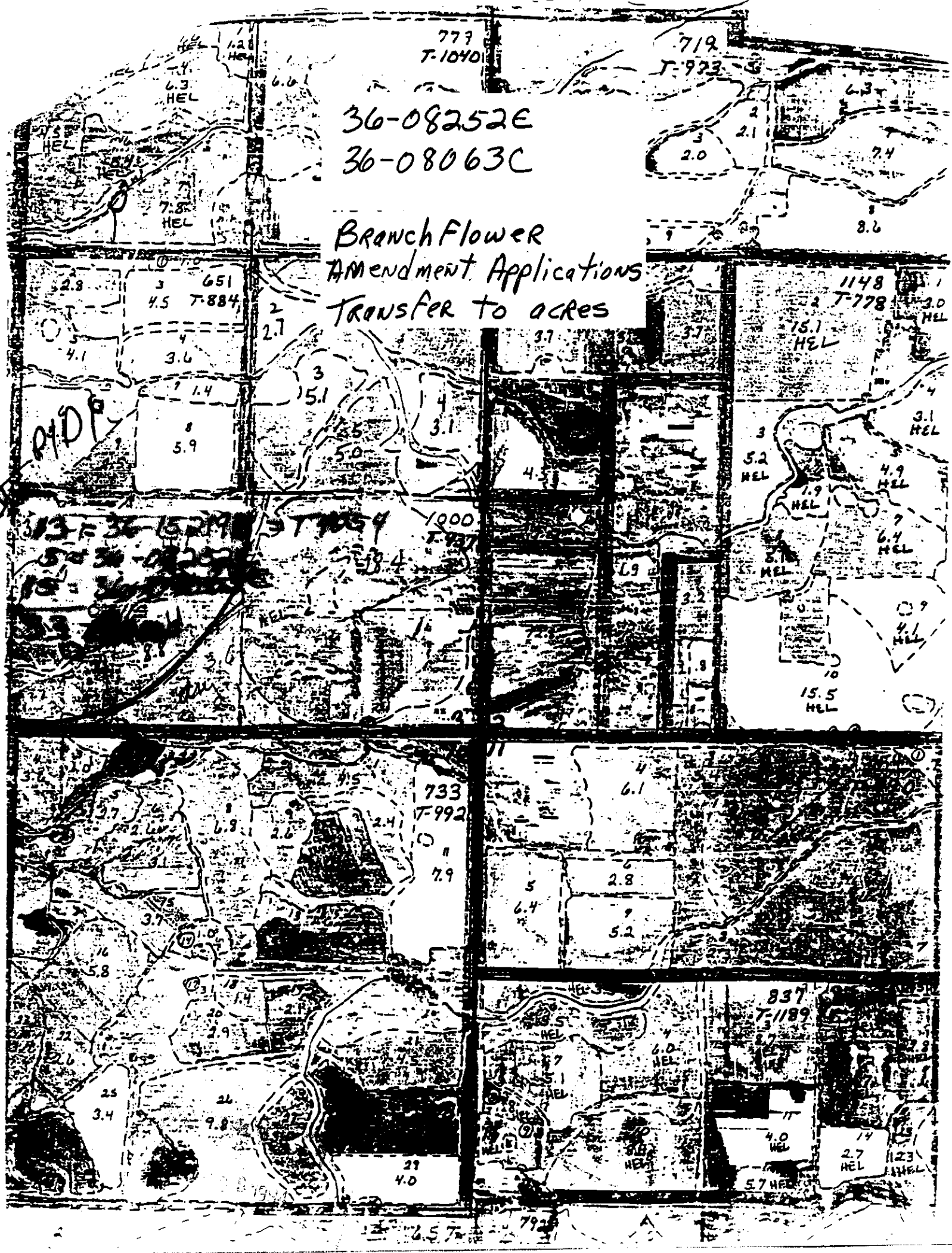
SIGNATURE

779
T-1040

719
T-973

36-08252E
36-08063C

Branch Flower
Amendment Applications
Transfer to acres



Part D - left side

Bank of America



David W. Read

Vice President

Client Manager

Chino Valley Office

Banking Office 1444

Bank of America

CA7-154-02-02

12747 Central Avenue, 2nd Floor

Chino, CA 91710-3555



Official Sponsor

MICROFILMED

NOV 15 2002

909.464.2443

888.287.6414

Net 464.2443

Fax 909.591.5702

david.read@bankamerica.com

1/99

For Office Use Only
\$25 filing fee \$25.00
Receipt # C052582
Date 3.6.01

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

Bank of America Nat'l Trust & Savings AND

I, Hill Brandsma, hereby assign to Kenneth and/or Debra Brandsma and
of, 3227 S 2200 E, Wendell, ID 83355 Bank of America NA
(Full Address) (Phone) 208-536-5200

All my right, title, and interest in and to Permit No. _____ to
appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to for
Permit No. 36-08252D to appropriate the public waters of the State of Idaho.
(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre
subdivision, point of diversion location, and amount of the water in cubic feet per second.)

.52 cfs for a commercial dairy located in T08S, R15E, Sec. 14, SENE:
Stockwater @.24 cfs and Commercial @.28 cfs, and as such may be
amended.

Made this 22nd day of March, 2001.

Permit Holder(s) David Read
Agent for Bank of America

State of Idaho)
County of _____) ss See Attached

On this _____ day of _____, 20____, personally appeared before me the signer(s) of the above
instrument, who duly acknowledged to me that he (she) (they) executed the same.

Notary Public residing at _____

SEAL

My commission expires: _____

NOTE: THIS ASSIGNMENT IS VALID ONLY WHEN FILED IN CONJUNCTION WITH ASSIGNMENT
SIGNED BY HILL BRANDSMA.

MICROFILMED

MICROFILMED

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
 County of San Bernardino
 On March 22, 2001 before me, Bette Bailey
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
 personally appeared David Read
Name(s) of Signer(s)

☒ personally known to me – OR – ☐ proved to me on the basis of satisfactory evidence 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 in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Bette Bailey
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: State of Idaho Dept of Water Resources Assignment Permit
 Document Date: 3/22/01 Number of Pages: 1
 Signer(s) Other Than Named Above: Hill Brandsma

Capacity(ies) Claimed by Signer(s)

Signer's Name: David Read

- ☐ Individual
☒ Corporate Officer
 Title(s): VP
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer Is Representing:

Bank of America

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer
 Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer Is Representing:

_____ MICROFILM

11/99

For Office Use Only
\$25 filing fee \$25.00
Receipt # 4052582
Date 3.6.01

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

Bank of America Nat'l Trust & Savings ~~AND~~

I, Hill Brandsma, hereby assign to Kenneth and/or Debra Brandsma
of, 3227 S 2200 E, Wendell, ID 83355 208-536-5200
(Full Address) (Phone)

All my right, title, and interest in and to Permit No. _____ to
appropriate the public waters of the State of Idaho. **RECEIVED**

OR (for partial assignments)

The following described portion of my right, title, and interest in and to for ~~Permit No. 36-08252D~~
Permit No. 36-08252D to appropriate the public waters of the State of Idaho.
(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre
subdivision, point of diversion location, and amount of the water in cubic feet per second.)

.52 cfs for a commercial dairy located in T08S, R15E, Sec. 14, SENE:
Stockwater @ .24 cfs and Commercial @ .28 cfs, and as such may be
amended.

Made this _____ day of _____, 20____.

Hill Brandsma
Permit Holder(s)

Hill Brandsma

State of Idaho)
)ss
County of Caribou

On this 15 day of March, 2001, personally appeared before me the signer(s) of the above
instrument, who duly acknowledged to me that he (she) (they) executed the same.

Notary Public residing at

SEAL

My commission expires: 12.5.2001

NOTE: THIS ASSIGNMENT IS VALID ONLY WHEN FILED IN CONJUNCTION WITH ASSIGNMENT
SIGNED BY AGENT FOR BANK OF AMERICA.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Security Interest in a Water Right

And Request for Notification of a Change in Ownership or Any Proposed Or Final Action to Amend, Transfer, or Otherwise Modify a Water Right

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

RECEIVED
DEC 19 2000
Department of Water Resources
Southern Region

RECEIVED

DEC 19 2000

Department of Water Resources

1. Water Right No(s): 36-08252D
- Adjudication Claim No(s): _____
2. The following **REQUIRED** information must be submitted with this form:
- A) Evidence of the security interest. This may be a copy of a **DEED OF TRUST, MORTGAGE, CONTRACT OF SALE** or other legal document indicating your interest in the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
- B) A **FEE** of \$25.00 per water right or adjudication claim.
3. Name and Mailing Address of Person or Company holding Security Interest
- Bank of America
1560 E. Shaw Avenue
Fresno, CA 93710-8046
4. Name of Water Right Owner/Claimant(s) Kenneth Brandsma and Debra Brandsma
5. Expiration Date of Notification Period December 1, 2015
6. Is this a Renewal of Request for Notification? ☒ YES ☐ NO
7. Signature(s) (and title if applicable) Bank of America, N.A.
By: [Signature]
David W. Read, Vice President

For Office Use Only

Received by SOUTHERN Date 12.19.00 Fee \$25.00
 Received by J. MAS Date 1.10.01 Receipt No. C051816
 Processed by AJ Date WR Ret Date 2.20.01

MICROFILMED

Bank of America**Fax Cover Sheet**

To: Kari Lynn Townsend

Company: State of Idaho Department of Water Resources

Telephone Number: 208-327-7900

Fax Number: 208-327-7866

Date: February 16, 2001
From: Gail Zenimura-Dunn

Re: 36-08252 D

Department: Fresno CLSC #1631

Telephone Number: (559) 265-6353

Fax Number: (559) 265-6302

Number of pages including this cover sheet: 20

If transmission problems occur, please call: Attorney/Client Privilege

Per your request I have enclosed a copy of the recorded Mortgage and legal description to secure our interest in the Water Rights No. 36-08252D.

The information contained in this FAX message is intended only for the confidential use of the designated recipient named above. This message may contain contractual and proprietary information and as such is privileged and confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error, and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the message to us by mail.

MICROFILMED

real property; all development rights or credits and air rights; all water and water rights (whether riparian, appropriative, or otherwise, and whether or not appurtenant to such real property) and shares of stock pertaining to such water or water rights, including but not limited to 110 shares of Northside Canal Company, Limited stock and Idaho Department of Water Resources water right no. 36-08252D, ownership of which affect such real property; all minerals, oil, gas, and other hydrocarbon substances and rights thereto in, on, under, or upon such real property;

(d) All existing and future leases, subleases, subtenancies, licenses, occupancy agreements and concessions relating to the use and enjoyment of all or any part of such real property, and any and all guaranties and other agreements relating to or made in connection with any of the foregoing;

(e) All proceeds, including all claims to and demands for them, of the voluntary or involuntary conversion of any of the real property, buildings or the other property described above into cash or liquidated claims, including proceeds of all present and future fire, hazard or casualty insurance policies, whether or not such policies are required by Mortgagee, and all condemnation awards or payments now or later to be made by any public body or decree by any court of competent jurisdiction for any taking or in connection with any condemnation or eminent domain proceeding, and all causes of action and their proceeds for any breach of warranty, misrepresentation, damage or injury to, or defect in, the real property, buildings or the other property described above or any part of them; and

(f) All proceeds of, additions and accretions to, substitutions and replacements for, and changes in any of the property described above.

1.2 Fixture Filing. This Mortgage constitutes a financing statement filed as a fixture filing under Section 28-9-402(6) of the Idaho Uniform Commercial Code, as amended or recodified from time to time, covering any Property which now is or later may become a fixture attached to the real property described in Paragraph 1.1(a) or any building located thereon.

2. THE SECURED OBLIGATIONS.

2.1 Purpose of Securing. Mortgagor makes the grant, conveyance, transfer and assignment set forth in Section 1 for the purpose of securing the following obligations (the "Secured Obligations") in any order of priority that Mortgagee may choose:

(a) Payment of all obligations of Kenneth Brandsma ("Obligor") to Mortgagee arising under the following instrument(s) or agreement(s) (the "Debt Instrument"):

A certain Business Loan Agreement dated as of December 1st, 2000, between Obligor and Mortgagee which provides for extensions of credit in a principal amount not exceeding Nine Hundred Fifty Thousand Dollars (\$950,000.00), and with a maturity date of December 1, 2015.

This Mortgage also secures payment of all obligations of Obligor under the Debt Instrument which arise after the Debt Instrument is extended, renewed, modified or amended pursuant to any written agreement between Obligor and Mortgagee, and all obligations of Obligor under any successor agreement or instrument which restates and supersedes the Debt Instrument in its entirety.

MICROFILM

44-111-10

(b) Payment and performance of all obligations of Mortgagor under this Mortgage;

(c) Payment and performance of all obligations of Obligor under any Swap Contract with respect to which there is a writing evidencing the parties' agreement that said Swap Contract shall be secured by this Mortgage. "Swap Contract" means any document, instrument or agreement with Mortgagee, now existing or entered into in the future, relating to an interest rate swap transaction, forward rate transaction, interest rate cap, floor or collar transaction, any similar transaction, any option to enter into any of the foregoing, and any combination of the foregoing, which agreement may be oral or in writing, including, without limitation, any master agreement relating to or governing any or all of the foregoing and any related schedule or confirmation, each as amended from time to time; and

(d) Payment and performance of all future advances and other obligations that Mortgagor (or any successor in interest to Mortgagor) or Obligor (if different from Mortgagor) may agree to pay and/or perform (whether as principal, surety or guarantor) to or for the benefit of Mortgagee, when a writing signed by Mortgagor (or any successor in interest to Mortgagor) evidences said parties' agreement that such advance or obligation be secured by this Mortgage.

This Mortgage does not secure any obligation which expressly states that it is unsecured, whether contained in the foregoing Debt Instrument or in any other document, agreement or instrument.

2.2 Terms of Secured Obligations. All persons who may have or acquire an interest in all or any part of the Property will be considered to have notice of, and will be bound by, the terms of the Debt Instrument described in Paragraph 2.1(a) and each other agreement or instrument made or entered into in connection with each of the Secured Obligations. These terms include any provisions in the Debt Instrument which permit borrowing, repayment and reborrowing, or which provide that the interest rate on one or more of the Secured Obligations may vary from time to time.

2.3 Future Advances. Pursuant to Idaho Code Section 45-108 or any successor statutes, the lien of this Mortgage may, at the option of Mortgagee, secure future advances made by Mortgagee, up to a maximum principal amount of \$950,000.00, together with interest thereon, with a priority dating from the time that this instrument is recorded in the office of the appropriate county recorder.

3. ASSIGNMENT OF RENTS

3.1 Assignment. Mortgagor hereby irrevocably, absolutely, presently and unconditionally assigns to Mortgagee all rents, royalties, issues, profits, revenue, income and proceeds of the Property, whether now due, past due or to become due, including all prepaid rents and security deposits (collectively, the "Rents"), and confers upon Mortgagee the right to collect such Rents with or without taking possession of the Property. In the event that anyone establishes and exercises any right to develop, bore for or mine for any water, gas, oil or mineral on or under the surface of the Property, any sums that may become due and payable to Mortgagor as bonus or royalty payments, and any damages or other compensation payable to Mortgagor in connection with the exercise of any such rights, shall also be considered Rents assigned under this Paragraph. This is an absolute assignment, not an assignment for security only.

MICROFILMED

3.2 Grant of License. Notwithstanding the provisions of Paragraph 3.1, Mortgagee hereby confers upon Mortgagor a license ("License") to collect and retain the Rents as they become due and payable, so long as no Event of Default, as defined in Paragraph 5.2, shall exist and be continuing. If an Event of Default has occurred and is continuing, Mortgagee shall have the right, which it may choose to exercise in its sole discretion, to terminate this License without notice to or demand upon Mortgagor, and without regard to the adequacy of the security for the Secured Obligations.

4. RIGHTS AND DUTIES OF THE PARTIES

4.1 Representations and Warranties. Mortgagor represents and warrants that Mortgagor lawfully possesses and holds fee simple title to all of the Property, unless Mortgagor's present interest in the Property is described in Exhibit A as a leasehold interest, in which case Mortgagor lawfully possesses and holds a leasehold interest in the Property as stated in Exhibit A.

4.2 Taxes, Assessments, Liens and Encumbrances. Mortgagor shall pay prior to delinquency all taxes, levies, charges and assessments, including assessments on appurtenant water stock, imposed by any public or quasi-public authority or utility company which are (or if not paid, may become) a lien on all or part of the Property or any interest in it, or which may cause any decrease in the value of the Property or any part of it. Mortgagor shall immediately discharge any lien on the Property which Mortgagee has not consented to in writing, and shall also pay when due each obligation secured by or reducible to a lien, charge or encumbrance which now or hereafter encumbers or appears to encumber all or part of the Property, whether the lien, charge or encumbrance is or would be senior or subordinate to this Mortgage.

4.3 Damages and Insurance and Condemnation Proceeds.

(a) Mortgagor hereby absolutely and irrevocably assigns to Mortgagee, and authorizes the payor to pay to Mortgagee, the following claims, causes of action, awards, payments and rights to payment (collectively, the "Claims"):

(i) all awards of damages and all other compensation payable directly or indirectly because of a condemnation, proposed condemnation or taking for public or private use which affects all or part of the Property or any interest in it;

(ii) all other awards, claims and causes of action, arising out of any breach of warranty or misrepresentation affecting all or any part of the Property, or for damage or injury to, or defect in, or decrease in value of all or part of the Property or any interest in it;

(iii) all proceeds of any insurance policies payable because of loss sustained to all or part of the Property, whether or not such insurance policies are required by Mortgagee; and

(iv) all interest which may accrue on any of the foregoing.

(b) Mortgagor shall immediately notify Mortgagee in writing if:

(i) any damage occurs or any injury or loss is sustained to all or part of the Property, or any action or proceeding relating to any such damage, injury or loss is commenced; or

MICROFILMED

(ii) any offer is made, or any action or proceeding is commenced, which relates to any actual or proposed condemnation or taking of all or part of the Property.

If Mortgagee chooses to do so, it may in its own name appear in or prosecute any action or proceeding to enforce any cause of action based on breach of warranty or misrepresentation, or for damage or injury to, defect in, or decrease in value of all or part of the Property, and it may make any compromise or settlement of the action or proceeding. Mortgagee, if it so chooses, may participate in any action or proceeding relating to condemnation or taking of all or part of the Property, and may join Mortgagor in adjusting any loss covered by insurance.

(c) All proceeds of the Claims assigned to Mortgagee under this Paragraph shall be paid to Mortgagee. In each instance, Mortgagee shall apply those proceeds first toward reimbursement of all of Mortgagee's costs and expenses of recovering the proceeds, including attorneys' fees. Mortgagor further authorizes Mortgagee, at Mortgagee's option and in Mortgagee's sole discretion, and regardless of whether there is any impairment of the Property, (i) to apply the balance of such proceeds, or any portion of them, to pay or prepay some or all of the Secured Obligations in such order or proportion as Mortgagee may determine, or (ii) to hold the balance of such proceeds, or any portion of them, in a non-interest-bearing account to be used for the cost of reconstruction, repair or alteration of the Property, or (iii) to release the balance of such proceeds, or any portion of them, to Mortgagor. If any proceeds are released to Mortgagor, Mortgagee shall not be obligated to see to, approve or supervise the proper application of such proceeds. If the proceeds are held by Mortgagee to be used to reimburse Mortgagor for the costs of restoration and repair of the Property, the Property shall be restored to the equivalent of its original condition, or such other condition as Mortgagee may approve in writing. Mortgagee may, at Mortgagee's option, condition disbursement of the proceeds on Mortgagee's approval of such plans and specifications prepared by an architect satisfactory to Mortgagee, contractor's cost estimates, architect's certificates, waivers of liens, sworn statements of mechanics and materialmen, and such other evidence of costs, percentage of completion of construction, application of payments, and satisfaction of liens as Mortgagee may reasonably require.

4.4 Insurance. Mortgagor shall provide and maintain in force at all times all risk property damage insurance on the Property and such other type of insurance on the Property as may be required by Mortgagee in its reasonable judgment. At Mortgagee's request, Mortgagor shall provide Mortgagee with a counterpart original of any policy, together with a certificate of insurance setting forth the coverage, the limits of liability, the carrier, the policy number and the expiration date. Each such policy of insurance shall be in an amount, for a term, and in form and content satisfactory to Mortgagee, and shall be written only by companies approved by Mortgagee. In addition, each policy of hazard insurance shall include a Form 438BFU or equivalent loss payable endorsement in favor of Mortgagee.

4.5 Maintenance and Preservation of Property.

(a) Mortgagor shall keep the Property in good condition and repair and shall not commit or allow waste of the Property. Mortgagor shall not remove or demolish the Property or any part of it, or alter, restore or add to the Property, or initiate or allow any change in any zoning or other land use classification which affects the Property or any part of it, except with Mortgagee's express prior written consent in each instance.

MICROFILMED

(b) If all or part of the Property becomes damaged or destroyed, Mortgagor shall promptly and completely repair and/or restore the Property in a good and workmanlike manner in accordance with sound building practices, regardless of whether or not Mortgagee agrees to disburse insurance proceeds or other sums to pay costs of the work of repair or reconstruction under Paragraph 4.3.

(c) Mortgagor shall not commit or allow any act upon or use of the Property which would violate any applicable law or order of any governmental authority, whether now existing or later to be enacted and whether foreseen or unforeseen, or any public or private covenant, condition, restriction or equitable servitude affecting the Property. Mortgagor shall not bring or keep any article on the Property or cause or allow any condition to exist on it, if that could invalidate or would be prohibited by any insurance coverage required to be maintained by Mortgagor on the Property or any part of it under this Mortgage.

(d) If Mortgagor's interest in the Property is a leasehold interest, Mortgagor shall observe and perform all obligations of Mortgagor under any lease or leases and shall refrain from taking any actions prohibited by any lease or leases. Mortgagor shall preserve and protect the leasehold estate and its value.

(e) Mortgagor shall perfect into a complete appropriation, and maintain the perfection of, any existing or future water rights appurtenant, or to become appurtenant, to the Property. Without limiting the generality of the foregoing, Mortgagor shall construct, install and maintain appropriate diversion works and water delivery systems and shall from year to year, use a quantity of water sufficient to keep such water rights in full force and effect. Mortgagor shall not impair existing or future water rights by nonusage, waste or otherwise. If Mortgagor fails to perfect or to maintain the perfection of such water rights or if, in the reasonable judgment of Mortgagee, Mortgagor is not proceeding with due diligence to perfect such water rights, Mortgagee may, at its election, perfect such rights or declare default, or both.

(f) If the Property is located in the Snake River Basin, Mortgagor has and/or will: (i) file in the Snake River Basin Water Rights Adjudication (the "SRBA") currently pending in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, Civil Case Number 39576, all Notices of Claims, pleadings and other documents which may be required by the court; (ii) pay all fees and costs required in connection with the SRBA on a timely basis; (iii) pursue diligently Mortgagor's water rights to be determined in the SRBA, including, without limitation, filing any objections to an adverse determination on any of Mortgagor's water rights made by the Idaho Department of Water Resources and participating in such hearings or other administrative or judicial proceedings as shall be necessary to preserve Mortgagor's water rights; and (iv) comply in all respects with any other requirements of the SRBA applicable to Mortgagor or the Property.

(g) Mortgagor shall comply with all of the Conditions of Approval now or hereafter required by the State of Idaho Department of Water Resources in connection with that certain Amendment of Permit filed on April 20, 1994 with regard to Idaho Department of Water Resources water right no. 36-08252D.

(h) Mortgagor, at Mortgagor's expense, shall comply with all applicable laws, rules, orders, ordinances, directions, regulations and requirements of all federal, state, county, and municipal authorities now in force, or which may hereafter be in force, which impose and duty with respect to the use, occupation or alteration of the Property, including the Americans with Disabilities Act ("ADA") as amended.

(i) If the Property is agricultural, Mortgagor shall farm the Property in a

MICROFILMED

good and husbandlike manner. Mortgagor shall keep all trees, vines and crops on the Property properly cultivated, irrigated, fertilized, sprayed and fumigated, and shall replace all dead or unproductive trees or vines with new ones. Mortgagor shall prepare for harvest, harvest, remove and sell any crops growing on the Property. Mortgagor shall keep all buildings, fences, ditches, canals, wells and other farming improvements on the Property in first class condition, order and repair.

(j) Mortgagor shall perform all other acts which from the character or use of the Property may be reasonably necessary to maintain and preserve its value.

4.6 Releases, Extensions, Modifications and Additional Security. Without affecting the personal liability of any person, including Mortgagor (or Obligor, if different from Mortgagor), for the payment of the Secured Obligations or the lien of this Mortgage on the remainder of the Property for the unpaid amount of the Secured Obligations, Mortgagee may from time to time and without notice:

(a) release any person liable for payment of any Secured Obligation;

(b) extend the time for payment, or otherwise alter the terms of payment, of any Secured Obligation;

(c) accept additional real or personal property of any kind as security for any Secured Obligation, whether evidenced by deeds of trust, mortgages, security agreements or any other instruments of security; or

(d) alter, substitute or release any property securing the Secured Obligations.

4.7 Release. When all of the Secured Obligations have been paid in full and no further commitment to extend credit continues, Mortgagee shall release this Mortgage.

4.8 Compensation and Reimbursement of Costs and Expenses.

(a) Mortgagor agrees to pay fees in the maximum amounts legally permitted, or reasonable fees as may be charged by Mortgagee when the law provides no maximum limit, for any services that Mortgagee may render in connection with this Mortgage, including Mortgagee's providing a statement of the Secured Obligations. Mortgagor shall also pay or reimburse all of Mortgagee's costs and expenses which may be incurred in rendering any such services.

(b) Mortgagor further agrees to pay or reimburse Mortgagee for all costs, expenses and other advances which may be incurred or made by Mortgagee to protect or preserve the Property or to enforce any terms of this Mortgage, including the exercise of any rights or remedies afforded to Mortgagee under Paragraph 5.3, whether any lawsuit is filed or not, or in defending any action or proceeding arising under or relating to this Mortgage, including attorneys' fees and other legal costs, costs of any sale of the Property and any cost of evidence of title.

(c) Mortgagor shall pay all obligations arising under this Paragraph immediately upon demand by Mortgagee. Each such obligation shall be added to, and considered to be part of, the principal of the Secured Obligations, and shall bear interest from the date the obligation arises at the rate provided in any instrument or agreement evidencing the Secured Obligations. If more than one rate of interest is applicable to the Secured Obligations, the highest rate shall be used for purposes hereof. If the

MICROFILMED

instrument or agreement evidencing the Secured Obligations does not state a rate of interest, interest shall accrue at the rate of ten percent (10%) per annum.

4.9 Exculpation and Indemnification.

(a) Mortgagee shall not be directly or indirectly liable to Mortgagor or any other person as a consequence of any of the following:

(i) Mortgagee's exercise of or failure to exercise any rights, remedies or powers granted to it in this Mortgage;

(ii) Mortgagee's failure or refusal to perform or discharge any obligation or liability of Mortgagor under any agreement related to the Property or under this Mortgage;

(iii) Mortgagee's failure to produce Rents from the Property or to perform any of the obligations of the lessor under any lease covering the Property;

(iv) any waste committed by lessees of the Property or any other parties, or any dangerous or defective condition of the Property; or

(v) any loss sustained by Mortgagor or any third party resulting from any act or omission of Mortgagee in operating or managing the Property upon exercise of the rights or remedies afforded Mortgagee under Paragraph 5.3, unless the loss is caused by the wilful misconduct and bad faith of Mortgagee.

Mortgagor hereby expressly waives and releases all liability of the types described above, and agrees that no such liability shall be asserted against or imposed upon Mortgagee.

(b) Mortgagor agrees to indemnify Mortgagee against and hold Mortgagee harmless from all losses, damages, liabilities, claims, causes of action, judgments, court costs, attorneys' fees and other legal expenses, cost of evidence of title, cost of evidence of value, and other costs and expenses which either may suffer or incur in performing any act required or permitted by this Mortgage or by law or because of any failure of Mortgagor to perform any of its obligations. This agreement by Mortgagor to indemnify Mortgagee shall survive the release and cancellation of any or all of the Secured Obligations and the full or partial release of this Mortgage.

4.10 Defense and Notice of Claims and Actions. At Mortgagor's sole expense, Mortgagor shall protect, preserve and defend the Property and title to and right of possession of the Property, and the security of this Mortgage and the rights and powers of Mortgagee created under it, against all adverse claims. Mortgagor shall give Mortgagee prompt notice in writing if any claim is asserted which does or could affect any of these matters, or if any action or proceeding is commenced which alleges or relates to any such claim.

4.11 Site Visits, Observation and Testing. Mortgagee and its agents and representatives shall have the right at any reasonable time to enter and visit the Property for the purpose of performing appraisals, observing the Property, taking and removing soil or groundwater samples, and conducting tests, among other things, to investigate for the presence of Hazardous Substances. Mortgagee shall have no duty, however, to visit or observe the Property or to conduct tests, and no site visit, observation or testing by Mortgagee shall impose any liability on Mortgagee. In no event shall any site visit, observation or testing by Mortgagee be a representation that Hazardous Substances are or are not present in, on or under the Property,

MICROFILMED

1997 11 10

or that there has been or shall be compliance with any law, regulation or ordinance pertaining to Hazardous Substances or any other applicable governmental law. Neither Mortgagor nor any other party is entitled to rely on any site visit, observation or testing by Mortgagee. Mortgagee owes no duty of care to protect Mortgagor or any other party against, or to inform Mortgagor or any other party of, any Hazardous Substances or any other adverse condition affecting the Property. In the event that Mortgagee has a duty or obligation under applicable laws, regulations or legal requirements to disclose any report or findings made as a result of, or in connection with, any site visit, observation or testing by Mortgagee, Mortgagee may make such a disclosure to Mortgagor or any other party. Mortgagor understands and agrees that Mortgagee makes no representation or warranty to Mortgagor or any other party regarding the truth, accuracy or completeness of any such report or findings that may be disclosed. Mortgagor also understands that, depending on the results of any site visit, observation or testing by Mortgagee which are disclosed to Mortgagor, Mortgagor may have a legal obligation to notify one or more environmental agencies of the results and that such reporting requirements are site-specific and are to be evaluated by Mortgagor without advice or assistance from Mortgagee. Mortgagee shall give Mortgagor reasonable notice before entering the Property. Mortgagee shall make reasonable efforts to avoid interfering with Mortgagor's use of the Property in exercising any rights provided in this Section. For purposes of this Paragraph, "Hazardous Substance" means any substance, material or waste which is or becomes designated or regulated as "toxic," "hazardous," "pollutant," "contaminant" or a similar designation or regulation under any federal, state or local law (whether under common law, statute, regulation or otherwise) or judicial or administrative interpretation or such, including without limitation petroleum or natural gas.

4.12 Impound Account. At the request of Mortgagee, Mortgagor will monthly pay to Mortgagee an amount equal to one-twelfth (1/12th) of the annual costs of taxes and assessments on the Property plus the estimated next insurance premiums on policies of insurance required under Paragraph 4.4 of this Mortgage divided by the number of months between the date of computation and the date the insurance premiums are due. Mortgagee may release the amounts paid under this Paragraph to Mortgagor for payment by Mortgagor of such taxes, assessments and insurance premiums, or Mortgagee may use such amounts to itself pay such taxes, assessments and insurance premiums, at Mortgagee's option.

5. ACCELERATING TRANSFERS, DEFAULT AND REMEDIES.

5.1 Accelerating Transfers

(a) "Accelerating Transfer" means any sale, contract to sell, conveyance, encumbrance, lease, or other transfer, whether voluntary, involuntary, by operation of law or otherwise, of all or any material part of the Property or any interest in it, including any transfer or exercise of any right to drill for or to extract any water (other than for Mortgagor's own use), oil, gas or other hydrocarbon substances or any mineral of any kind on or under the surface of the Property. If Mortgagor is a corporation, "Accelerating Transfer" also means any transfer or transfers of shares possessing, in the aggregate, more than fifty percent (50%) of the voting power. If Mortgagor is a partnership, "Accelerating Transfer" also means withdrawal or removal of any general partner, dissolution of the partnership under applicable law, or any transfer or transfers of, in the aggregate, more than fifty percent (50%) of the partnership interests. If Mortgagor is a limited liability company, "Accelerating Transfer" also means withdrawal or removal of any managing member, termination of the limited liability company or any transfer or transfers of, in the aggregate, more than fifty percent (50%) of the voting power or in the aggregate more than fifty percent of the ownership of the economic interest in the Mortgagor.

(b) Mortgagor agrees that Mortgagor shall not make any Accelerating

MICROFILMED

1997-11-14

Transfer, unless the transfer is preceded by Mortgagee's express written consent to the particular transaction and transferee. Mortgagee may withhold such consent in its sole discretion. If any Accelerating Transfer occurs, Mortgagee in its sole discretion may declare all of the Secured Obligations to be immediately due and payable, and Mortgagee may invoke any rights and remedies provided by Paragraph 5.3 of this Mortgage.

5.2 Events of Default. The occurrence of any one or more of the following events, at the option of Mortgagee, shall constitute an event of default ("Event of Default") under this Mortgage:

(a) Obligor fails to make any payment, when due, under the Debt Instrument (after giving effect to any applicable grace period), or any other default occurs under and as defined in the Debt Instrument or in any other instrument or agreement evidencing any of the Secured Obligations and such default continues beyond any applicable cure period;

(b) Mortgagor fails to make any payment or perform any obligation which arises under this Mortgage;

(c) Any representation or warranty made in connection with this Mortgage or the Secured Obligations proves to have been false or misleading in any material respect when made; or

(d) Any default occurs under any other mortgage or deed of trust on all or any part of the Property, or under any obligation secured by such mortgage or deed of trust, whether such mortgage or deed of trust is prior to or subordinate to this Mortgage.

5.3 Remedies. At any time after the occurrence of an Event of Default, Mortgagee shall be entitled to invoke any and all of the rights and remedies described below, as well as any other rights and remedies authorized by law. All of such rights and remedies shall be cumulative, and the exercise of any one or more of them shall not constitute an election of remedies.

(a) Mortgagee may declare any or all of the Secured Obligations to be due and payable immediately.

(b) Mortgagee may apply to any court of competent jurisdiction for, and obtain appointment of, a receiver for the Property.

(c) Mortgagee, in person, by agent or by court-appointed receiver, may enter, take possession of, manage and operate all or any part of the Property, and in its own name or in the name of Mortgagor sue for or otherwise collect any and all Rents, including those that are past due, and may also do any and all other things in connection with those actions that Mortgagee may in its sole discretion consider necessary and appropriate to protect the security of this Mortgage. Such other things may include: entering into, enforcing, modifying, or cancelling leases on such terms and conditions as Mortgagee may consider proper; obtaining and evicting tenants; fixing or modifying Rents; completing any unfinished construction; contracting for and making repairs and alterations; performing such acts of cultivation or irrigation as necessary to conserve the value of the Property; and preparing for harvest, harvesting and selling any crops that may be growing on the property. Mortgagor hereby irrevocably constitutes and appoints Mortgagee as its attorney-in-fact to perform such acts and execute such documents as Mortgagee in its sole discretion may consider to be appropriate in connection with taking

MICROFILMED

these measures, including endorsement of Mortgagor's name on any instruments. Mortgagor agrees to deliver to Mortgagee all books and records pertaining to the Property, including computer-readable memory and any computer hardware or software necessary to access or process such memory, as may reasonably be requested by Mortgagee in order to enable Mortgagee to exercise its rights under this Paragraph.

(d) Mortgagee may cure any breach or default of Mortgagor, and if it chooses to do so in connection with any such cure, Mortgagee may also enter the Property and/or do any and all other things which it may in its sole discretion consider necessary and appropriate to protect the security of this Mortgage. Such other things may include: appearing in and/or defending any action or proceeding which purports to affect the security of, or the rights or powers of Mortgagee under, this Mortgage; paying, purchasing, contesting or compromising any encumbrance, charge, lien or claim of lien which in Mortgagee's sole judgment is or may be senior in priority to this Mortgage, such judgment of Mortgagee to be conclusive as among the parties to this Mortgage; obtaining insurance and/or paying any premiums or charges for insurance required to be carried under this Mortgage; otherwise caring for and protecting any and all of the Property; and/or employing counsel, accountants, contractors and other appropriate persons to assist Mortgagee. Mortgagee may take any of the actions permitted hereunder either with or without giving notice to any person.

(e) Mortgagee may bring an action in any court of competent jurisdiction to foreclose this instrument or to obtain specific enforcement of any of the covenants or agreements of this Mortgage.

5.4 Application of Sale Proceeds and Rents.

(a) Mortgagee shall apply the proceeds of any sale of the Property in the following manner: first, to pay the portion of the Secured Obligations attributable to the costs, fees and expenses of the sale, including costs of evidence of title in connection with the sale; and, second, to pay all other Secured Obligations in any order and proportions as Mortgagee in its sole discretion may choose. The remainder, if any, shall be remitted to the person or persons entitled thereto.

(b) Mortgagee shall apply any and all Rents collected by it, and any and all sums other than proceeds of any sale of the Property which Mortgagee may receive or collect under Paragraph 5.3, in the following manner: first, to pay the portion of the Secured Obligations attributable to the costs and expenses of operation and collection that may be incurred by Mortgagee or any receiver; and, second, to pay all other Secured Obligations in any order and proportions as Mortgagee in its sole discretion may choose. The remainder, if any, shall be remitted to the person or persons entitled thereto. Mortgagee shall have no liability for any funds which it does not actually receive.

6. MISCELLANEOUS PROVISIONS

6.1 No Waiver or Cure.

(a) Each waiver by Mortgagee must be in writing, and no waiver shall be construed as a continuing waiver. No waiver shall be implied from any delay or failure by Mortgagee to take action on account of any default of Mortgagor. Consent by Mortgagee to any act or omission by Mortgagor shall not be construed as a consent to any other or subsequent act or omission or to waive the requirement for Mortgagee's consent to be obtained in any future or other instance.

MICROFILM

(b) If any of the events described below occurs, that event alone shall not cure or waive any breach, Event of Default or notice of default under this Mortgage or invalidate any act performed pursuant to any such default or notice; or nullify the effect of any notice of default or sale (unless all Secured Obligations then due have been paid and performed); or impair the security of this Mortgage; or prejudice Mortgagee or any receiver in the exercise of any right or remedy afforded any of them under this Mortgage; or be construed as an affirmation by Mortgagee of any tenancy, lease or option, or a subordination of the lien of this Mortgage:

(i) Mortgagee, its agent or a receiver takes possession of all or any part of the Property;

(ii) Mortgagee collects and applies Rents, either with or without taking possession of all or any part of the Property;

(iii) Mortgagee receives and applies to any Secured Obligation proceeds of any Property, including any proceeds of insurance policies, condemnation awards, or other claims, property or rights assigned to Mortgagee under this Mortgage;

(iv) Mortgagee makes a site visit, observes the Property and/or conducts tests thereon;

(v) Mortgagee receives any sums under this Mortgage or any proceeds of any collateral held for any of the Secured Obligations, and applies them to one or more Secured Obligations;

(vi) Mortgagee or any receiver performs any act which it is empowered or authorized to perform under this Mortgage or invokes any right or remedy provided under this Mortgage.

6.2 Powers of Mortgagee. Mortgagee may take any of the actions permitted under Paragraphs 5.3(b) and/or 5.3(c) regardless of the adequacy of the security for the Secured Obligations, or whether any or all of the Secured Obligations have been declared to be immediately due and payable, or whether notice of default and election to sell has been given under this Mortgage.

6.3 Nonborrower Mortgagor.

(a) If any Mortgagor ("Nonborrower Mortgagor") is not the Obligor under the Debt Instrument described in Paragraph 2.1(a), such Nonborrower Mortgagor authorizes Mortgagee to perform any of the following acts at any time, all without notice to Nonborrower Mortgagor and without affecting Mortgagee's rights or Nonborrower Mortgagor's obligations under this Mortgage:

(i) Mortgagee may alter any terms of the Debt Instrument or any part of it, including renewing, compromising, extending or accelerating, or otherwise changing the time for payment of, or increasing or decreasing the rate of interest on, the Debt Instrument or any part of it;

(ii) Mortgagee may take and hold security for the Debt Instrument, accept additional or substituted security for the Debt Instrument, and subordinate, exchange, enforce, waive, release, compromise, fail to perfect, sell or otherwise dispose of any such security;

MICROFILMED

1991-1999

(iii) Mortgagee may apply any security now or later held for the Debt Instrument in any order that Mortgagee in its sole discretion may choose, and may direct the order and manner of any sale of all or any part of it and bid at any such sale;

(iv) Mortgagee may release Obligor of its liability for the Debt Instrument or any part of it;

(v) Mortgagee may substitute, add or release any one or more guarantors or endorsers of the Debt Instrument; and

(vi) Mortgagee may extend other credit to Obligor, and may take and hold security for the credit so extended, whether or not such security also secures the Debt Instrument.

(b) Nonborrower Mortgagor waives:

(i) Any right it may have to require Mortgagee to proceed against Obligor, proceed against or exhaust any security held from Obligor, or pursue any other remedy in Mortgagee's power to pursue;

(ii) Any defense based on any legal disability of Obligor, any discharge or limitation of the liability of Obligor to Mortgagee, whether consensual or arising by operation of law or any bankruptcy, reorganization, receivership, insolvency, or debtor-relief proceeding, or from any other cause, or any claim that Nonborrower Mortgagor's obligations exceed or are more burdensome than those of Obligor;

(iii) All presentments, demands for performance, notices of nonperformance, protests, notices of protest, notices of dishonor, notices of acceptance of this Mortgage and of the existence, creation, or incurring of new or additional indebtedness of Obligor, and demands and notices of every kind;

(iv) Any defense based on or arising out of any defense that Obligor may have to the payment or performance of the Debt Instrument or any part of it; and

(v) Until the Secured Obligations have been paid and performed in full, all rights of subrogation, reimbursement, indemnification and contribution (contractual, statutory or otherwise), including any claim or right of subrogation under the Bankruptcy Code (Title 11 of the U.S. Code) or any successor statute, all rights to enforce any remedy that the Mortgagee may have against Obligor, and all rights to participate in any security now or later to be held by Mortgagee for the Debt Instrument.

(c) Nonborrower Mortgagor assumes full responsibility for keeping informed of Obligor's financial condition and business operations and all other circumstances affecting Obligor's ability to pay and perform its obligations to Mortgagee, and agrees that Mortgagee shall have no duty to disclose to Nonborrower Mortgagor any information which Mortgagee may receive about Obligor's financial condition, business operations, or any other circumstances bearing on its ability to perform.

(d) No provision or waiver in this Mortgage shall be construed as limiting

MICROFILMED
MAR 9 5 2001

the generality of any other provision or waiver contained in this Mortgage.

(e) For purposes of this Paragraph 6.3, all references to the Debt Instrument shall also include any instrument or agreement executed by Obligor subsequent to the date of this Mortgage which is secured by this Mortgage in accordance with the provisions of Paragraphs 2.1(c) and 2.1(d).

6.4 Merger. No merger shall occur as a result of Mortgagee's acquiring any other estate in or any other lien on the Property unless Mortgagee consents to a merger in writing.

6.5 Joint and Several Liability. If Mortgagor consists of more than one person, each shall be jointly and severally liable for the faithful performance of all of Mortgagor's obligations under this Mortgage.

6.6 Applicable Law. This Mortgage shall be governed by Idaho law.

6.7 Successors in Interest. The terms, covenants and conditions of this Mortgage shall be binding upon and inure to the benefit of the heirs, successors and assigns of the parties. However, this Paragraph does not waive the provisions of Paragraph 5.1.

6.8 Interpretation. Whenever the context requires, all words used in the singular will be construed to have been used in the plural, and vice versa, and each gender will include any other gender. The captions of the sections of this Mortgage are for convenience only and do not define or limit any terms or provisions. The word "include(s)" means "include(s), without limitation," and the word "including" means "including, but not limited to." The word "obligations" is used in its broadest and most comprehensive sense, and includes all primary, secondary, direct, indirect, fixed and contingent obligations. It further includes all principal, interest, prepayment charges, late charges, loan fees and any other fees and charges accruing or assessed at any time, as well as all obligations to perform acts or satisfy conditions. No listing of specific instances, items or matters in any way limits the scope or generality of any language of this Mortgage. The Exhibits to this Mortgage are hereby incorporated in this Mortgage.

6.9 In-House Counsel Fees. Whenever Mortgagor is obligated to pay or reimburse Mortgagee for any attorneys' fees, those fees shall include the allocated costs for services of in-house counsel as allowed by law.

6.10 Waiver of Marshaling. Mortgagor waives all rights, legal and equitable, it may now or hereafter have to require marshaling of assets or to direct the order in which any of the Property will be sold in the event of any sale under this Mortgage. Each successor and assign of Mortgagor, including any holder of a lien subordinate to this Mortgage, by acceptance of its interest or lien agrees that it shall be bound by the above waiver, as if it had given the waiver itself.

6.11 Severability. If any provision of this Mortgage should be held unenforceable or void, that provision shall be deemed severable from the remaining provisions and in no way affect the validity of this Mortgage except that if such provision relates to the payment of any monetary sum, then Mortgagee may, at its option, declare all Secured Obligations immediately due and payable.

6.12 Notices. Mortgagor hereby requests that a copy of notice of default and notice of sale be mailed to it at the address set forth below. That address is also the mailing address of Mortgagor as debtor under the Idaho Uniform Commercial Code. Mortgagee's address given below is the address for Mortgagee as secured party under the Idaho Uniform

MICROFILMED

MAR 05 2001

Commercial Code.

Addresses for Notices to Mortgagor:

3227 South 2200 East
Wendell, Idaho 83355

Mortgagor(s)

Kenneth A. Brandsma
Kenneth A. Brandsma
Debra K. Brandsma
Debra K. Brandsma

Address for Notices to Mortgagee:

Bank of America, N.A.

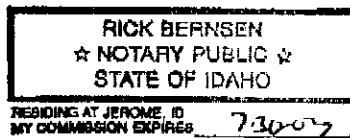
Chino Valley Commercial Banking
12747 Central Avenue
Chino, CA 91710-3555

State of Idaho }

County of Jerome }

On this 1st day of December, 2000, before me,
Rick Bernsen, a Notary Public in and for said state, personally appeared
Kenneth A. Brandsma and Debra K. Brandsma, husband and wife, known or identified to me to
be the persons whose names are subscribed to the within instrument, and acknowledged to me
that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and
year in this certificate first above written.



[Signature]
Notary Public for Idaho
Residing at _____

My commission
expires _____

EXHIBIT A TO MORTGAGE

Exhibit A to Mortgage executed as of December 1, 2000, between Kenneth A.
Brandsma and Debra K. Brandsma, husband and wife as "Mortgagor" and Bank of America,
N.A., a national banking association, as "Mortgagee."

MICROFILMED

FEB 9 6 2001

EXHIBIT 'A'

Township 8 South, Range 15, East of the Boise Meridian, Gooding County, Idaho

Section 14: E1/2NE1/4, SW1/4NE1/4, and that part of the NW1/4NE1/4 lying South of the North Side Canal Company, Ltd. lateral.

APN: RP08S15E140001
MH8S15E140001A

MICROFILMED

MAR 05 2001

OCT 31 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Southern Region Office

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 be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 36-08252D Telephone No. 536-6620
2. Name(s) of Permit Holder(s): HILL BRANDSMA
3. Mailing Address: 2250 E 3200 S, WENDELL, ID 83355
4. Source of Water: GROUNDWATER If GROUNDWATER (well), Date Drilled: mo. 4 / yr. 94
 - a. Well Driller: EATON WELL DRILLING Drilling Permit Number: 36-94-5-0054
 - b. **OPTIONAL:**
Pump Horsepower: 7 1/2 Pressure (psi): 60 Dynamic pumping level (ft): 168 ^{static,}
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): — Stockwater (No. and type of stock): 1000 milking, 500 dry
Irrigation (No. of acres): — Other: DAIRY BARN USE
6. Total rate of diversion and/or volume for which proof is submitted: 0.52 cfs OR — acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device:	Is a measuring device required?	Yes <u>—</u>	or	No <u>X</u>
	Has the measuring device been installed?	Yes <u>—</u>	or	No <u>X</u>
Flow Measurement Port:	Is a flow measurement port required?	Yes <u>—</u>	or	No <u>X</u>
	Has the measurement port been installed?	Yes <u>—</u>	or	No <u>X</u>
8. Fee Enclosed: \$ 100.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: Hill Brandsma Telephone Number: 536-6620
Address: 2250 E. 3200 S Wendell, ID 83355
10. The information given on this form 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.

NOV 29 1994

Signature of permit holder:

Hill Brandsma
(Include your title, if on behalf of company or organization)

Date:

10-31-94

IN THE MATTER OF PERMIT NO. 36-08252D) ORDER EXTENDING
IN THE NAME OF HILL BRANDSMA) PROOF OF
) BENEFICIAL USE
)

WHEREAS, notice was not given to the permit holder sixty days prior to the date that proof of beneficial use of water was due as required by Section 42-204, Idaho Code;

Dated this 28th day of October, 1994.

NOV 29 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT
To change the ownership of a permit

\$25.00 Filing Fee
Receipt #C031409
Received 10/5/94
By Ruby
RECEIVED
OCT 5 1994
Department of Water Resources

I, Hill Brandsma, hereby assign to Bank of America National
(Permit Holder) Trust and Savings Association
of 12747 Central, 2nd Floor, Chino, California 91710 AND
(Full Address)
Hill Brandsma of 2250 E. 3200 S., Wendell, Idaho 83355.

All my right, title, and interest in and to Permit No. _____
to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to
Permit No. 36-08252D to appropriate the public waters of the State of Idaho.

Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision,
point of diversion location, and the amount of water in cubic feet per second.

.52 cfs for a commercial dairy located in T8S, R15E, Sec. 14,
SENE: Stockwater @ .24 cfs and Commercial @ .28 cfs., and
as such may be amended.

Made this 17 day of August, 19 94.

Hill Brandsma
Permit Holder(s)
Hill Brandsma

State of Idaho)
County of Jerome) ss

On this 17th day of August, 199 4, personally appeared before me
the signer of the above instrument, duly acknowledged to me that he ~~she~~ executed the same.

SEAL

Notary Public for Idaho
Residing at: Jerome, Idaho

Becky Shubert
Signature

My commission expires: 02-05-99

BECKY SHUBERT
★ NOTARY PUBLIC ★
STATE OF IDAHO
02-05-99

RECEIVED

APPROVED

Receipt No. 5016785
Received By MTS
Date 4-20-94STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MAY 03 1994 APPLICATION FOR AMENDMENT OF A PERMIT

Department of Water Resources

Applicant Wendell BrandsmaPhone 536-6620Address 2250 E 3200S; Wendell ID 83355I am the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 36-08252D, and request that the permit and permit map be amended and/or changed as follows:Purpose of Amendment: ☒ Change point of diversion ☐ Add point of diversion
☒ Change place of use ☒ Change nature of use ☐ Change period of use ☐ Other1. Point of diversion: 1/4 SE 1/4 NE 1/4, Section 14, Township 8S, Range 15E, B.M.,
County of Gooding. Other points of diversion _____

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

Amount .24 for Stockwater purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum) (water use) (Begin month) (End month)Amount .28 for Commercial purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum) (water use) (Begin month) (End month)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)

3. Place of use or land to be irrigated:

T w p	R g e	S e c	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8S	15E	14	S/C			S/C													

Total number of acres to be irrigated = _____

4. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated at the 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: _____

RECEIVED

AUG 09 1994

NOV 29 1994

Department of Water Resources

Show 1/4 1/4, section, township, range and ditches. (the smallest subdivision represents 40 acres)

85, 15E

14

P/D

P/4

Scale: 2 inches equal 1 mile

Signed this 20 day of April, 19 94. Phil A. Brundage
Permit Holder

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Preliminary check by JF Horton Publication prepared by MB Date 6/30/94
Published in Gooding Co. Leader Publication dates 7/13 + 7/20/94

I, R. KEITH HIGGINSON, of the Department of Water Resources hereby
approve the above referenced application for amendment. See the attached
sheet for the conditions of approval.

Witness my hand this 26TH day of OCTOBER, 1994

NOV 2 1964

R. Kent Higgins
SIGNATURE

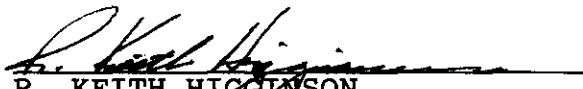
NOV 29 1994

CONDITIONS OF APPROVAL

Amendment of Permit No. 36-08252D

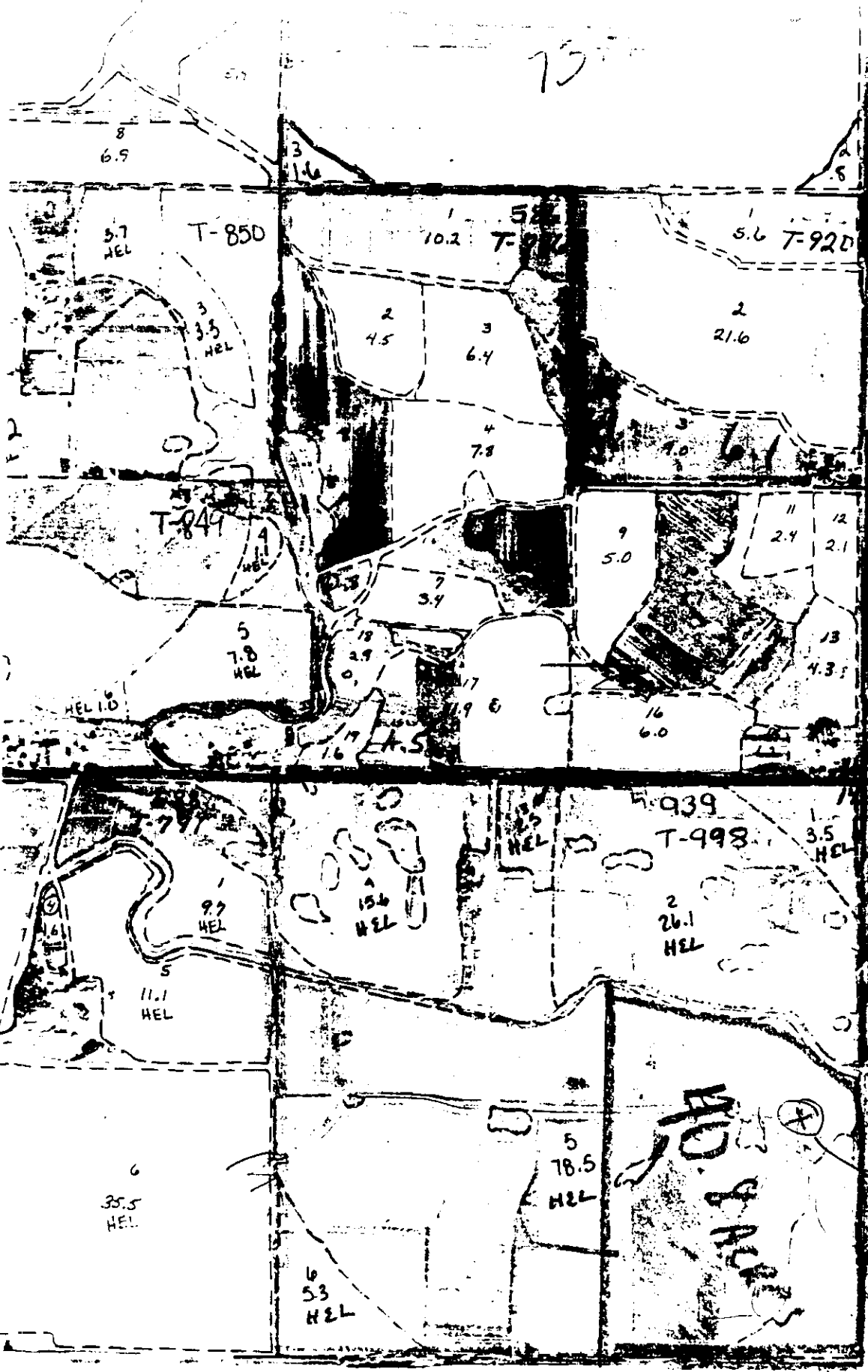
1. The previous conditions as set forth in Permit No. 36-08252 must be met.
2. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
3. Construction of the well must comply with Idaho well construction standards.
4. Stockwater use is for 1000 dairy and 500 range cattle.
5. Commercial use is for one dairy barn.
6. Approval of this amendment does not authorize irrigation of any new land.

Dated this 26TH day of OCTOBER, 1994.


R. KEITH HIGGINSON
Director

NOV 20 1994

75



E 1/2 NW 1/4, SW 1/4 NW 1/4
and a portion of NW 1/4
S of NSC lateral
Sect 14, Township 8
Range 15, EBM
County of Lincoln

Depp site

South

NOV 26 1994

RECEIVED

DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 09 1994

MAY 03 1994

ASSIGNMENT OF PERMIT

To change the ownership of a permit

Department of Water Resources

Deputy Director of Water Resources

Subject Region Office

I, Mike Branch Flower, hereby assign to Hill Brandsma 536-6620
 of 2250 E 3200 S; Wendell ID 83355
 (Permit Holder) (Full Address)

All my right, title, and interest in and to Permit No. _____
 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to
 Permit No. 36-08252 DC to appropriate the public waters of the State of Idaho.

Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision,
 point of diversion location, and the amount of water in cubic feet per second.

PART D: .52 cfs for a commercial dairy located in:
8S, 15E, S14, SE NE - Stockwater @ .24 cfs
& commercial @ .28 cfs - Water comes from
7S, 15E, S24, NE SE - 26 acres.

Made this 21st day of April, 1994.

[Signature]
 Permit Holder(s)

State of Idaho)

County of Twin Falls ^{SS}

On this 21st day of April, 1994, personally appeared before me
 the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

Mary A. Baldwin
 Notary Public

SEAL

My commission expires:

10/16/1998

Signature

NOV 29 1994

database updated 8/22/94 czg

PART C

Part B

RECEIVED

RECEIVED
MAY 06 1994

MAY 03 1994

ASSIGNMENT OF PERMIT

To change the ownership of a permit

Deputy State Resources
Secretary Region Office

I, F.F. Gunning, hereby assign to Mike Branchflower
 of P.O. Box 392, Wendell, ID 83355
(Permit Holder) (Full Address)

All my right, title, and interest in and to Permit No. _____
 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to
 Permit No. 36-08252 to appropriate the public waters of the State of Idaho.

(Part 8)

Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision,
 point of diversion location, and the amount of water in cubic feet per second.

2.02 cfs (101") of water from the following:
75, 15E, 524, SWNE - 8 acres, SESW - 35 acres,
NESE - 36 acres, SWSE - 27 acres.

Made this 3rd day of May, 1994.

F.F. Gunning

Permit Holder(s)

State of Idaho)
) ss
 County of Twin Falls

On this 3rd day of May, 1994, personally appeared before me
 the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

JUDY GIVENS

Judy Givens

Notary Public

SEAL

Twin Falls, Idaho

My commission expires: _____

July 18, 1994

Signature

JUN 10 1994

database updated 5/12/94 czj.

PART A

Voided

ORIGINAL

RECEIVED

Form 204
11-91

AUG 05 1992

For Office Use Only
\$15 Fee Received by M+S
Date 8-5-92
Receipt No. 8014811

Department of Water Resources
Southern Region Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of water right under the provisions of Section 42-204, Idaho Code.

Permit No. 36-08252

Name(s) of Permit Holder: F.F. Humming

Mailing Address: P.O. Box 716 Wendell Idaho 83355

Date Proof is Due September 1/1992 Telephone No. 636-6390

Describe what work has been completed toward the development of this water right:

(This must be filled out! If no work has been completed, show "none".)

None - because we are working with the state land board on an exchange of lands. This exchange is not completed but is in the process. Documentation can be obtained from the state land department if needed - We are working on a 320 acres of private land which the state of lands will exchange.

Costing \$ 90,000 tld.

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

The delay to this point is because the State & B.L.M. has been making exchanges of different parcels of land. The land being my present property has been exchange as of now. The state land board has assured me that we can lease or exchange other land for the parcel. We feel this water will be used. This will take a reasonable amount of time. The land board prefers to exchange property if possible.

Permit holder(s) request an extension to Oct 1/1992, 1992.

FEE: \$15.00

(Signature)* F.F. Humming

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to October 1, 1994.

Signed this 13th day August, 1992

J. Allen Saylor
AUG 5 1992
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 36-08252

Proposed Priority: October 17, 1984 Maximum Diversion Rate: 2.40 CFS
This is to certify, that **F. F. GUNNING**

P.O. BOX 716
WENDELL, ID 83355

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	03/15 to 11/15	2.40 CFS

LOCATION OF POINT(S) OF DIVERSION:

SWNE	Sec. 25, Township 07S, Range 15E
SESE	Sec. 24, 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>
07S	15E	24	• SWNE 3	SENE 14	SWSW 1	
			• SESW 35	• NESE 36	NWSE 4	
			• SWSE 27			120
Total number of acres irrigated:						120

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **September 1, 1992**.
2. Subject to all prior water rights.
3. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
4. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
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. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
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.

MICROFILMED

SEP 05 1990

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 36-08252

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

16th day of August, 1990.

for R. Keith Higginson, Director

MICROFILMED

SEP 08 1990

STATE OF IDAHO

Ident. No. 36-8252

DEPARTMENT OF WATER RESOURCES

AMENDED APPLICATION FOR PERMIT

RECEIVED
JUN 19 1990

To appropriate the public waters of the State of Idaho

Department of Water Resources
Phone 536-6390

1. Name of applicant F.F. Gunning

Post office address P.O. Box 716, Wendell, ID 83355

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

3. Location of point of diversion is _____ 1/4 of SE 1/4 of SE 1/4, Govt. Lot _____

Sec. 24 Township 7S Range 15E B.M. Gooding County; additional

points of diversion if any: SWNE 25 7S 15E (Gooding)

4. Water will be used for the following purposes:

Amount 2.40 for Irrigation purposes from 3/15 to 11/15 (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) 2.40 cubic feet per second and/or (b) _____ acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well, motor, pump

b. Height of storage dam N/A 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 20 inches; proposed depth of well is 300 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 2 years (minimum 1 year).

MICROFILMED

SEP 05 1990

a. Hydropower; show total feet of head and proposed capacity in KW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. _____

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

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

[illegible]

021

11. a. Who owns the property at the point of diversion? TPS, Inc.

Applicant & BLM

applicant to make this filing.

12. Remarks:

WINDMILL LIMITED

SEP 1 3 1940

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



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.

SEP 6 1960
F. F. Gunning
 (Applicant)

Received by DRS Date 6/15/90 Time 2:50 Preliminary check by _____
Fee \$ _____ Received by _____ # _____ Date _____
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:

MICROFILMED

SEP 05 1990

h

i

k

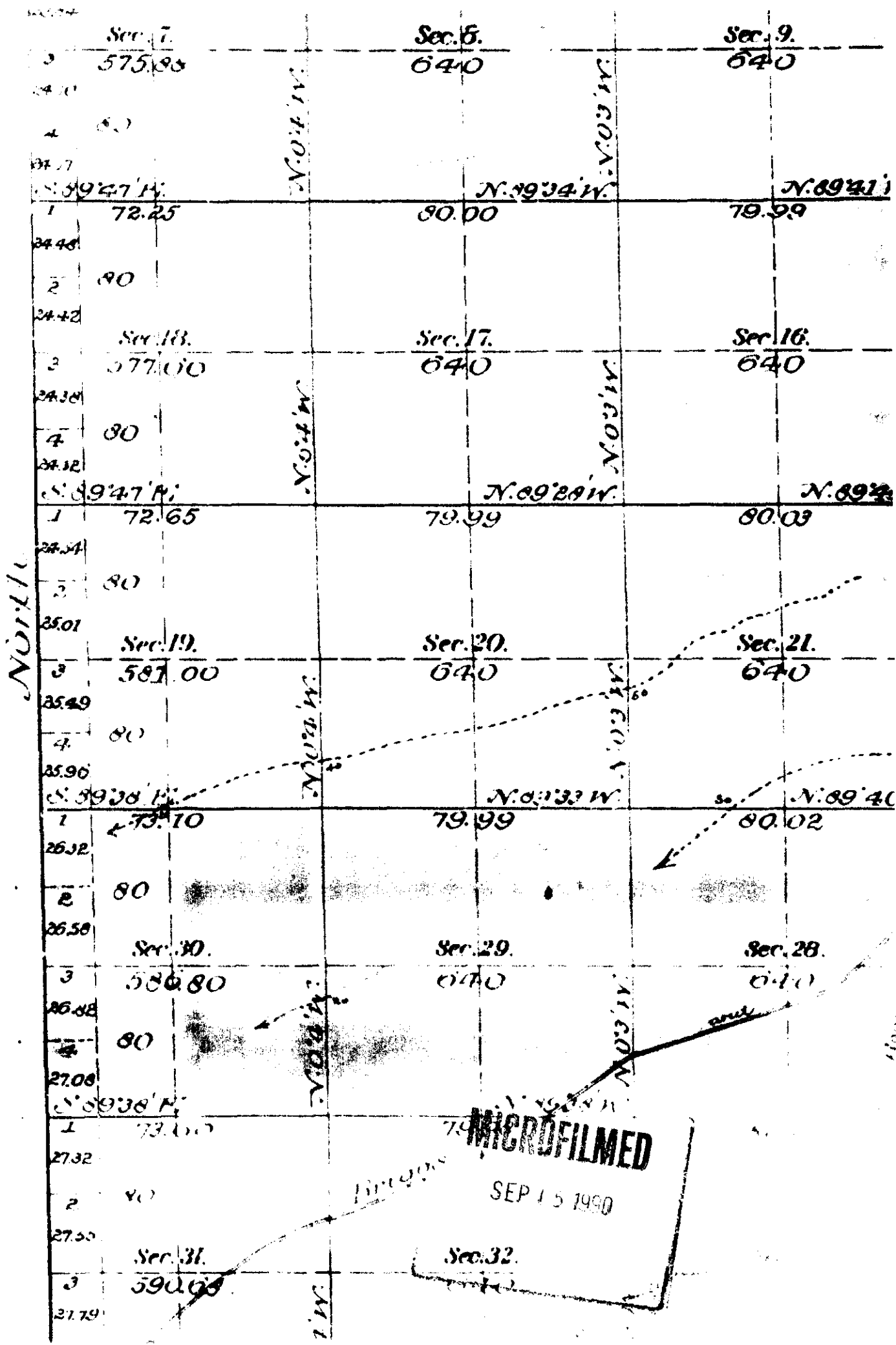
k

l

l

m

m



MICROFILMED

SEP 15 1990

Sec. 32

RECEIVED

State of Idaho
Department of Water Resource

JUN 16 1990

ASSIGNMENT OF PERMIT
Application

Department of Water Resources

Southern Region Office E.C. Gunning

; hereby assign to E.E. Gunning

of P.O. Box 716, Wendell, ID 83355
Address

CHECK ONE



All my right, title, and interest in and to Permit No. 36-8252
to appropriate the public waters of the State of Idaho.



The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 11 day of June, 1990.

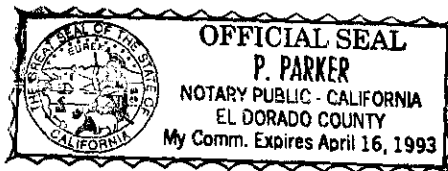
E.E. Gunning
Permit Holder

Spouse of Permit Holder

State of ~~Idaho~~ California)
County of Placer) ss.

On this 11th day of June, 1990, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal



My commission expires:

4-16-93

P. Parker
Notary Public residing at
Placer County

RECORDED

SEP 11 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant G.C. Gunning Phone 324-5886
Post office address Rt 5 Bx 5277 Jerome 10A 83338
2. Source of water supply groundwater which is a tributary of L
3. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 21 Township 7 S
Range 16 E B.M. Jerome County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 2.40 for Irrigation purposes from March 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:

a. 2.40 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well motor & Pump.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 12 inches; proposed depth of well is 300 feet.

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 — maximum 5 years).

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____

(5) If water is to be used for other purposes describe: _____

MICROFILMED
SEP 05 1990

NOT FILMED

applicant to make this filing

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the

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

9. a. Who owns the property at the point of diversion

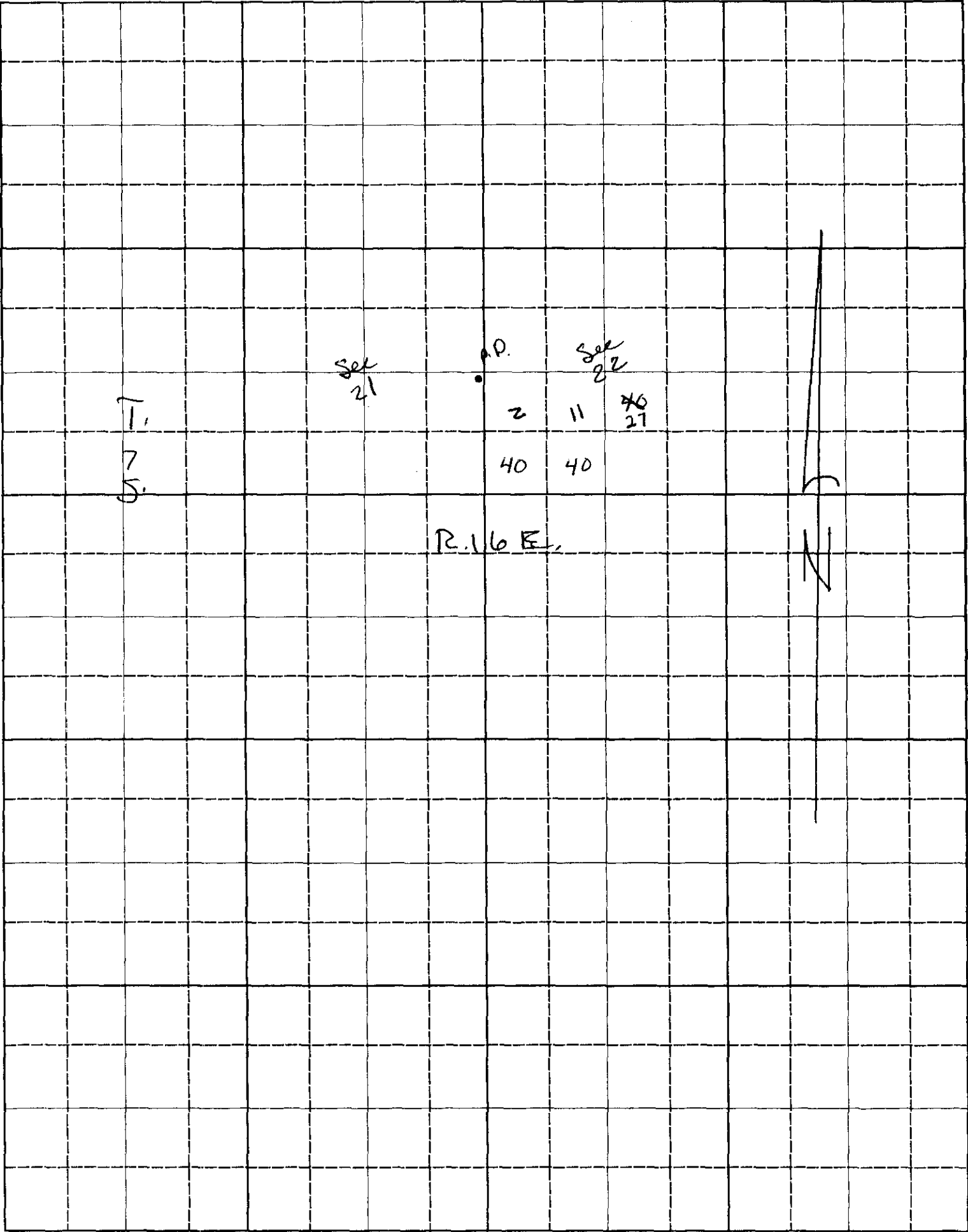
c. Describe any other water rights used for the same purposes as described above.

Total number of acres to be irrigated

TWP	RANGE	SEC.	NE%				NW%				SE%				SW%				TOTALS
			NEX	NW%	SW%	SE%	NEX	NW%	SW%	SE%	NEX	NW%	SW%	SE%	NEX	NW%	SW%	SE%	
75	16E	22						11	2	40	40				27	40			120
												</							

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

11. 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.

MICROFILMED
SEP 05 1990

Lois Henning
(Applicant)

Received by LI Date 10/17/84 Time 5:11 PM
Preliminary check by g Fee \$ 85.00 # 35209
Receipted by maceja Date 10/17/84
Publication prepared by _____ Date _____
Published in _____
Publication dates _____
Publication approved _____ Date _____
Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by _____

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. Other:



RECEIVED
JUL 27 1990

Department of Water Resources

Patty Nance

NOTARY PUBLIC

COST OF PUBLICATION

REF ID: A66042

[illegible]

(Idaho Code, Rev. Statutes 1984)

7-8 pt. per line straight.....	5¢/Pica
7-8 pt. per line tabular.....	6¢/Pica
7-8 pt. per line successive insertions.....	4¢/Pica

12700

OK
JL

Lapsed

Part F

Part E



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 13, 2002

SOUTHFIELD DAIRY
3308 S 1600 E
WENDELL ID 83355

RE: License No. 36-8252E - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

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

Enclosed is a copy of the approved Application for Amendment.

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

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

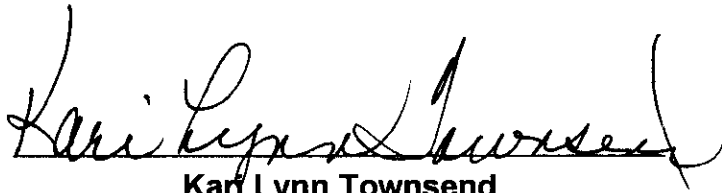
MAY 16 2002

CERTIFICATE OF SERVICE

I hereby certify that on May 13, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 36-8252E

**SOUTHFIELD DAIRY
3308 S 1600 E
WENDELL ID 83355**


**Karl Lynn Townsend
Secretary**

MICROFILMED

MAY 16 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

MICROFILMED
MAY 1 9 2002

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED

MAY 16 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 12, 2002

SOUTHFIELD DAIRY
3308 S 1600 E
WENDELL ID 83355

RE: Permit Nos. 36-08063C and 36-08252E

Gentlemen:

The Department of Water Resources is reviewing the above referenced permits prior to issuing water right licenses. By issuing a license, the Department confirms that a water right has been established in compliance with the terms of the permit.

Mike Branchflower called me this morning and advised me that the lands identified under these permits have been sold to you. He requested that I send him assignment of permit forms so we can change the ownership of the permits to you. He also advised me that he has hand delivered our letters regarding the licensing of these permits to you. Please review the licensing amendments that Mr. Branchflower delivered to you and if you agree with them, sign the forms and return them with a \$100.00 filing fee (\$50.00 per amendment form).

I have also identified two decreed rights (36-07460B and 36-15219B) in Mr. Branchflower's name that we have found overlap with the permits referenced above. I am enclosing a "Notice of Change of Water Right Ownership" form that should be completed and returned so we can update our records to show you as the current owner of these rights also. I have included water right proof reports of these decrees for your information. If there are additional water rights that I have not identified, you should make sure to update the ownership of those also.

If you have any questions in regard to this matter, please do not hesitate to contact me at (208)327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosures

Cc: Mike Branchflower
P.O. Box 575
Hagerman, ID 83332-0575 MICROFILMED

Enclosures: Assignment of Permit forms (2)



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 10, 2002

MICHAEL G BRANCHFLOWER
KATHY L BRANCHFLOWER
PO BOX 575
HAGERMAN ID 83332-0575

RE: Water Right Permits 36-08063C and 36-08252E

Dear Permit Holder(s):

I previously forwarded to you Applications for Amendment so that you could amend your permits to depict your water right as they have actually been developed.

As of this date, I have not received the amendments. If I do not receive the amendments within 14 days, Water Right Licenses will be issued for less than could have been allowed. In case the amendment forms I sent you have been misplaced, new ones are enclosed. Please note that the filing fee for **each** amendment is **\$50.00**.

If you have any questions regarding this matter, please call me at 208-327-7944

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:klt

Enclosures

MICROFILMED

MAY 16 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 20, 2002

MICHAEL G BRANCHFLOWER
KATHY L BRANCHFLOWER
PO BOX 575
HAGERMAN ID 83332-0575

RE: Water Right Permit Nos. 36-08063C and 36-08252E

Dear Permit Holders:

The Department of Water Resources is reviewing the above referenced permits prior to issuing water right licenses. By issuing the licenses, the Department confirms the extent of development that has been established in compliance with the terms of the permits. The examiner who verified your water use reported that certain elements of the permits have been developed differently than described on your permits. Changes that do not increase the authorized use of water under the permits can be requested and approved in accordance with Section 42-211, Idaho Code. Before licenses can be issued, your permits must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permits:

☒ **Place of Use – Add permissible place of use**

The enclosed Application for Amendment forms depicts the elements of the water right as they will appear on the licenses when they are issued. Please review the amendment forms carefully. If you concur with the information presented, please sign the forms and return them with a \$50.00 filing fee per form, (\$100.00 needed) within 14 days.

If you have any questions, please call me at 208-327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

Enclosures

MICROFILMED

MAY 16 2002

LICENSE REVIEW CHECKLIST

Permit No. 36-8252E Date: 3-19-02 Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK

Point of Diversion: OK

Does change clarify original intended source? If no, void permit.

Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)

W36 (overlap)

W59 (subdivision description)

Place of Use add ppu

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps: Right(s): 36-07460B, 36-15219B, 36-8063C

File reviewed Profile reports printed

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 0.10 cfs

Fee Limit 2.3 cfs

Measured 2.03 cfs

Theoretical cfs

Recommended Total Diversion Rate 0.10

Water Uses OK

Change (P46)

Season of Use per new Standards

3-15 11-15

Irrigation 0.10 cfs 20 af

Stockwater cfs af

Domestic cfs af

cfs af

cfs af

Total 0.10 cfs 20 af

Irrigation - overlap(R58-R61, R62-R65, R66-R69)

supp. Gw (WB7/065/104)

overlap spec combined rts (W35)

<1 acre (W31)

Domestic (W01/wb5/070/071/075)

Power (W42 or W43/025/027/R22 or R23)

Fish (042)

Fire (077)

Water Quality (106/R07)

Payette - (W22/047/27A)

Stockwater for US (R37)

Volume Determination

0.10 cfs x 1.9835 x 246 days = 48.7 af (vs) 5 acres x 4.0 (FHR) = 20.0 af

Remarks: W36, W27(5), R55, R04, R64, 050, W35

Additional Conditions yes Watermaster Control 130

GW Measurement/Measuring Device

Other

Trust R55 - remove 051

Non-trust (048)

GW Dist?

Water Mgmt. Dist?

Crit. GWMA?

GWMA?

Government Lots?

Advance Priority? yes

no

If yes, explain why below.

SRBA Claim?

not req'd

Adjust memo

Amend Letters P87, S06

Second Amendment Notice P44 S06

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JUL 08 1998

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 36-08252 E

1. Owner: MIKE &/OR KATHY BRANCHFLOWER

Phone No. (208) 536-2594

Current Address: P.O. BOX 392 WENDELL, ID 83355

2. Accompanied by: MIKE BRANCHFLOWER

EXAM DATE: 05/29/98

Address: SAME AS ABOVE

Phone No. SAME

Relationship to Permit Holder: SAME

3. Source: GROUNDWATER tributary to _____

B. OVERLAP REVIEW

NSCC WATER?

SEPERATE, INDEPENDENT
ACRES, BUT OVERLAP ON
99 ACRES

1. Other water rights with the same place of use: 36-08053C, 36-07460B, AND 36-15219B SEE MEMO

2. Other water rights with the same point of diversion: 36-08063C, 36-07460B, AND 36-15219B

C. DIVERSION AND DELIVERY SYSTEM

SEE MEMO

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NE	SE	SW	03	08S	14E	GOODING	FIELD OBSERVATION AND COMPARING
									TO MAPS AND AERIAL PHOTOS,
									ALSO PAST GPS RESULTS
									(POT IS GPS SITE TAG # A0003428)

2. Place(s) of Use:

Indicate Method of Determination

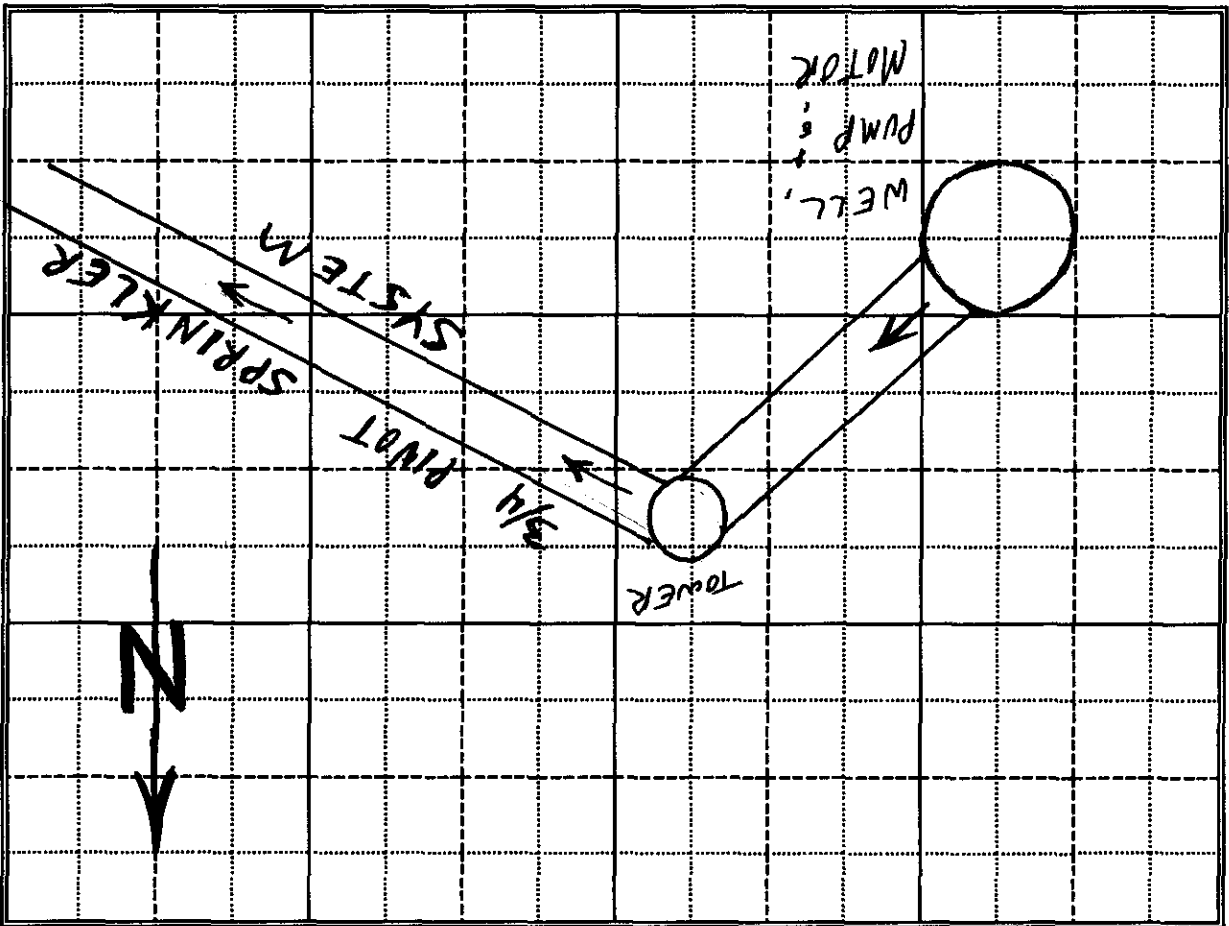
TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	14E	03									33			33			33		99 *

MICROFILMED

APR 11 2001

* LIMIT TO 5 ACRES IN A SINGLE SEASON,
WITHIN 99 ACRE P.P.V.

3. Delivery System Diagram: Indicate all major components and distances between components. Indicate well size/ditch size/pipe i.d. as applicable.



Scale: 1" = 100' NO SCALE

X Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).
 X Aerial Photo Attached (required for irrigation of 10+ acres)
 X Photo of Diversion and System Attached

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
CRS# A003428	G.E.	75	UD282017	LAYNE BOWLER	LP98169

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
POLYSONIC	?	?	?	?	?	?

2. Measurements: GARY SPACKMAN'S 07/31/95 FLOW MEASUREMENT (5) USED TO DETERMINE MINOR FLOW SYSTEM WERE USED. COPIES OF RESULTS ARE ENCLOSED, 914 GPM (2.03 cfs) MEASURED APR 11 2001

E. NARRATIVE/REMARKS/COMMENTS

SEE ENCLOSED 06/19/98
LICENSING MEMO

Have conditions of permit approval been met? ☒ yes ☐ no

MICROFILMED

SEP 11 2001

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

$$Q = \frac{8.8 \times \text{H.P.} \times E}{H} = \frac{8.8 \times 75 \text{ HP} \times 0.70}{70' + 2.31(60 \text{ psi})} = 2.21 \text{ cfs}$$

96
PUMPING
WATER
LEVEL

ASSUMED

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 5 \text{ ACRES} \times 4 \text{ AFA/ACRE} = 20 \text{ AFA}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 2.03 \text{ cfs} \times 214 \text{ days} \times 1.9835 = 861.6 \text{ AFA}$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{D.R.} = 20 \text{ AFA}$$

0.10 cfs x 214 days x 1.9835 = 42.4 AFA

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	04/01	10/31	0.10 cfs	20 AFA
Totals:			0.10 cfs	20 AFA

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other
 TO REFLECT 99 ACRES

I. AUTHENTICATION

Field Examiner's Name Corey Skinner Date 06/22/98

Reviewer _____ Date _____

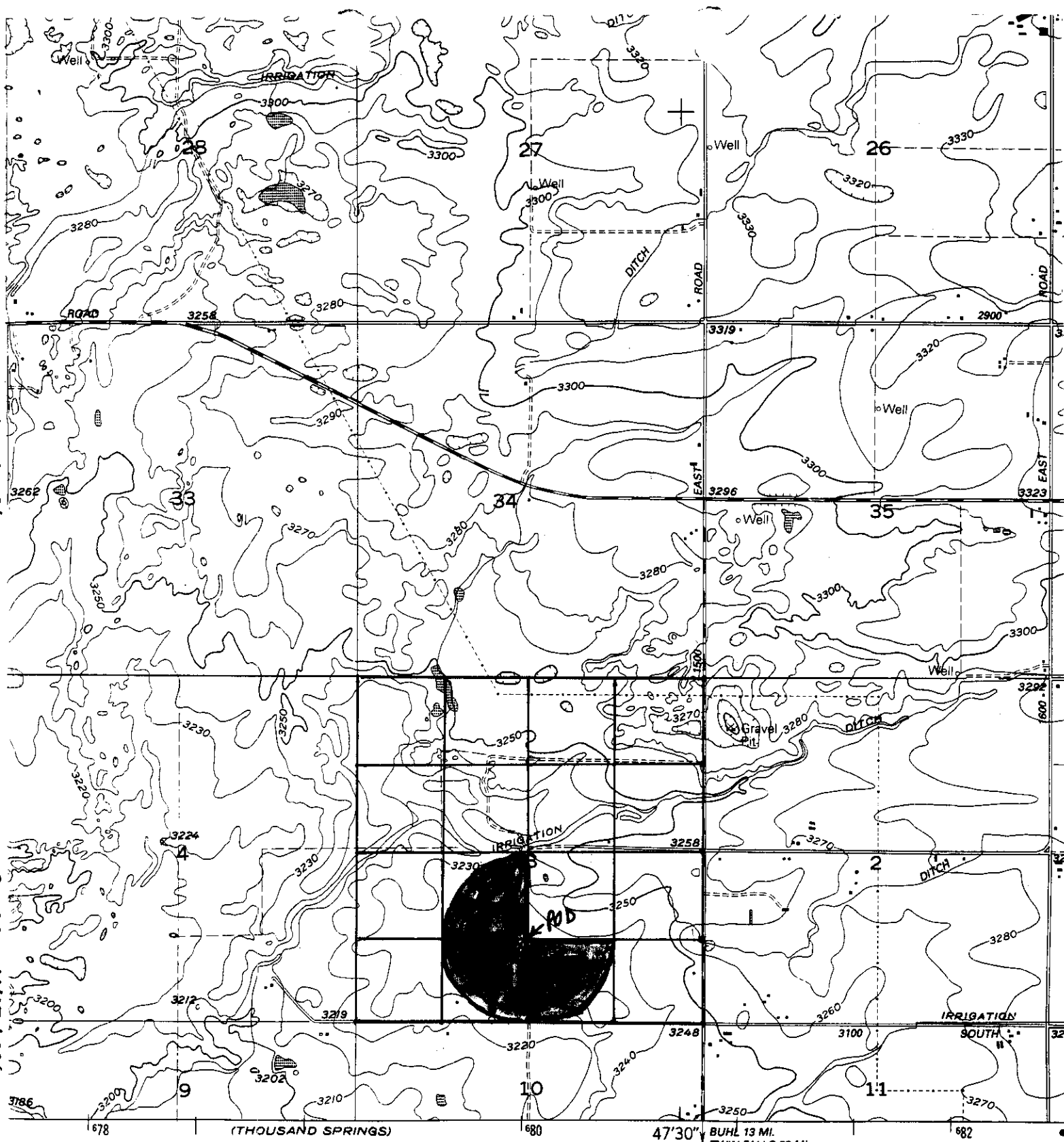
SEAL

MICROFILMED

APR 11 2001

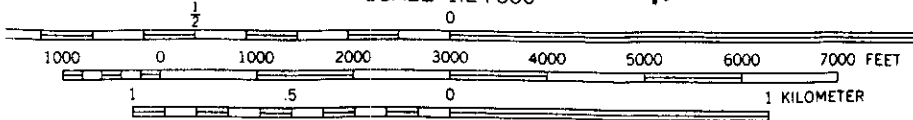
TOWNSHIP 07 SOUTH

TOWNSHIP 07 SOUTH



SCALE 1:24 000

RANGE 14 EAST



CONTOUR INTERVAL 10 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929

COMPLIES WITH U.S. GEOLOGICAL SURVEY STANDARDS FOR SPATIAL ACCURACY-CLASS 2

MICROFILMED
APR 11 2001



QUADRANGLE LOCATION

Primary highw.
hard surface.....
Secondary high
hard surface.....
Interst:

QUAD AA70

TUTTLE, IDAHO

36-08252 E
FIELD EXAM

1987

AERIAL PHOTO

 INDICATES
IRRIGATED GROUND

EAST 1/2 SW 1/4,
MICROFILMED SECTION 03
SWSE 1/4

APR 11 2001 (1085, R14E)

MEMORANDUM

TO: 36-08252E Licensing Exam File

FROM: Corey Skinner *CS*

DATE: June 19, 1998

SUBJECT: Narrative, Remarks, and Comments

The well listed as the point of diversion for this permit (36-08252E) and field exam is an irrigation well that serves a pivot irrigation sprinkler system. The diversion rate for this well was measured in 1995 by Gary Spackman of IDWR in order to estimate the PCC coefficient for this particular well. The total measured diversion rate for the well is 914 gallons per minute (2.03 cfs). This measurement serves as the measurement for the licensing field exam for 36-08252E.

During my 05/29/98 visit to the property, I observed that the pivot sprinkler (with endgun) makes a $\frac{3}{4}$ circle located within the East $\frac{1}{2}$ of the SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 03 (T08S, R14E). The majority of the ground under the sprinkler system was planted in silage corn. There was some areas of old ditchbanks and rocky ground that was not planted in corn, but lush grass was growing in these areas. I observed some old livestock manure in the grassy area not planted in corn. Mr. Branchflower said that he grazes cattle in the area under the sprinkler after the primary crop (this year, silage corn) is harvested. It was evident that the watering of these grassy areas improves the quality of the grass for grazing. I concluded that all the area served by the pivot sprinkler system is beneficially irrigated. Examination of the aerial photo slides at the Gooding County Farm Service Agency office revealed that the sprinkler system was in place in 1994 (before proof was filed). Therefore, the total recommended irrigated ground served by the sprinkler system is about 99 acres (33 acres per quarter-quarter).

Water rights 36-07460B and 36-15219B (recently decreed in the SRBA) overlap this same system. Note that both these rights specify specific acres within the 99 acres and that 36-07460B lists a different point of diversion. The listed point of diversion for 36-07460B does not exist, and the right has been historically diverted out of the well located in the NESESW $\frac{1}{4}$ of Section 03 (same well listed and recommended for 36-08252E). A transfer application has been filed with the Southern Region office to correct the point of diversion for right 36-07460B, and record the entire 99 acres as a PPU for rights 36-07460B and 36-15219B. This transfer application will record how rights 36-07460B and 36-15219B have actually been used (overlapping POD and POU with permit 36-08252E).

MICROFILMED

APR 11 2001

Water right permit 36-08063C (see accompanying field exam) is also diverted out of the same well and used on the same 99 acre place of use as 36-08252E, 36-07460B and 36-15219B. Since the diversion capacity of the well was measured at 2.03 cfs and the irrigation system irrigates approximately 99 acres, I recommend that the two permits and the two rights involved with the transfer application be licensed and/or approved as follows:

36-08252E
diversion of 0.10 cfs for the irrigation
of 5 total acres in the 99 acre PPU.

36-08063C
diversion of 0.30 cfs for the irrigation
of 15 total acres in the 99 acre PPU.

36-07460B
diversion of 1.04 cfs for the irrigation
of 66 total acres in the 99 acre PPU.

36-15219B
diversion of 0.26 cfs for the irrigation
of 13 total acres in the 99 acre PPU.

Total diversion = 1.70 cfs and total irrigation = 99 acres

It should also be noted that there may be possible North Side Canal Water that could overlap with the 99 acres served by the pivot sprinkler. Examination of the Department's database revealed that there are NSCC claims in the East $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 3. On May 26th, I called the NSCC office and checked for canal company water on the 99 acres. A lady at the NSCC office said that their records show 85 shares (1.06 cfs @ $\frac{1}{4}$ of an inch to the share) in the East $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 3. She also said that they did not have any records of canal company water currently appurtenant to the SWSE $\frac{1}{4}$ of Section 3. During my visit to the property, Mr. Branchflower and I discussed the use of canal water. Mr. Branchflower said that they no longer use canal company water on any of the 99 acres because they had a tough time getting enough of the canal water to the property. He showed me the pipe that used to supply water to the pivot sprinkler from the North Side Canal Company system. The pipe was cut and was not plumbed into the pivot sprinkler system. From what I observed, it appeared that groundwater was the only source of water for the pivot sprinkler system that serves the 99 acres. MICROFILMED

APR 11 2001

When Application for Permit 36-08252 was initially approved in 1990, it was approved with the "standard" condition that "the rate of diversion for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land". Application for Permit 36-08252 was originally approved to irrigate 120 acres in parts of Section 24 (07S, R15E). Examination of the Department's database reveals no other irrigation rights on the original place of use for permit 36-08252. It appears from examination of maps, that permit 36-08252 was originally approved to irrigate BLM land and was later split and moved to different ground by the amendment process.

It appears that permit 36-08252 was initially applied for, and approved for, the diversion of ground water that would serve as the sole source of irrigation water. The NSCC office reports that there is no canal water in the SWSE $\frac{1}{4}$ of Section 3. In addition, the pipeline that used to deliver canal water to Mr. Branchflower's pivot sprinkler system is no longer capable of delivering canal water to the pivot sprinkler system. It appears that water right permit 36-08252E could probably be licensed as a primary ground water right.

MICROFILMED

APR 11 2001

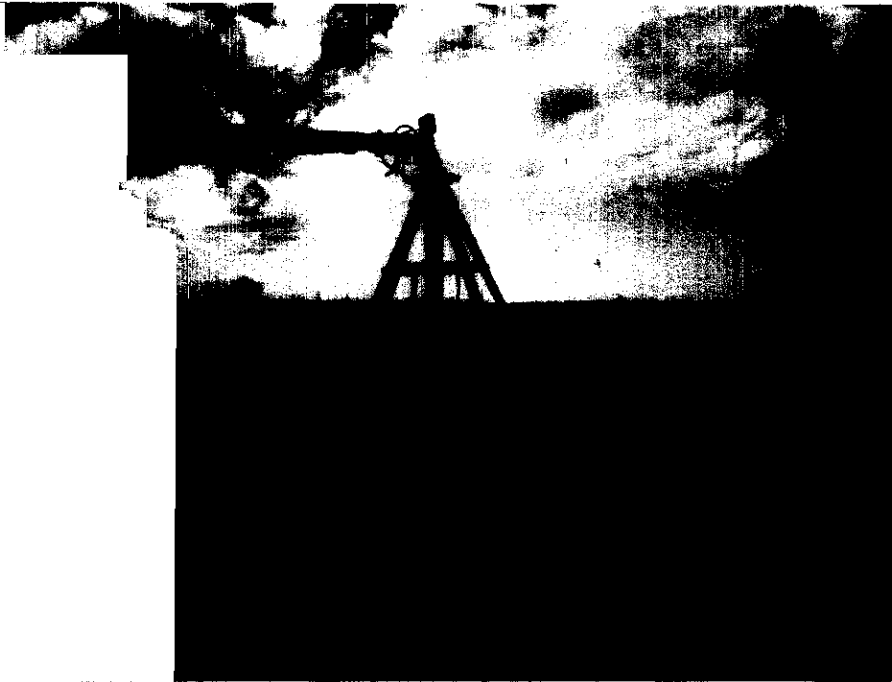
36-08252E FIELD EXAM PHOTOS
TAKEN 05/29/98 BY COREY SKINNER

View looking south showing the following:

1: Well, pump, motor location that serves as the point of diversion.

2: Pipe that used to provide water from the North Side Canal Company system. Note that this pipe is not plumbed into the pivot sprinkler system.

The place of use is visible in the foreground and background of this view. Bare looking area to the right in this view is planted in silage corn. Green grassy areas are irrigated, and livestock graze in field (and on grass) after the crop is harvested.



View looking southwest at same area shown in photo above, arrows indicate the following:

A: Wooden post where GPS site tag (#A0003428) is attached.

B: Pipe that used to provide North Side Canal water to the irrigation system. Note that the pipe has been disconnected, and is not plumbed into the sprinkler system.

MICROFILMED

APR 11 2001



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Water Measurement Program

POWER CONSUMPTION COEFFICIENT
REPORTING FORM 1995

Name: BRANCHFLOWER, MICHAEL G
Water Right No: R36-15219B
Legal Description: 08S 14E 3 NESES

MAY 29 1998

Current Owner

Name _____ Phone _____
 Last, First, MI
 Address _____ City _____ State _____ Zip _____

Operator (if leased or operated by someone else)

Name _____ Phone _____
 Last, First, MI

Well Site Identification

Uncorrected: Longitude 114°48.046'W Latitude 42°45.473'N

Corrected: Longitude _____ Latitude _____

PLS/USGS Locator: M073120A Site Tag Id. No. A0003428

Site Tag location description: On railroad tie - utility box support
Instrument on top of well pump motor 5' high

Pump and Motor Information

PUMP DATA		MOTOR DATA	
Manufacturer	<u>Layne Bowler</u>	Manufacturer	<u>GE</u>
Serial Number	<u>LP90169</u>	Serial Number	<u>UD282017</u>
Model Number		Rated Horsepower	<u>75</u>
Type	<u>VT</u>	Rated Amps	<u>90/180</u>
Impeller Diameter	<u>11 BEMH</u>	Rated Volts	<u>230/460</u>
Rated Speed		Rated Speed	<u>1775</u>
Rated Discharge		Phase	<u>3</u>
Rated Head		Service Factor	<u>MICROFILMED</u>

4 stage

APR 11 2001

Determination of Power Consumption Coefficient (PCC)

KILOWATT HOUR METER		WATER MEASUREMENT METER and MOUNTING PIPE INFORMATION	
Utility <i>Idaho Power</i>	<i>Pole # 1828</i>	METER INFORMATION	
Manufacturer	<i>GE</i>	Manufacturer	
Meter Serial No.	<i>79 172779</i>	Model Number	
Disc Constant(Kh)	<i>57.6</i>	Type	
Meter Multiplier	<i>—</i>	PIPE INFORMATION	
Rated Voltage	<i>480</i>	Pipe material	
Demand	<i>66.6</i>	Outside Diameter	
Multiplier (Mult)	<i>0</i>	Inside Diameter	
CTR (Current)	<i>—</i>	Distance of straight pipe upstream from meter	<i>6'</i>
PTR (Voltage)	<i>—</i>	Distance of straight pipe downstream from meter	<i>3'</i>

<u>Kilowatts</u> $KW = 3.6 \times Kh \times Mult \times N + T = KW$ $N = \text{<number of disc revolutions> } \underline{10} \text{ Rev.}$ $T = \text{<time = seconds per N>}$ $\text{Sec } (\underline{32.03} + \underline{32.19} + \underline{32.20}) / 3 = \underline{32.17} \text{ (ave)}$ $KW =$ $3.6 \times \underline{57.6} (Kh) \times \underline{0} (Mult) \times \underline{10} (N) + \underline{32.17} (T) =$ $\underline{64.5} \text{ KW}$	<u>Measured Flow rate</u> Enter flow rate as determined by the water meter either in gallons per minute or cubic feet per second. Attach documentation to support data such as notes, printout tapes etc. $\underline{914} \text{ GPM}$ or $\underline{\hspace{2cm}} \text{ CFS}$
--	---

<u>Power Consumption Coefficient (PCC)</u> Using GPM ---- $PCC = KW \times 5433 \div GPM$ $PCC = \underline{64.5} (KW) \times 5433 \div \underline{914} (gpm) = \underline{383} (kWh/ac.ft)$ Using CFS ---- $PCC = KW \times 12.1 \div CFS$ $PCC = \underline{\hspace{2cm}} (KW) \times 12.1 \div \underline{\hspace{2cm}} (gpm) = \underline{\hspace{2cm}} (kWh/ac.ft)$
--

PCC =

383

Sketch of pumping plan. layout:

Comments: End gun on during measurement.

I certify that the above information is true and correct to the best of my knowledge and ability and the measurements taken and recorded are in accordance with the standards and specifications of the equipment used.

Signature Gary Spackman Date 7/31/95
(person performing measurements)

For Department Use Only

Received by _____ Date _____

Reviewed by _____ Date _____

Data Entry by Gary Spackman Date 8/2/95

MICROFILMED

APR 11 2001

PIPE O.D.
8.635 IN

PIPE WALL THICKNESS
0.180 IN

PIPE I.D.
7.885 IN

PIPE MATERIAL
CARBON STEEL

TRANSDUCER SPACING
6.837 IN

SIGNAL STRENGTH UP
5.41

SIGNAL STRENGTH DOWN
5.41

020:29 87-31-95

in. Rate 911.32 GPM
ex. Rate 915.78 GPM
vg. Rate 913.29 GPM
LOW RATE 913.23 GPM
ET TOT(X1) 982312 GAL

030:29 87-31-95

in. Rate 910.13 GPM
ex. Rate 918.59 GPM
vg. Rate 913.82 GPM
LOW RATE 918.55 GPM
ET TOT(X1) 984140 GAL

040:29 87-31-95

in. Rate 909.61 GPM
ex. Rate 919.01 GPM
vg. Rate 913.92 GPM
LOW RATE 910.44 GPM
ET TOT(X1) 985967 GAL

050:29 87-31-95

in. Rate 908.35 GPM
ex. Rate 919.01 GPM
vg. Rate 912.33 GPM
LOW RATE 916.29 GPM
ET TOT(X1) 987792 GAL

060:29 87-31-95

in. Rate 908.35 GPM
ex. Rate 919.01 GPM
vg. Rate 912.33 GPM
LOW RATE 916.29 GPM
ET TOT(X1) 987792 GAL

Page No. 1
05/26/98

POD_NMBR 101136
WRNUMBER X36-15219B
NAME BRANCHFLOWER, MICHAEL G
DIV_NAME
POD 08S 14E 3 NESESW
OP_NUM 2
OTHR_RIGHT 36-08252E & -08063C (PERMITS), -07460B (?), NORTHSIDE CANAL
TOT_WR_CFS 0.66
DUP_CFS
TOT_WR_AF 0.0
TOT_WR_ACR 33.0
COMMENTS 36-07460B COVERS SAME GROUND, BUT INCORRECT POD IN TRANSFER (SK)R
SITE_VISIT 07/31/95
INV_NAME
PCC_DATE 07/31/95
EXAMINER GARYS
EXAM_CMPLT Y
SITE_TAGNO A0003428
GPS_FILNAM M073120A
OFFSET ON TOP OF WELL PUMP MOTOR 5' HIGH
TAG_LOCAT ON RAILROAD TIE-UTILITY BOX SUPPORT
LONG -114.8013120
LAT 42.7575907 NESESW
ALTITUDE 974.2579264
IDTM_X 434500.88
IDTM_Y 184440.31
GPM_A 914 → 2.03 cfs
KW_A 64.5
PSI_A 0
PCNT_A 100
MOTOR_HP
MAX_GPM 914 → 2.03 cfs
PCC_95 383.3
PCC_96 383.3
UTILITY IP
POLE_NO 1828
ACCT_NO_96 04550105781
TOT_KWH_95 67979
TOT_KWH_96 46763
TOT_KWH_97 0
PCC_AF_95 177.4
PCC_AF_96 122.0
PCC_AF_97 0.0
PCCAF95QAL 1
PCCAF96QAL 1
PCCAF97QAL
CROP_ACR95 90
CROP_ACR96 99
CROP_1_96 PA
ACRE_1_96 99
EXAM_NOTES

R36-15219B was originally listed as only right
for this diversion. Review of 1995 diversion
volume indicated very high over volume.
Investigation turned up two permits (36-08252E,
36-08063C) which include this well, and an

APR 11 2011

application for permit (36-08702). Water right 36-07460B lists the same land irrigated by this well, but cites a different POD location. Branchflower should probably apply to transfer this right to the well that is being used, otherwise, the transferred right 36-07460B may not cover diversions from this well.

If 36-07460B is included, it appears the total WR limits are 1.70 cfs, 86 acres (344 acre feet, or less?). Branchflower used 2.04 cfs, 177.4 acre-ft, and reported 90 acres for 1995 (SKING 8/23/96).

STAT WL 95	65.0
SWL DATE95	04/10/95
ACPT SWL95	Y
STAT WL 96	66.0
SWL DATE96	04/12/96
ACPT SWL96	Y
PMPNG WL95	69.0
PWL DATE95	07/16/95
ACPT PWL95	Y
PMPNG WL96	70.0
PWL DATE96	04/16/96
ACPT PWL96	Y
HIGHCFS 96	2.04
ACREFT 96	122.0
MEAS MTHD	PCC
VOLUMEQUAL	1

MICROFILMED

APR 11 2001

06/04/98 OVERLAP ANALYSIS FOR BRANCHFLOWER
TRANSFER BY C. SKINNER
T08S, R14E Section 03

E 1/2 SW 1/4

NSCC WATER

* 36-07460B

R36-10916

36-04021

R36-07377A

36-07377

36-07547

36-10916

36-10382 DOMESTIC
AND STOCK

* 36-07460B

36-08702 APPLICATION HELD IN MORATORIUM

~~36-04021~~

36-04021

X36-07377A

X36-07547A

THESE ARE
SUPPLIED BY A
SEPERATE SYSTEM
AND IRRIGATE GROUND
NOT COVERED BY THE
PILOT PER MIKE BRANCHFLOWER

THESE ARE
SUPPLIED BY A SEPERATE
SYSTEM AND IRRIGATE
GROUND NOT COVERED BY THE
PILOT PER MIKE BRANCHFLOWER

SWSE 1/4

36-04246 different owner

* 36-15219B

36-02170

36-02298

36-04246

36-08702

* 36-08063C PERMIT

* X36-15219B

* 36-08252E PERMIT

THESE TWO
LICENSES CLAIMED
IN SEBA AS
36-15219B

different owner

APPLICATION HELD IN MORATORIUM

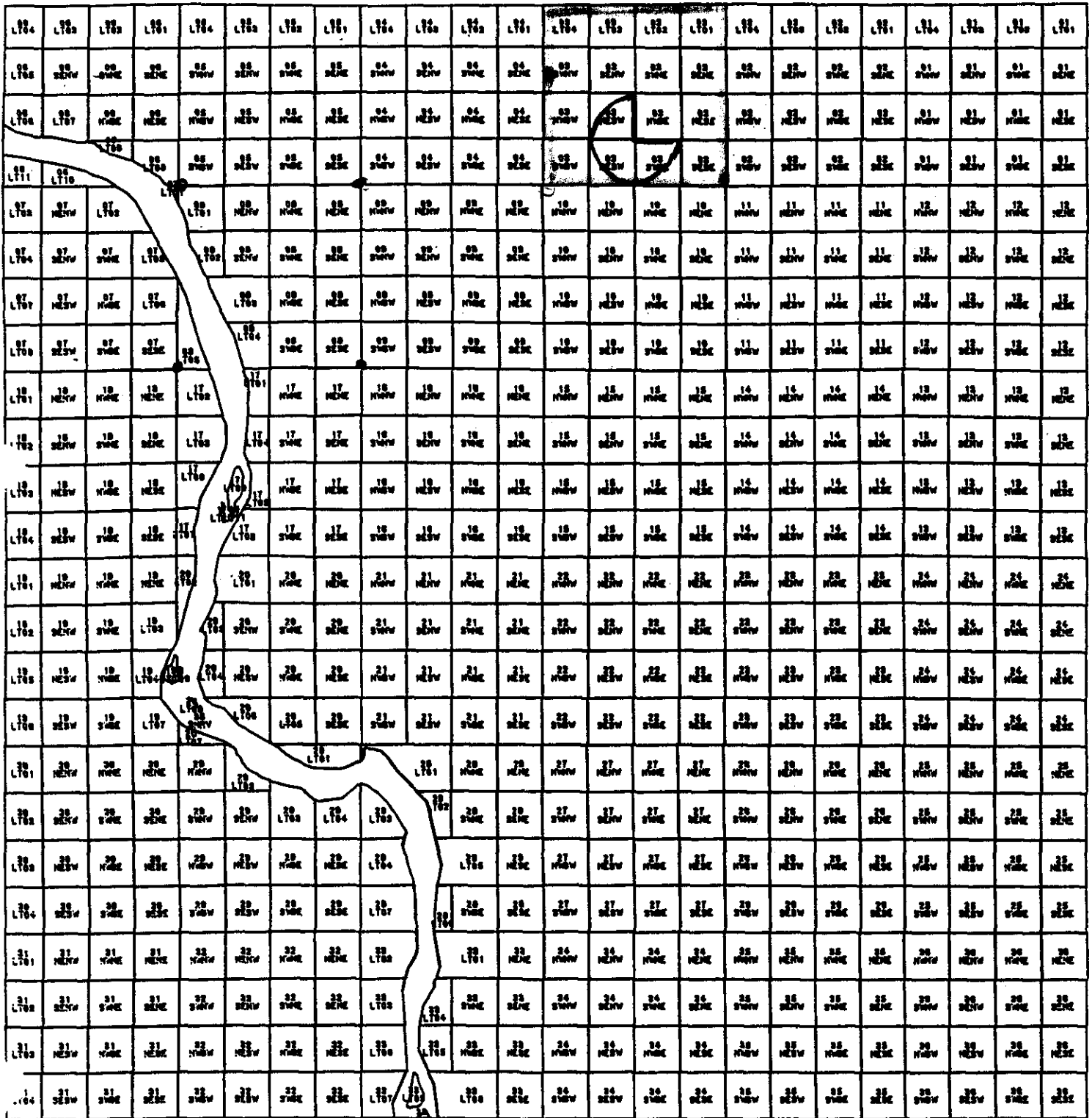
PERMIT

PERMIT

* RIGHTS INVOLVED WITH TRANSFER

* PERMITS THAT OVERLAP POD & POU (SAME SYSTEM) AS TRANSFER

08S14E



MICROFILMED

APR 11 2001

IDAHO DEPARTMENT OF WATER RESOURCES

WELL INSPECTION FORM

1. DRILLING PERMIT NO: SEE REMARKS OTHER APPLICABLE NO: 36-08063C
36-08252E
36-15219B
2. OWNER: MIKE & OR KATHY BRANCHFLOWER Phone: 536-2594
Address: P.O. BOX 392 WENDELL, ID 83355
3. WELL LOCATION: Twp 08S, Rge. 14E, Sec. 03, SE 1/4 SW 1/4
County GOODING (Provide sketch map and photo on reverse.)
4. DRILLER: _____ Lic. No. _____
When Drilled? _____
5. WELL CONSTRUCTION:
Casing Diameter _____ inches Water tight cap? ☒ Yes ☐ No Access Port: ☐ Yes ☐ No
Casing $\geq$ 12 inches above ground? ☐ Yes ☒ No - Describe PUMP & MOTOR SITS ON WELL
Depth of Casing _____ ft. Method Drilled _____
Condition of Well Casing: ☐ Good ☐ Fair ☐ Poor Describe _____
Control Valve? ☐ Yes ☐ No Pressure Gauge: ☐ Yes ☐ No
Condition of Piping and Valving _____
Auger to a depth of _____ ft. Evidence of Annular Seal ☐ Yes ☒ No
Are there obvious construction problems that may be a source for contamination or waste of water?
☐ Yes ☒ No (Describe in Remarks and Attach Photo - On Reverse)
6. HYDROLOGIC INFORMATION:
Depth to Static Water _____ ft. Water Temperature _____ °F
Flowing Artesian ☐ Yes ☒ No Pressure: _____ (psi)
Water Sample Taken? ☐ Yes ☒ No If yes, describe purpose _____
Water Quality Measurements/Observations (Describe) _____
7. WELL USE:
☐ Domestic ☒ Irrigation ☐ Stock
☐ Test ☐ Municipal ☐ Industrial
☐ Abandoned ☐ Waste Disposal/Injection ☐ Not Used
☐ Other: _____

APR 11 2001

Is there evidence of Chemiga? ☐ Yes ☒ No

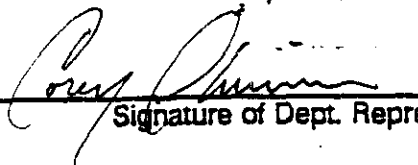
If yes, is there a check-valve? ☐ Yes ☐ No

Is there a possible source of contamination nearby? ☐ Yes ☒ No

If yes, what Type? _____

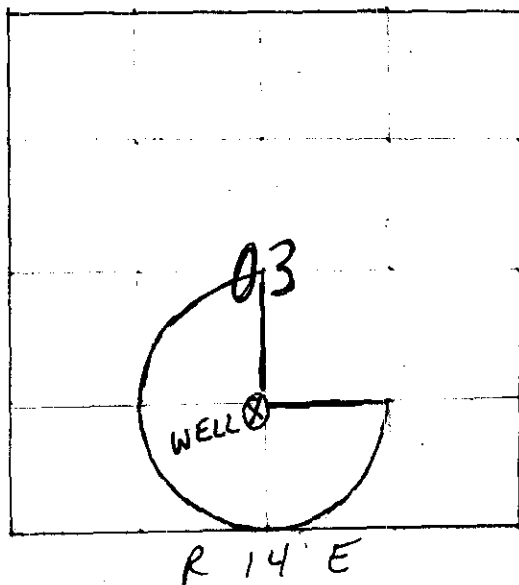
How far away from the well is this source? _____

9. REMARKS: WELL MAYBE DRILLED UNDER PERMIT #
36-90-S-0016-000? WELL HAS BEEN GPS ED.
SITE TAG # A0003428. LONGITUDE = 114.801320°
LATITUDE = 42.7575907° WHICH CORRESPONDS TO NESESW 1/4
OF SECTION 03 (T08S, R14E). WELL IS CLOSE TO 1/4 LINE(S).
WATER RIGHT 36-07460B HAS ALSO BEEN DIVERTED OUT OF THIS
WELL. TRANSFER HAS BEEN FILED TO CIST THIS WELL AS
36-07460B'S POINT OF DIVERSION

 E.I.T.
Signature of Dept. Representative & Title

05/29/98
Inspection Date

PHOTOS, DRAWINGS, OTHER ATTACHMENTS:



MICROFILMED

APR 1998

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

05/22/98 13:07:21
Page 1

Water Right Number - 36-08252E Prefix Translation: WATER RIGHT Old (D) Number -
+ - - - - Last Name - - - - + + - - - - First Name - - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
BRANCHFLOWER

MIKE

1 - PO BOX 392
2 -
3 -
City- WENDELL
Phone - 208-536-2594
1 - PO BOX 392
2 -
3 -
State- ID Zip- 833550392

BRANCHFLOWER

KATHY

1 - PO BOX 392
2 -
3 -
City- WENDELL
Phone - 208-536-2594
1 - PO BOX 392
2 -
3 -
State- ID Zip- 833550392

*** O - ORIGINAL OWNER ***
GUNNING

G C

1 -
2 -
3 -
City-
Phone -
State- Zip-

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
10/17/1984 17 SOUTHERN P - PERMIT

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

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.

08S 14E 3 SE SW (47) GOODING

+ - - - - Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 03/15 11/15 0.100

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.100

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

08S 14E 3 SW SE 5.0 01 IRRIGATION (47) GOODING

Total Acres: 5.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

WATER RIGHT

- - Remarks - -
No Remarks found.

- - Old Water Right Numbers - -
No Old Water Right Numbers found.

Conditions of Approval

- Permit holder shall commence the excavation or construction of
- diverting works within one year of the date this permit is issued
- and shall proceed diligently until the project is complete.

0004 - The issuance of this right does not grant any right-of-way or easement across the land of another.

- Any license issued by IDWR pursuant to the right 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.

- interest at the end of the term.
- 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.

- provide for the submitter of the fee.
- The Director retains jurisdiction over this right and may
- change, add, or remove any requirement as determined to be
- appropriate.

- appropriate.
- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

- Requirements of Section 42-233, Idaho Code.
- The rate of diversion of water for irrigation under this right
- and all other water rights on the same land shall not exceed 0.02
- cubic feet per second for each acre of land.

- 46A - A well drilled pursuant to this permit must be located at least 500 feet from any existing well. Well spacing closer than 500 feet must be approved by the Department of Water Resources.

46B - The right holder shall comply with Idaho well construction standards when constructing a well pursuant to this right.

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

.....-Comments-.....+

Date: 08/06/1992 User Id: VAULT Subject: Extension of Time Received

Extension of Time Received

Extension of Time Received
Date: 07/01/1994 User Id: BALDWIN Subject: AMENDMENT OF PERMIT

App. for amendment filed on 4/21/94 proposes to change point of diversion and place of use. Water Right No. 36-08252 is split into Parts A & B by assignment to Mike Branchflower of 2.02 cfs (Part B). 36-08252B is split into Parts C & D by assignment from Branchflower to Hill Brandsma of 0.52 cfs (Part D to Brandsma). Branchflower then splits Part C into Parts E (0.10 cfs) & Part F (1.40 cfs) by two proposed Amendments filed on 4/21/94.

+ - - Audit Fields - 08/23/94 CZIMMERM 07/01/94 BALDWIN 08/23/94 CZIMMERM 10/28/94 JVARBROU 11/16/94 JVARBROU 10/31/95 SCURTIS

**IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT**

Water right number - 36-08252E

Prefix Translation: WATER RIGHT

[illegible]

UNCLASSIFIED

Water Right Number - 36-08063C Prefix Translation: WATER RIGHT Old (D) Number -

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

*** C - CURRENT OWNER ***
BRANCHFLOWER MIKE

1 - PO BOX 392
2 -
3 -
City- WENDELL
Phone - 208-536-2594
1 - PO BOX 392
2 -
3 -
City- WENDELL
Phone - 208-536-2594

State- ID Zip- 83355

BRANCHFLOWER KATHY

1 -
2 -
3 -
City- WENDELL
Phone - 208-536-2594

State- ID Zip- 83355

*** O - ORIGINAL OWNER ***
GUNNING F F

1 -
2 -
3 -
City-
Phone - 208-000-0000
1 -
2 -
3 -
City-
Phone - 208-000-0000

State- ID Zip-

GUNNING G C

1 -
2 -
3 -
City-
Phone - 208-000-0000
1 -
2 -
3 -
City-
Phone - 208-000-0000

State- ID Zip-

----- Priority Date ----- + ----- Region ----- + ----- Stage ----- + ----- Status ----- +
02/16/1982 17 SOUTHERN P - PERMIT

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

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

----- Diversion Name ----- + ----- Diversion Rate ----- + ----- Diversion No. ----- +
D8S 14E 3 SE SW (47) GOODING

----- Water Use ----- +
----- Period From ----- + ----- Period To ----- + ----- Diversion Volume ----- +
Code Description

01 - IRRIGATION 03/15 11/15 0.300

----- Total Div. Rate ----- + ----- Total Div. Volume ----- + ----- Total Div. Capacity ----- + ----- Total Consumptive Use ----- + ----- KW Usage ----- +
0.300

----- Place of Use ----- +
----- Code ----- + ----- Description ----- + ----- County ----- +

----- Tract ----- + ----- Lot ----- + ----- Acres ----- + ----- Irrigation ----- + ----- (47) GOODING ----- +
D8S 14E 3 SW SE 15.0 01 IRRIGATION

----- Total Acres ----- +
Total Acres: 15.0

----- Diversion Means ----- +

PERMIT
WITH
OVERLAPPING
POD: PAU
(res)
WITH
36-08252E
SYSTEM
SEE
COMPANION
FIELD
EXAM
08063C

WATER RIGHT

[illegible]

4 - - - - -

- standards when constructing a well pursuant to this right.
- 03A - The rate of diversion of water for irrigation under this right
- and all other water rights on the same land shall not exceed 0.02
- cubic feet per second for each acre of land.

+ - Decree Date - +

App. for Amendment filed on 4/21/94 proposes to change point of diversion & place of use of 36-08063C to Mike Branchflower of 0.58 cfs (Part B). Water right no. 36-08063 is split into Parts A & B by assignment Branchflower to Hill Brandsma of 0.28 cfs

+ - - Audit Fields - 08/22/94 CZIMMER 07/05/94 BALDWIN 08/23/94 CZIMMER 08/10/95 SCURTIS

Water Rights Dates and Flags Area

Proof Due Date	- 10/01/1994	Field Exam Made	- 00/00/0000	Field Exam Fee	- R
Approved/Denied	- 04/08/1982	Protested Date	- 00/00/0000	Swan Falls	- 7
Proof Made Date	- 11/02/1994	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 00/00/0000	BLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	- S016795	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 02/16/1982	Transfer/Amended	- I
Presumption Flag	-	Name Connector	- AND/OR	POU Ownership Flag	- Y
SRBA Decreed Flag	-				

AJ5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

05/22/98 13:11:37
Page 1

Water Right Number - 36-074608

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***
BRANCHFLOWER

MICHAEL G

1 - PO BOX 392
2 -
3 -

DECEED
SRBA CLAIM
NOT
OVERLAYS
POB & PAD
(99 ACRES)

+ - - Priority Date - - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
03/25/1974 17 SOUTHERN D - DECEED

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

+ - - - - Point of Diversion - - - - - Diversion Name - - - - - +
Twn Rng Sec Tract Lot RFlg County

08S 14E 3 NE NE SW (47) GOODING

+ - - - - Water Use - - - - - Diversion Rate - - - - - Diversion Volume - - - - - +
Code Description Period From Period To

01 - IRRIGATION 04/01 10/31 1.040 264.00

+ - - Total Div. Rate - - + + - - Total Div. Volume - - + + - - Total Div. Capacity - - + + - - Total Consumptive Use - - + + - - KW Usage - - +
1.040 264.00 0.0

+ - - - - Place of Use - - - - - Description - - - - - County - - - - - +
Twn Rng Sec Tract Lot Acres Code

08S 14E 3 NE SW 33.0 01 IRRIGATION (47) GOODING
08S 14E 3 SE SW 33.0 01 IRRIGATION (47) GOODING

Total Acres: 66.0

+ - - Diversion Means - WELL, PUMP, PIVOT

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - SEE CONDITIONS

+ - - - - Remarks - - - - - Remarks found. - - - - - +
No Remarks found.

+ - - - - Old Water Right Numbers - - - - - +
3607460

+ - - - - Conditions of Approval - - - - - +
S17 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM

- NORTH SIDE CANAL CO. LTD.

MICROFILMED
1998 11 20

PENDING
TRANSFER

AJ5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

05/22/98 13:18:22
Page 1

Water Right Number - 36-152198

Prefix Translation: WATER RIGHT

Old (D) Number - 26273

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

*** C - CURRENT OWNER ***
BRANCHFLOWER

MICHAEL G

1 - PO BOX 392

2 -

3 -

City- WENDELL

Phone - 208-536-2594

State- ID Zip- 83355

+ - - Priority Date - - + - - - - Region - - - - + - - - - Stage - - - - + - - - - Status - - - - +
03/22/1956 17 SOUTHERN D - DECREED

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

GROUNDWATER

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

TwN Rng Sec Tract Lot Rflg County

(47) GOODING

+ - - - - Description - - - - - Water Use - - - - - Diversion Rate - - - - - Diversion Volume - - - - -

Code

01 - IRRIGATION

Period From 04/01

Period To 10/31

0.260

52.00

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

0.260

52.00

0.260

0.0

+ - - - - Place of Use - - - - - Description - - - - - County - - - - -

TwN Rng Sec Tract Lot Acres Code

08S 14E 3 SW SE 13.0 01 IRRIGATION

(47) GOODING

Total Acres: 13.0

+ - - Diversion Means - WELL, PUMP, PIVOT

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - SEE REMARKS

+ - - - - Remarks - - - - -

EXP THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 36-02170 & 36-02298.

- *****
- PURSUANT TO APPROVED TRANSFER NO. 4054:
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. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.
 3. THE CHANGE APPROVED BY THIS TRANSFER IS SUBJECT TO THE TERMS

DECREED

SRBA
CLAIM

OVERLAPS
POD & POW
(99 ACRES)

WITH
36-08252E
SYSTEM

PENDING
TRANSFER

MICROFILMED
APR 1 1998

Prefix translation: WATER RIGHT

Case No.	Remarks
1	OF THE COURT'S FINAL DECREE OF THIS RIGHT IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.

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. CLAIM 36-15219 COMBINED WATER RIGHT NOS. 36-02170 & 36-02298.

3602298
3602170

- - - Conditions of Approval - -
No Conditions of Approval found.

+ - - - Decree Defendant - - - +
UNITED STATES ET AL

02/05/93 GIVENS 02/08/93 GIVENS 02/10/93 GIVENS 08/
03/30/95 POST-STD 04/04/97 DSHAFF 02/11/98 PD-DSHAFF

```

+-----+-----+-----+-----+-----+-----+-----+-----+-----+
Date: 02/10/1993 User Id: GIVENS Subject: COPIED FROM REMARKS
IRRIG ACRES= 60. 2 LICENSES FILED ON SAME WELL. FILED ONE
(.80CFS). .88 TOTAL CFS LICENSED FOR IRRIG USE.
CLAI WELL
Comments-

```

CLAIM, LATER PRIORITY. COMBINED 36-02298 (-08CFS), & 36-02170
WELL USED AS SUPPLEMENTAL WATER WITH WASTEWATER.

RENUMBERED

RECEIVED
ORIGINALY FILED UNDER A36-02298 AND RECEIPT S004813.

36-15219A FOR .56 CFS & 36-15219B FOR .26 CFS.

Date: 02/10/1993 User Id: GIVENS Subject: TRANSFER
PENDING APPLICATION FOR TRANSFER ON D/D & D/D FILES

Date: 08/20/1993 User Id: CLELLAND Subject: SPI IT BY T

THIS RIGHT WAS SPLIT BY A CHANGE IN OWNERSHIP AND COM

THE CHANGES AS DESCRIBED BY THE TRANSFER.

Date: 02/06/1995 User Id: JROBERTS Subject: AMENDED/TR

This claim was amended pursuant to approved Transfer

Date: 04/04/1997 User Id: DSHAFF Subject: REFORMATTE
THIS RECORD WAS MODIFIED TO PREPARE A SPEC MASTER'S

THIS RECORD WAS MODIFIED TO PREPARE A SPEC. MASTER'S

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	- 04/04/1997	Old Judicial District	-
Claim Received Date	- 12/21/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- X777777	Federal/State Indicator	- S
		POU Ownership Flag	- Y	Presumption Flag	-
		Name Connector	-	Notice of ErrorFlag	-

Transfer No. _____

age ~~RECEIVED~~ pfo

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

PENDING TRANSFER ON WATER
RIGHTS THAT OVERLAP
36-08252E
VER Phone 536-2594 SYSTEM

Department of Water Resources
Southern Region

Name of applicant MIKE AND/OR KATHY BRANCHFLOWER
Post Office address PO BOX 392 WENDELL, ID 83355

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 CREATE PPU
2. Describe the reason for the proposed changes TO SHOW CORRECT (ACTUAL) POINT OF DIVERSION FOR WATER RIGHT 36-07460B AND TO SHOW HOW RIGHTS HAVE ACTUALLY BEEN USED ON THIS FARM.

1. 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>36-07460 B</u> | <u>03/25/1974</u> | <u>1.04 cfs</u> | <u>IRRIGATION</u> | <u>04/01</u> to <u>10/31</u> |
| | | | | to |
| <u>X36-15219 B</u> | <u>03/22/1956</u> | <u>0.26 cfs</u> | <u>IRRIGATION</u> | <u>04/01</u> to <u>10/31</u> |
| | | | | to |
| 2. Total amount of water being transferred <u>1.30</u> cubic feet per second and/or _____ acre-feet per annum. | | | | |
| 3. Source of water <u>GROUNDWATER</u> tributary to _____ | | | | |
| 4. Point(s) of Diversion: _____ | | | | |

[illegible]

5. Lands irrigated or place of use:

[illegible]

PART 1

6. General Information:

a. Description of diversion system WELL AND PUMP TO PIVOT SPRINKLER
SYSTEM

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? X 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:

NO CHANGE, LAND WILL BE IRRIGATED WITH
THESE RIGHTS AND WATER RIGHT PERMITS 36-08063C
AND 36-08252E.

d. Remarks:

WATER RIGHT PERMITS 36-08063C (.30 cfs for 15 acres) AND
36-08252E (0.10 cfs for 5 acres) OVERLAP ON THIS PLACE
OF USE AND SYSTEM. TOTAL OF ALL RIGHTS AND PERMITS IS
1.70 cfs for 99 acres.

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 _____

PART 2

TRANS NO.

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 36-07460B

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	1.04 CFS	264.0 AF

SOURCE

GROUNDWATER

Priority: 03/25/1974

LOCATION OF POINT(S) OF DIVERSION:NENESW , Sec. 3, Township 08S, Range 14E
GOODING CountyPLACE 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	NESW 33	SESW 33		66
Total number of acres irrigated:						66

CONDITIONS/REMARKS:

1. USE OF THIS RIGHT IS COMBINED WITH WATER FROM
NORTH SIDE CANAL CO. LTD.

PART 2

TRANS NO.

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. X36-15219B RIGHT DECREEED
11/26/1997 IN SRBA.

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.26 CFS	52.0 AF

SOURCE

GROUNDWATER

Priority: 03/22/1956

LOCATION OF POINT(S) OF DIVERSION:SESW , Sec. 3, Township 08S, Range 14E
GOODING CountyPLACE OF USE: IRRIGATION

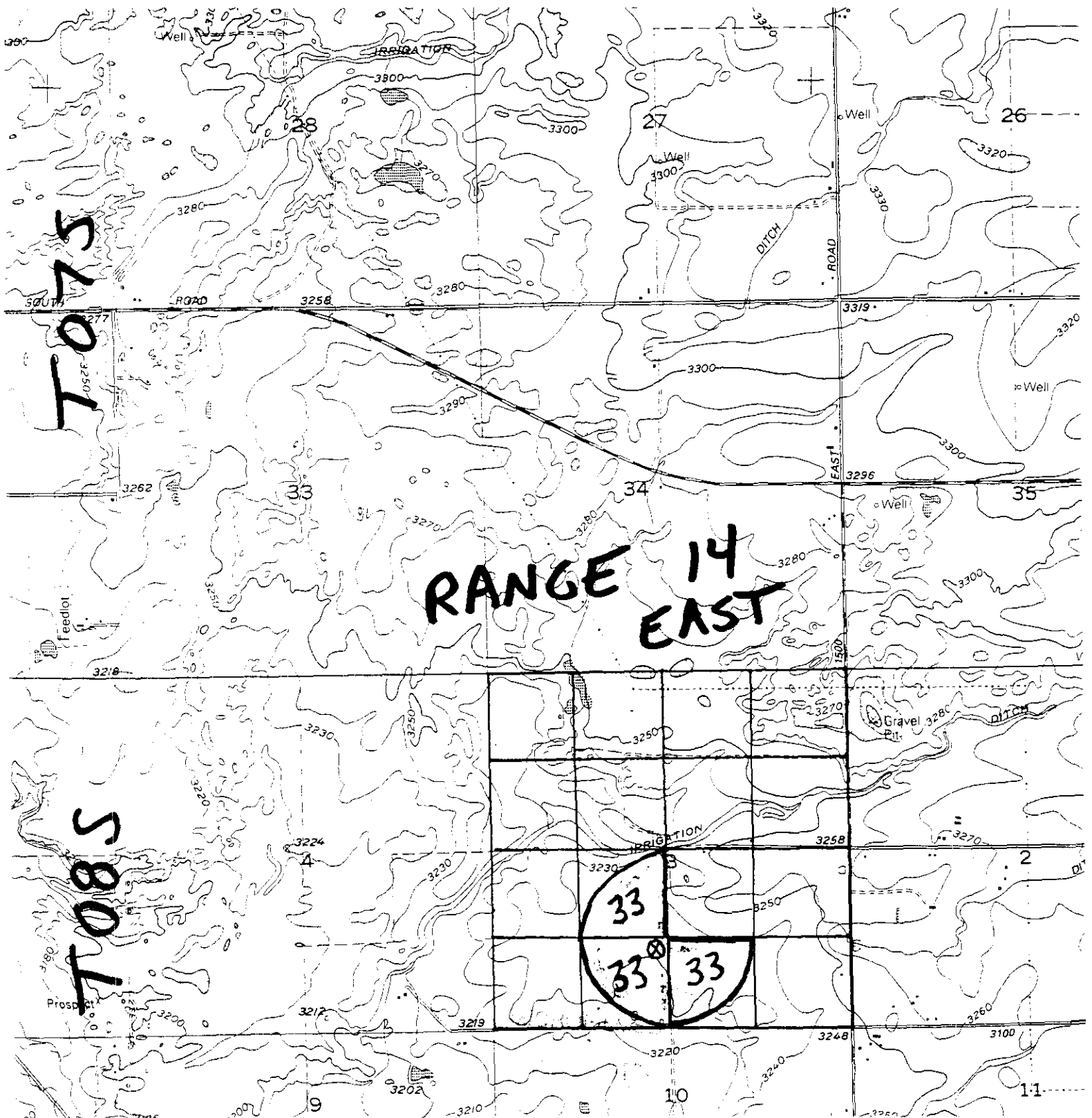
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08S	14E	3	SWSE	13		13
Total number of acres irrigated:						13

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 irrigation of the lands above.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. 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.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Claim 36-15219 combined Water Right Nos. 36-02170 and 36-02298.

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.



PART 3**CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
				_____ 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.

Subscribed and sworn to before me this 1st day of June, 19 98.

(Signature of Applicant)

Douglas Jones
(Notary Public)

My commission expires 8/8/2001**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by SKINNER Date 6/1/98 Protest filed by _____Prelim. check by SKINNER Fee \$100Receipted by SKINNER Date 6/1/98 5021191

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

RECEIVED**JUN 01 1998**Department of Water Resources
Southern Region

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 36-08252E Reviewed by [Signature] Date 11-15-94

GENERAL CONSIDERATIONS

YES Name same as permit?
YES Address same as permit?
YES Proof timely received?
If not, complete calculation below.

TYPES OF USE

Irr.
Correct Uses? YES

SOURCE OF WATER

 Surface water source

✓ Ground water source

YES Drilling permit required?
Copy in the file?
Amount paid for permit
Well log in the file?

*so many drilling permits
I cannot determine which
one is the one!*
 Drilling Permit No.
 Correct?

LICENSE EXAMINATION FEE

YES Required?
50.00 Amount Submitted
YES Correct?

MEASURING DEVICE

YES Required?
YES Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received	<u> </u>
Date proof due	<u> </u>
No. of days late	<u> </u>
Priority Date	<u> </u>
New Priority Date	<u> </u>

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address

Proof Made 11-2-94

November 16, 1994

MIKE BRANCHFLOWER
KATHY BRANCHFLOWER
PO BOX 392
WENDELL ID 833550392

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 36-08252E

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)736-3033.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

2003 7 1



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 28, 1994

Mike & Kathy Branchflower
P.O. Box 392
Wendell, ID 83355

PROOF DUE NOTICE

RE: Permit No. 36-08252E

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before **January 1, 1995**. (See enclosed Order.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

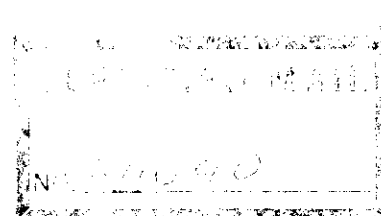
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

Julie L. Yarbrough
JULIE L. YARBROUGH
Senior Secretary

Enclosures





State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

October 27, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

MIKE BRANCHFLOWER
KATHY BRANCHFLOWER
PO BOX 392
WENDELL ID 83355-0392

RE: Permit Nos. 36-08063C and 36-08252E

Dear Water Right Holder:

Enclosed are copies of your approved Applications for Amendment submitted in connection with the above referenced permits.

If you have any questions concerning these documents, please feel free to contact us.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jim Johnson'.

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosures

MEMORANDUM

To: Files 36-8063 and 36-8252

From: L. Glen Saxton

RE: **AMENDMENTS SUBMITTED BY MIKE BRANCHFLOWER AND HILL BRANDSMA**

Date: October 20, 1994

Mike Branchflower called me on October 19, 1994 wanting to know the status of some pending amendments he filed in connection with parts of permits 36-08063 and 36-08252. I reviewed the files and determined that there are five (5) pending amendments which need department action. Two (2) of the amendments involve dairy use and the other three (3) amendments propose irrigation.

My review of the water right files shows the following:

36-08063

- Permit issued on April 8, 1982 to F.F. Gunning
 - 5.28 cfs - irrig of 264 acres
 - Proof due April 1, 1987 but was extended to October 1, 1994
 - On May 3, 1994, F.F. Gunning assigned 0.58 cfs of the permit to Branchflower for irrig purposes
 - On April 21, 1994, Branchflower assigned 0.28 cfs of the 0.58 cfs to Brandsma for dairy use.
- The 5.28 cfs consists of the following parts:
- Part A. - 4.7 cfs - F.F. Gunning - Proof has been filed
 - Part C. - 0.3 cfs - Branchflower - irrig - 15 acres
 - Proof due notice sent July 31, 1994
 - Lapse notice has not been sent
 - **Pending amendment** filed on 7-5-94 to change p.d. and pl.use
 - Amendment in S.O. since Aug 9, 1994
 - Part D. - 0.28 cfs - Brandsma - dairy use
 - Proof due notice sent July 31, 1994
 - Lapse notice has not been sent
 - **Pending amendment** filed on 7-5-94 to change to dairy use

36-08252

- Permit issued on August 16, 1990 to F.F. Gunning
- 2.4 cfs - irrig of 120 acres
- Proof due - Sept 1, 1992 but extended to 10-1-94
- On May 3, 1994, Gunning assigned 2.02 cfs (Part B) of the permit to Branchflower for irrigation purposes and kept 0.38 cfs
- The 2.4 cfs now consists of the following:
 - Part A - 0.38 cfs - F.F. Gunning - proof filed for irrigation
 - Part D - 0.52 cfs - Hill Brandsma
 - Branchflower assigned 0.52 cfs of his 2.02 to Brandsma for dairy use.
 - **Pending amendment** filed on 6-30-94 to change the 0.52 cfs to dairy use
 - On October 5, 1994 Brandsma assigns 0.52 cfs to the Bank of America National
 - Dept has not sent a proof due notice
 - Part E - 0.10 cfs - Branchflower - 5 ac irrig
 - **Pending amendment** filed on 6-30-94 to change place of use and p.d. for irrigation of 5 acres
 - Amendment has been in S.O. since August 9, 1994
 - Dept has not sent a proof due notice
 - Part F - 1.40 cfs - Mike Branchflower - irrig of 70 ac
 - **Pending amendment** to change the P.D. and pl use
 - Amendment has been in the S.O. since Aug 9, 1994
 - On 8-23-94, department issued a drilling permit
 - Dept has not issued a proof due notice

I discussed the pending amendments with both Jim Johnson and Mel Schulte and determined the following:

- The department has advised Branchflower in the past that it was not sure the amendments would be approved due to:
 - a) the 11th hour effort to make an irrigation development,
 - b) unanswered questions related to the A&B call matter and
 - c) The potential that the department would issue an order terminating permitted but undeveloped uses.
- Branchflower has not made the irrigation development to the department's knowledge.

- The dairy use of Brandsma exists and is in place.
- Branchflower has not drilled the well authorized by the drilling permit issued on 8-23-94.

I recommend the department approve the two (2) dairy amendments and deny the three (3) amendments for irrigation uses. The logic is that water can not be put to beneficial use for irrigation during the non-irrigation season, but water for dairy use can be put to beneficial use during the non-irrigation season.

The department should offer to refund the \$200 drilling permit fee to Branchflower.

Department then needs to immediately send the proof due notices for parts D, E and F of permit no. 36-08252 and lapse notices for parts C and D of permit no. 36-08063.

On this date, I followed up my discussion with Branchflower on October 19, 1994 and advised him of my recommendations.

AFFIDAVIT of PUBLICATION

State of Idaho }
County of Gooding } ss.

JUL 28 1994

Department of Water Resources
Southern Region Office

Patty Nance, being first duly sworn, deposes and says that she is the printer (publisher) of the Gooding County Leader a newspaper published every week in Gooding County, Sate of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 13 day of July, 1994, and the date of the last publication was on the 26 day of July, 1994.

Subscribed and sworn to before me this 20 day of July, 1994.

(SEAL)

Charles Irish

NOTARY PUBLIC

#933/51029

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 245

JUN 27 1995

Lines tabular at _____ 6¢/Pica
561.44 Lines straight at \$28.07 5¢/Pica
Subsequent lines at 22.46 4¢/Pica
TOTAL COST \$50.53

COPY OF NOTICE

(Paste Here)

Notice of Amendment to a Water Permit

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Department of Water Resources

BILL TO

NOTICE OF AMENDMENT TO WATER PERMIT NO. 36-08252B

Notice is hereby given that MIKE & KATHY BRANCHFLOWER of Wendell, ID are the holders of Approved Permit No. 36-08252B with a priority date of 10/17/1984 authorizing the diversion of 2.02 cubic feet per second of water from groundwater within the SE1/4, S24, T07S, R15E; SW1/4, S25, T07S, R15E; County of Gooding, to be used for irrigation of 191 acres within SW1/4, S25, NE1/4, SW1/4, S24, T07S, R15E. An assignment of 0.52 cfs of Water Right No. 36-08252B creates Water Right 36-08252C and Water Right 36-08252D. Two Amendments of Water Right No. 36-08252C creates Water Right No. 36-08252E and Water Right No. 36-08252F.

This Application for Amendment proposes to change point of diversion and place of use.

The permit holder has applied to the Department of Water Resources for an Amendment to the Permit, to be changed as follows:

Amount: 0.10 cfs

Period of Use: 04/01 to 10/31

Point of Diversion: SESW, S3, T08S, R14E, Gooding County, Idaho

Place of Use: within SW1/4, S25, NE1/4, SW1/4, S24, T07S, R15E, Gooding County, Idaho

Any person in violation of an amendment of Permit No. 36-08252C which creates Part B as set forth above must be filed with the Director, Idaho Department of Water Resources, 222 Simpson Street East, Twin Falls, ID 83401 within a protest fee of \$25 or as before August 1, 1994. The protestant must also send a copy of the protest to the applicant.

E. Keith Higginson, Director

Pub: 7/13-7/20

051029

NOTICE OF AMENDMENT TO A WATER PERMIT
NO. 36-08252B

Notice is hereby given that MIKE &/OR KATHY BRANCHFLOWER of Wendell, ID are the holders of Approved Permit No. 36-08252B with a priority date of 10/17/1984 authorizing the diversion of 2.02 cubic feet per second of water from groundwater within the SESE, S24, T07S, R15E; SWNE, S25, T07S, R15E; County of Gooding, to be used for irrigation of 101 acres within SWNE, SESW, NESE, SWSE, S24, T07S, R15E. An assignment of 0.52 cfs of Water Right No. 36-08252B creates Water Right No. 36-08252C and Water Right No. 36-08252D. Two Amendments of Water Right No. 36-08252C creates Water Right No. 36-08252E and Water Right No. 36-08252F.

This Application for Amendment proposes to change point of diversion and place of use.

The permit holder has applied to the Department of Water Resources for an Amendment to the Permit, to be changed as follows:

Amount: 0.10 cfs

Period of Use: 04/01 to 10/31

Point of Diversion: SESW, S3, T08S, R14E; Gooding County.

Place of Use: Five (5) acres within SWSE, S3, T08S, R14E; Gooding County.

Any protest against approval of the amending of Permit No. 36-08252C which creates Part E as set forth above must be filed with the Director, Idaho Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before August 1, 1994. The protestant must also send a copy of the protest to the applicant.

R. Keith Higginson, Director

Published in the Gooding County Leader on 7/13 & 7/20/94.

PROTESTED

JUN 27 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

~~06 Jul 1994~~

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

MAGIC VALLEY PUBLISHING CO
ATTN Gooding County Leader
PO BOX 468
JEROME ID 83338

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the required publication dates. If time allows, please submit a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

Handwritten: 3/1/95
Stamp: JUL 7 1995



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-Jul-1994

R. KEITH HIGGINSON
Director

MIKE & KATHY BRANCHFLOWER
PO BOX 392
WENDELL ID 83355

Re: Applications for Amendments, 36-08252B

Dear Applicants:

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 7/13 & 7/20/94. A period of ten days following the second publication will be allowed for the submittal of protests.

If an 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 applications are not protested, they 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,

A handwritten signature in cursive script that reads "James E. Stanton".

James E. Stanton
Sr. Water Resource Agent

JS:MB

1045

July 31, 1994

MIKE BRANCHFLOWER
PO BOX 392
WENDELL ID 833550392

PROOF DUE NOTICE

RE: PERMIT NO. 36-08252B

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before October 1, 1994.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

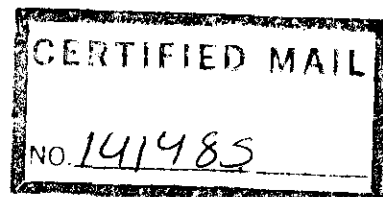
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

May 17, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

MIKE BRANCHFLOWER
PO BOX 392
WENDELL ID 83355

Re: Permit No. 36-08252B

Dear Permit Holder:

We acknowledge receipt of the correspondence assigning this portion of the above referenced water right to you. We have modified our computer records to reflect this change in ownership.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jim Johnson', written over the printed name.

JIM JOHNSON
Water Rights Supervisor

JJ:dc

JUN 10 1994

Part I



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 4, 2001

KENNETH A BRANDSMA
DEBRA K BRANDSMA
3227 S 2200 E
WENDELL ID 83355

RE: Change of Ownership for Water Right 36-8252D

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Peppersack', written over a horizontal line.

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

cc: Bank of America

MICROFILMED

APR 11 2001



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

February 21, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BANK OF AMERICA
1560 E SHAW AVE
FRESNO CA 93710-8046

RE: Security Interest for Water Right 36-8252D

Dear Water Right Holder(s):

The department acknowledges receipt of the Notice of Security Interest in a Water Right for the above referenced water right. The department has modified its records to reflect the change in security interest and has enclosed a computer-generated report for your records. Also enclosed is your receipt for the \$25.00 filing fee.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Peppersack', with a stylized flourish at the end.

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED

MAR 05 2001



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 7, 2001

BANK OF AMERICA
DAVID W READ
1560 E SHAW AVE
FRESNO CA 93710-8046

RE: Security Interest in Water Right 36-08252D

Dear Mr. Read:

The Department of Water Resources acknowledges receipt of your Notice of Security Interest.

Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

✓ **Evidence of Security Interest:** copy of Deed of Trust, Mortgage, Contract of Sale or other legal document indicating your interest in the property and water rights in question

✓ **Legal Description of Property**

Because the Department cannot process the ownership change without proper documentation, we will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information within 30 days we will return your notice and all attachments and your notice will not be processed. I have enclosed a copy of the Notice of Security Interest in a Water Right that was submitted by your office. Please note that the \$25.00 filing fee has been receipted.

Please note that water right owners are required to report any change in water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage (<http://www.idwr.state.id.us>) on the Internet to obtain the proper forms and instructions.

MICROFILMED

MAR 05 2001

If you have any questions regarding this matter, please call me at 208-327-7941.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kari Lynn Townsend". The signature is fluid and includes a large, looping flourish at the end.

Kari Lynn Townsend
Secretary

KLT:k

Enclosure(s)

MICROFILMED
MAR 05 2001



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

January 2, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BANK OF AMERICA
DAVID W READ
1560 E SHAW AVE
FRESNO CA 93710-8046

RE: Security Interest in Water Right 36-08252D

Dear Mr. Read:

The Department of Water Resources acknowledges receipt of your Notice of Security Interest.

Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

_____ **Filing Fee** of \$25 per water right

_____ **Filing Fee** of \$100 per water right for changes resulting from division of a water right

_____ **Signature**

_____ **Notarized Signature** for Assignment of Permit

_____ **Evidence of Water Right Ownership:** copy of Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question

☒ **Evidence of Security Interest:** copy of Deed of Trust, Mortgage, Contract of Sale or other legal document indicating your interest in the property and water rights in question (\$25.00 filing fee is required)

_____ **Legal Description of Property**

_____ **Plat of Property or Survey Map** usually on file with the county

_____ **USDA Farm Service Agency (formerly ASCS) Aerial Photo** with irrigated acres outlined and point(s) of diversion clearly marked

MICROFILMED
MAR 05 2001

_____ Description of Portion of Water Right resulting from division of water right

Because the Department cannot process the ownership change without proper fees, we will hold any action on your notice pending receipt of the necessary fees. If we do not receive the necessary fees within 30 days we will return your notice and all attachments and your notice will not be processed. Please note the highlighted area on the enclosed copy of the Notice of Security Interest in a Water Right.

Please note that water right owners are required to report any change in water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage (<http://www.idwr.state.id.us>) on the Internet to obtain the proper forms and instructions.

Please feel free to contact the Department if you have any questions.

Sincerely,



Kari Lynn Townsend
Secretary

KLT:k

Enclosure

MICROFILMED
MAR 05 2001

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 36-08252D Reviewed by [Signature] Date 11-15-94

GENERAL CONSIDERATIONS

YCS Name same as permit?
YCS Address same as permit?
YCS Proof timely received?
If not, complete calculation below.

TYPES OF USE

Dairy Stock
Correct Uses? YCS

SOURCE OF WATER

 Surface water source
✓ Ground water source
YCS Drilling permit required?
no Copy in the file? Drilling Permit No. 36-94-5-0054-000
200.00 Amount paid for permit
no Well log in the file? YCS Correct?

LICENSE EXAMINATION FEE

YCS Required?
100.00 Amount Submitted
YCS Correct?

MEASURING DEVICE

? Required?
+ Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received _____
Date proof due _____
No. of days late _____
Priority Date _____
New Priority Date _____

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address X Proof Made 10-31-94

November 16, 1994

BANK OF AMERICA
HILL BRANDSMA
2250 E 3200 S
WENDALL ID 83355

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 36-08252D

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)736-3033.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

RECEIVED

JUN 27 1995

RECEIVED

OCT 31 1994

October 28, 1994

Department of Water Resources

State of Idaho - Department of Water Resources
Attn: R. Keith Higginson - Director
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000

Re: Permit Nos. 36-08252B, 36-08252C, 36-08252D, 36-08063B, 36-08063C

Dear Mr. Higginson,

This letter is in response to a memorandum I read at the Twin Falls department office and a conversation I recently had with Mr. Branchflower. Evidently, someone in the Department of Water Resources has determined that we, F. F. Gunning and G. C. Gunning, have "bounced" permit nos. 36-08252 and 36-08063 around for years and only held onto the permits for speculation. This is absolutely untrue! If you will look at our files, we have developed many acres of Jerome and Gooding county land. We have filed for many permits and carried them through the licensing process. Not once in the past years have we used permits for speculation. Once again we say that someone in the department has made a wrong decision. We have known Mr. Branchflower for over twenty years. He came to us in January of this year explaining his dilemma in trying to conform with the department's rules and regulations on his property. After several months of deliberation, we decided to help Mr. Branchflower by not developing several pieces of marginal land we had planned to put under irrigation. Mr. Branchflower has helped us many times in past years when our pivot irrigation systems had structural failures and felt Mr. Branchflower had earned this consideration.

We are utilizing our portion of the permits (see proof acknowledgement letter) and respectfully request if the department denies Mr. Branchflower his permits that the department return to us the permits we transferred to Mr. Branchflower minus the permits granted to Mr. Hill Brandsma, along with adequate time to file the proof of beneficial use so we can proceed with the development we originally planned.

Please attach this letter to the above-referenced permits files.

Respectfully;

G. C. Gunning
F. F. Gunning

ag/GCG

cc: M. Branchflower
William J. McKlveen
Glenn Saxton

JUN 27 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 28, 1994

Hill Brandsma
2250 E 3200 S
Wendell, ID 83355

PROOF DUE NOTICE

RE: Permit No. 36-08252D

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before **January 1, 1995**. (See enclosed Order.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

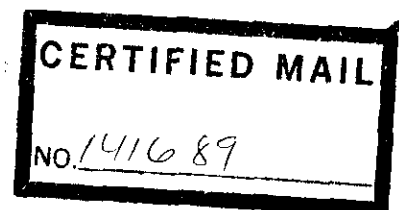
Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

RECEIVED

JUN 27 1995



WR0749NP
No. 36-08252D

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/27/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HILL BRANDSMA 2250 E 3200 S WENDALL ID 83355 (208) 536-6620	10/17/1984	STOCKWATER COMMERCIAL	01-01 12-31 01-01 12-31	0.24 CFS 0.28 CFS	
TOTAL DIVERSION:					0.52 CFS	
C	BANK OF AMERICA NATIONAL TRUST & SAVINGS ASSN 12747 CENTRAL 2ND FLOOR CHINO CA 91710					

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion: T08S R15E S14 SENE GOODING County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
---	---	---	:	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	:
OBS	15E	14	:	S				S												:

Place of use location for COMMERCIAL is the same location as described for: STOCKWATER

Pou County: GOODING

Conditions of Approval:

- 026 - Permit holder shall commence the excavation or construction of
- diverting works within one year of the date this permit is issued
- and shall proceed diligently until the project is complete.
- 004 - The issuance of this right in no way grants any right-of-way
- or easement across the land of another.
- 046 - Right holder shall comply with the drilling permit
- requirements of Section 42-235, Idaho Code.
- 468 - Construction of the well must comply with Idaho well
- construction standards.

Remarks: Stockwater use is for 1000 dairy and 500 range cattle.
Commercial use is for 1 dairy barn.

Dates:	App. Received:	10/17/1984	Priority Date:	10/17/1984
	Proof Due Date:	10/01/1994	Proof Made Date:	
	Exam Made Date:		Exam Sent to S.O.:	
	Licensed Date:			

Misc: Water District Number: Field Exam Fee:

Comments: Date: 08/06/1992 User-ID: VAULT Subject: Extension of Time Received



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

October 27, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

HILL BRANDSMA AND
BANK OF AMERICA NATIONAL TRUST AND SAVINGS ASSOC
12747 CENTRAL 2ND FLOOR
CHICO CA 91710

Re: Permit No. 36-08252D

Dear Water Right Holders:

This letter is to confirm that the assignment of ownership on the above referenced water right is satisfactory. We have modified our computer records to reflect this change in ownership.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', written over a horizontal line.

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

cc: Hill Brandsma

RECEIVED

JUN 27 1995

WR0749NP
No. 36-08252D

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/27/94
PAGE: 2

=====
Comments: Date: 08/06/1992 User-ID: VAULT Subject: Extension of Time Received
Extension of Time Received

Date: 07/01/1994 User-ID: BALDWIN Subject: AMENDMENT OF PERMIT
App. for amendment filed on 4/20/94 proposes to change point of
diversion, place of use, nature of use, and season of use. This
amendment of part D changes water use from irrigation to a
commercial dairy and season of use from 3/15-11/15 to 1/1-12/31.
Permit No. 36-08252 was split into Parts A & B by assignment
to Mike Branchflower of 2.02 cfs (Part B.)
36-08252B is split into Parts C & D by assignment from
Branchflower to Hill Brandsma of 0.52 cfs (Part D to Brandsma).
Branchflower then splits Part C into Parts E (0.10 cfs) & Part F
(1.40 cfs) by two proposed Amendments filed on 4/21/94.

Audit: 08/22/94 CZIMMERM 07/01/94 BALDWIN 08/22/94 CZIMMERM 08/23/94 CZIMMERM



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

October 27, 1994

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

HILL BRANDSMA
2250 E 3200 S
WENDELL ID 83355

RE: Permit Nos. 36-08252D and 36-08063D

Dear Water Right Holder:

Enclosed are copies of your approved Applications for Amendment submitted in connection with the above referenced permits.

If you have any questions concerning these documents, please feel free to contact us.

Sincerely,

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosures

JUN 27 1995

HAWLEY TROXELL ENNIS & HAWLEY

ATTORNEYS AND COUNSELORS

FIRST INTERSTATE CENTER
877 MAIN STREET, SUITE 1000

POST OFFICE BOX 1617

BOISE, IDAHO 83701-1617

TELEPHONE
(208) 344-6000

FAX
(208) 342-3829

KETCHUM OFFICE

319 WALNUT AVENUE
POST OFFICE BOX 297
KETCHUM, IDAHO 83340-0297

POCATELLO OFFICE

125 NORTH GARFIELD
POST OFFICE BOX 4167
POCATELLO, IDAHO 83205-4167

LENISE K. CRUSON

October 5, 1994

HAND DELIVERED

Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

Re: Permit No. 36-08252D

Gentlemen:

Enclosed please find an original and one copy of an Assignment of Permit regarding the above-referenced permit which is currently in the name of Hill Brandsma. Also enclosed is our check in the amount of \$25.00 for the filing fee.

Please file the original Assignment of Permit, and stamp the copy "received" or "filed", and return the copy to me in the envelope provided.

Thank you for your assistance. Please call me if you have any questions.

Sincerely,

HAWLEY TROXELL ENNIS & HAWLEY



Lenise K. Cruson
Paralegal

Enclosures

cc: Bank of America

7 1995

JUN 27 1995

Branchflair / Branda

FILE NUMBER ----- -7259.00 FOR PRINTING INSTRUCTIONS
REVIEWER ----- jes GO TO -- "G30"

DAIRIES: WATER USE WORKSHEET

REQUIRED DAIRY DATA

NUMBER OF MILKING CATTLE ----- 1000
NUMBER OF NONMILKING CATTLE ----- 500
IF LAGOON IS AEROBIC, ENTER ITS SURFACE AREA IN ACRES;
IF ANAEROBIC, ENTER ZERO ----- 0.0
EVAPOTRANSPIRATION FACTOR FOR AREA (AC-FT/AC-YR) ----- 0
ENTER 1 FOR MANUAL COW WASHING, 2 FOR AUTOMATIC, OR 3 IF
SPRINKLERS ARE USED TO FLUSH HOLDING PEN AND WASH COWS ----- 3
NUMBER OF MILKINGS PER DAY ----- 3

CALCULATIONS

DIVERSION RATE FOR STOCKWATER (CFS):

MILKING CATTLE @35 GPD/HD ----- 0.65
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * ----- 0.65
NONMILKING CATTLE @12 GPD/HD ----- 0.11
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * ----- 0.11
TOTAL (BASED UPON ROUNDED NUMBERS) ----- 0.76

DIVERSION VOLUME (AFA):

STOCKWATER

MILKING CATTLE @35 GPD/HD ----- 39.2
MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * ----- 40.0
NONMILKING CATTLE @12 GPD/HD ----- 6.7
NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * ----- 6.7
TOTAL (BASED UPON ROUNDED NUMBERS) ----- 46.7

COMMERCIAL

WASHING OF BULK TANK AND RELATED EQUIPMENT ----- 0.5
PARLOR FLOOR AND MILKHOUSE FLOOR ----- 0.1
CATTLE WASHING BASED UPON METHOD OF WASHING ----- 54.6
TOTAL ----- 55.2

TOTAL DIVERSION VOLUME ----- 102.0

CONSUMPTIVE USE VOLUME (AFA):

STOCKWATER

MILKING ----- 5.8
NONMILKING ----- 0.0
TOTAL ----- 5.8

COMMERCIAL

----- 0.0
TOTAL CONSUMPTIVE USE ----- 5.8

THEORETICAL FLOW ESTIMATION WORKSHEET

REQUIRED PUMP INFORMATION

PUMP HORSEPOWER (HP) ----- PUMP 1 PUMP 2 PUMP 3
LIFT (FT) ----- 5.00 0.00
DISCHARGE PRESSURE (PSI) ----- 205 0
FRICTION LOSSES (FT) ----- 50 0
----- 0.0 0.0

CALCULATIONS

THEORETICAL FLOW RATE (CFS) ** ----- 0.10 0.00 0.00
DIVERSION VOLUME (AFA) *** ----- 69.6 0.0 0.0

* NUMBER OF CATTLE ROUNDED UP TO AGREE WITH EXISTING TABLES.
** PUMP EFFICIENCY WAS ASSUMED TO BE 70%.
*** DIVERSION VOLUME IS THE ABSOLUTE MAXIMUM VOLUME BASED ON
THE THEORETICAL FLOW RATE ASSUMING PUMP RUNS CONTINUOUSLY
EVERY DAY OF THE YEAR.

TO PRINT:
USE THE MACRO COMMAND - ALT P

The print macro formula location
within this spreadsheet is at J63

$\frac{4}{4} = 12000$

$\frac{4}{4} = 14000$

$\frac{4}{4} = 25.5 (26)$

AFFIDAVIT of PUBLICATION

State of Idaho }
County of Gooding } ss.

NOTED

JUL 28 1994

Department of Water Resources
Southern Region Office

Patty Nance, being first duly sworn, deposes and says that she is the printer (publisher) of the Gooding County Leader a newspaper published every week in Gooding County, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for

2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 13 day of July, 1994 and the date of the last publication was on the 20 day of July, 1994.

Patty Nance

Subscribed and sworn to before me this 20 day of July, 1994.

(SEAL)

Charlene Irish
NOTARY PUBLIC

#935/51031
GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 215

Lines tabular at	6¢/Pica
<u>451</u> Lines straight at	<u>\$22.55</u> 5¢/Pica
Subsequent lines at	<u>18.04</u> 4¢/Pica
TOTAL COST <u>\$40.59</u>	

COPY OF NOTICE

(Paste Here)

Notice of Amendment to a Water Permit

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Department of Water Resources

NOTICE OF AMENDMENT
NO. 36-08252D

Notice is hereby given that HILL BRANDSMA of Wendell, ID is the holder of a part of Approved Permit No: 36-08252D with a priority date of 10/17/1984 authorizing the diversion of 2.02 cubic feet per second of water from ground water. An amendment of 0.52 cfs to the permit No. 36-08252D creates Water Right No. 36-08252C and Water Right No. 36-08252D.

This Application for Amendment proposes to change point of diversion, place of use, and nature of use. The permit holder has applied to the Department of Water Resources for an Amendment to the Permit, to be changed as follows:

Use and Amount:
Stockwater (0.24 cfs)
Commercial (0.28 cfs)
Period of Use: 01/01 to 12/31
Point of Diversion: SE1/4, S14, T08S, R15E, Gooding County.
Place of Use: Within E1/2NE, S14, T08S, R15E, Gooding County.

Any protest against approval of the amending of Permit No. 36-08252, Part D as set forth above must be filed with the Director, Idaho Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of \$25 on or before August 1, 1994. The protestant must also send a signed protest to the applicant.

R. Keith Brandtman, Director
Pub: 7/26/94

#935

JUN 27 1995

NOTICE OF AMENDMENT TO A WATER PERMIT
NO. 36-08252D

Notice is hereby given that HILL BRANDSMA of Wendell, ID is the holder of a part of Approved Permit No. 36-08252B with a priority date of 10/17/1984 authorizing the diversion of 2.02 cubic feet per second of water from groundwater. An assignment of 0.52 cfs of Water Right No. 36-08252B creates Water Right No. 36-08252C and Water Right No. 36-08252D.

This Application for Amendment proposes to change point of diversion, place of use, and nature of use.

The permit holder has applied to the Department of Water Resources for an Amendment to the Permit, to be changed as follows:

Use & Amount:
Stockwater (0.24 cfs)
Commercial (0.28 cfs)

Period of Use: 01/01 to 12/31

Point of Diversion: SENE, S14, T08S, R15E; Gooding County.

Place of Use: Within E1/2NE, S14, T08S, R15E; Gooding County.

Any protest against approval of the amending of Permit No. 36-08252, Part D as set forth above must be filed with the Director, Idaho Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before August 1, 1994. The protestant must also send a copy of the protest to the applicant.

R. Keith Higginson, Director

Published in the Gooding County Leader on 7/13 & 7/20/94.

36-08252D

JUN 27 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

~~06 Jul 1994~~

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

MAGIC VALLEY PUBLISHING CO
ATTN Gooding County Leader
PO BOX 468
JEROME ID 83338

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the required publication dates. If time allows, please submit a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

RECEIVED

7/7/94



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-Jul-1994

R. KEITH HIGGINSON
Director

HILL BRANDSMA
2250 E 3200 S
WENDELL ID 83355

Re: Application for Amendment, 36-08252D

Dear Mr. Brandsma:

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

This office has scheduled advertising the application in the Gooding County Leader on 7/13 & 7/20/94. 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
Sr. Water Resource Agent

JS:MB

RECEIVED
JUN 27 1995

Part C

RECEIVED

OCT 31 1994

Department of Water Resources

October 28, 1994

State of Idaho - Department of Water Resources
Attn: R. Keith Higginson - Director
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000

Re: Permit Nos. 36-08252B, 36-08252C, 36-08252D, 36-08063B, 36-08063C

Dear Mr. Higginson,

This letter is in response to a memorandum I read at the Twin Falls department office and a conversation I recently had with Mr. Branchflower. Evidently, someone in the Department of Water Resources has determined that we, F. F. Gunning and G. C. Gunning, have "bounced" permit nos. 36-08252 and 36-08063 around for years and only held onto the permits for speculation. This is absolutely untrue! If you will look at our files, we have developed many acres of Jerome and Gooding county land. We have filed for many permits and carried them through the licensing process. Not once in the past years have we used permits for speculation. Once again we say that someone in the department has made a wrong decision. We have known Mr. Branchflower for over twenty years. He came to us in January of this year explaining his dilemma in trying to conform with the department's rules and regulations on his property. After several months of deliberation, we decided to help Mr. Branchflower by not developing several pieces of marginal land we had planned to put under irrigation. Mr. Branchflower has helped us many times in past years when our pivot irrigation systems had structural failures and felt Mr. Branchflower had earned this consideration.

We are utilizing our portion of the permits (see proof acknowledgement letter) and respectfully request if the department denies Mr. Branchflower his permits that the department return to us the permits we transferred to Mr. Branchflower minus the permits granted to Mr. Hill Brandsma, along with adequate time to file the proof of beneficial use so we can proceed with the development we originally planned.

Please attach this letter to the above-referenced permits files.

Respectfully;

G. C. Gunning
F. F. Gunning

ag/GCG

cc: M. Branchflower
William J. McKlveen
Glenn Saxton

JUN 27 1995

Part B

RECEIVED

OCT 31 1994

October 28, 1994

Department of Water Resources

State of Idaho - Department of Water Resources
Attn: R. Keith Higginson - Director
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000

Re: Permit Nos. 36-08252B, 36-08252C, 36-08252D, 36-08063B, 36-08063C

Dear Mr. Higginson,

This letter is in response to a memorandum I read at the Twin Falls department office and a conversation I recently had with Mr. Branchflower. Evidently, someone in the Department of Water Resources has determined that we, F. F. Gunning and G. C. Gunning, have "bounced" permit nos. 36-08252 and 36-08063 around for years and only held onto the permits for speculation. This is absolutely untrue! If you will look at our files, we have developed many acres of Jerome and Gooding county land. We have filed for many permits and carried them through the licensing process. Not once in the past years have we used permits for speculation. Once again we say that someone in the department has made a wrong decision. We have known Mr. Branchflower for over twenty years. He came to us in January of this year explaining his dilemma in trying to conform with the department's rules and regulations on his property. After several months of deliberation, we decided to help Mr. Branchflower by not developing several pieces of marginal land we had planned to put under irrigation. Mr. Branchflower has helped us many times in past years when our pivot irrigation systems had structural failures and felt Mr. Branchflower had earned this consideration.

We are utilizing our portion of the permits (see proof acknowledgement letter) and respectfully request if the department denies Mr. Branchflower his permits that the department return to us the permits we transferred to Mr. Branchflower minus the permits granted to Mr. Hill Brandsma, along with adequate time to file the proof of beneficial use so we can proceed with the development we originally planned.

Please attach this letter to the above-referenced permits files.

Respectfully,

G. C. Gunning
F. F. Gunning

ag/GCG

cc: M. Branchflower
William J. McKlveen
Glenn Saxton

JUN 27 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

I, F.F. Gunning, hereby assign to Mike Branchflower
of PO Box 392, Wendell, ID 83355
(Permit Holder) (Full Address)

All my right, title, and interest in and to Permit No. _____
to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to
Permit No. 36-08252 to appropriate the public waters of the State of Idaho.

Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision,
point of diversion location, and the amount of water in cubic feet per second.

2.02 cfs (101") of water from the following:
75, 15E, 524, SWNE - 3 acres, 5ESW - 35 acres,
NESE - 36 acres, SWSE - 27 acres.

Made this 3rd day of May, 19 94.

F.F. Gunning
Permit Holder(s)

State of Idaho)
County of Twin Falls ss

On this 3rd day of May, 199 4, personally appeared before me
the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

JUDY GIVENS

Judy Givens
Notary Public

SEAL

Twin Falls, Idaho

My commission expires: July 18, 1995

Signature

JUN 27 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

I, F.F. Gunning, hereby assign to Mike Branch Flower
of PO Box 392, Wendell, ID 83355
(Permit Holder) (Full Address)

All my right, title, and interest in and to Permit No. _____
to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to
Permit No. 36-08063 to appropriate the public waters of the State of Idaho.

Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision,
point of diversion location, and the amount of water in cubic feet per second.

.58 cfs (29") of water from the following: 7S, 16E,
S34, 5WSW - 4 acres, S8SW - 10 acres; 7S, 16E, S19,
14.3 NWSW - 15 acres.

Made this 3rd day of May, 19 94.

F.F. Gunning
Permit Holder(s)

State of Idaho)
County of Twin Falls ss

On this 3rd day of May, 199 4, personally appeared before me
the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

JUDY GIVENS

Judy Givens
Notary Public

SEAL

Twin Falls, Idaho

My commission expires: July 18, 1995

Signature

JUN 27 1995

SPLIT TREE--36-08252

36-08252--N/O F.F. GUNNING

DIV. RATE: 2.4 CFS (IRRIGATION)

P/D: 7S, 15E, S24, SESE
S25, SWNE

P/U: 7S, 15E, S24, SWNE--3 ACRES SWSW--1 ACRE
SENE-14 " SESW-35 "
NESE-36 "
NWSE--4 "
SWSE-27 "

36-08252A--N/O F.F. GUNNING

DIV. RATE: .38 CFS (IRRIGATION)

P/D: 7S, 15E, S24, SESE
S25, SWNE

P/U: 7S, 15E, S24, SENE-14 ACRES SWSW--1 ACRE
NWSE--4 "

36-08252B--N/O MIKE & KATHY BRANCHFLOWER

DIV. RATE: 1.40 CFS (IRRIGATION)

P/D: 8S, 14E, S12, NENE

P/U: 8S, 14E, S12, NWNE--33 ACRES NENE--22 ACRES
SWNE--13 " SENE-- 2 "

36-08252C--N/O MIKE & KATHY BRANCHFLOWER

DIV. RATE: .10 CFS (IRRIGATION)

P/D: 8S, 14E, S3, SWSE

P/U: 8S, 14E, S3, SWSE--5 ACRES

36-08252D--N/O HILL BRANDSMA

DIV. RATE: .52 CFS TOTAL (COMMERCIAL DAIRY)

.28 CFS--COMMERCIAL

.24 CFS--STOCKWATER

P/D: 8S, 15E, S14, SENE

P/U: 8S, 15E, S14, SENE--COMMERCIAL
STOCKWATER

JUN 27 1995

SPLIT TREE--36-08063

36-08063--N/O F.F. GUNNING

DIV. RATE: 5.28 CFS (IRRIGATION)

P/D: 7S, 16E, S21 NESE; S22 SWSW; S25 NESE

P/U: 7S, 15E, S24, SESE-25 ACRES

S34, SWSW- 4 "

SESW-10 "

16E, S19, LOT 3, NWSW-15 ACRES

LOT 4, SWSW-10 "

S22, NESW-40 ACRES

NWSW-40 "

SWSW-40 "

SESW-40 "

NWSE-40 "

36-08063A--N/O F.F. GUNNING

DIV. RATE: 4.70 CFS (IRRIGATION)

P/D: 7S, 16E, S21, NESE; S22 SWSW; S25 NESE

P/U: 7S, 15E, S24, SESE-25 ACRES

16E, S19, LOT 4, SWSW-10 ACRES

S22, NESW-40 ACRES

NWSW-40 "

SWSW-40 "

SESW-40 "

NWSE-40 "

36-08063B--N/O HILL BRANDSMA

DIV. RATE: .28 CFS TOTAL FOR DAIRY USE

P/D: 8S, 15E, S12, SWSE

P/U: 8S, 15E, S12, SWSE-STOCKWATER .12 CFS

SWSE-COMMERCIAL .16 CFS

36-08063C--N/O MIKE & KATHY BRANCHFLOWER

DIV. RATE: .30 CFS (IRRIGATION)

P/D: 8S, 14E, S3, SWSE

P/U: 8S, 14E, S3, SWSE--15 ACRES

2/10 Over
left

APPROVED

JUN 27 1995

ORIGINAL

MEMO TO FILES

FROM: MEL SCHULTE

APPLICATIONS FOR AMENDMENT
PERMITS 36-08063 & 36-08252
N/O GUNNING/BANCHFLOWER/BRANDSMA

DATE: APRIL 21, 1994

THE ABOVE APPLICATIONS INVOLVE THE FOLLOWING EVENTS:

1. F.F. GUNNING SOLD AND ASSIGNED 130 INCHES OF WATER TO
MIKE BANCHFLOWER FROM THE FOLLOWING PERMITS:
A. 101" FROM 36-08252 (2.00 cfs)
B. 29" FROM 36-08063
2. MIKE BANCHFLOWER SUBSEQUENTLY SOLD AND ASSIGNED 40
INCHES OF THE SAME WATER TO HILL BRANDSMA TO BE USED FOR
DAIRY USE AT TWO DIFFERENT LOCATIONS TO BE SPLIT AS FOLLOWS:
A. 14" UNDER 36-08063B TO 8S, 15E, S12, SWSE
B. 26" UNDER 36-08252D TO 8S, 15E, S14, SENE
3. MIKE BANCHFLOWER WANTS TO UTILIZE 90 INCHES OF THE
GUNNING WATER FOR IRRIGATION TO BE SPLIT AS FOLLOWS:
A. 70" UNDER 36-08252B TO 8S, 14E, S12, NE1/4
B. 15" UNDER 36-08063C TO 8S, 14E, S3, SWSE
C. 5" UNDER 36-08252C TO 8S, 14E, S3, SWSE

TO ACCOMPLISH THE ABOVE OWNERSHIP CHANGES THERE ARE TWO
ASSIGNMENTS OF PERMIT FROM GUNNING TO BANCHFLOWER AND TWO
ASSIGNMENTS OF PERMIT FROM BANCHFLOWER TO BRANDSMA. TO
AMEND THE PERMITS THERE ARE TWO APPLICATIONS EXECUTED BY
HILL BRANDSMA AND THREE APPLICATIONS EXECUTED BY MIKE
BANCHFLOWER. THE FIVE AMENDMENTS SHOULD BE PROCESSED
TOGETHER.

A SPLIT TREE FOR BOTH PERMITS HAS BEEN PREPARED AND IS
ATTACHED AS A SUPPLEMENT TO EACH APPURTENANT APPLICATION.

APR 29 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 13, 1992

F. F. Gunning
P.O. Box 716
Wendell, ID 83355

Re: Permit No. 36-08252

Dear Permit Holder:

Enclosed is a copy of your approved Request for Extension of Time submitted in connection with the above referenced permit. The time within which to submit proof of beneficial use is extended to October 1, 1994.

Please note that the department has granted this extension based upon governmental agency delay. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional requests.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

Enclosure

c: IDWR-Regional Office

MICROFILMED

AUG 20 1992

STANLEY F. HAMILTON
DIRECTOR

August 11, 1992

Karen L. Gustafson, Secretary/Records Manager
Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83720-9000

Dear Karen:

Mr. F.F. Gunning recently contacted me in regards to your letter concerning water permits 36-08252 and 36-08063. Mr. Gunning has been in contact with our Gooding office of Department of Lands in regards to a possible land exchange.

His proposal involves state land recently acquired North of Wendell. He proposes to exchange private land with in the state land block for state land located adjoining his private land. He also has indicated plans to acquire a lease on the state lands if for some reason the land exchange does not get completed.

If you have any questions, please contact me at our office in Gooding.

Sincerely,



Howard K. Kestie
Area Supervisor

MICROFILMED

AUG 20 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 6, 1992

F. F. Gunning
P.O. Box 716
Wendell, ID 83355

Re: Permit No. 36-08252 and 36-08063

Dear Permit Holder:

The Department is receipt of the Requests for Extension of Time you submitted in connection with the above referenced permits. However, before I can proceed with the analysis, further information is necessary.

You indicate some ongoing exchanges of land with the state land board. Please provide the Department with copies of any correspondence concerning this matter.

The Department has already issued one extension of time based on Swan Falls litigation. We may not be able to grant another extension. Therefore, in order to complete my analysis, it is necessary to have further documentation.

In order to meet all of the required dates, you will need to submit this information on or before September 1, 1992.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

Karen L. Gustafson
Karen L. Gustafson
Secretary/Records Manager

RECEIVED

AUG 20 1992

June 30, 1992

F. F. GUNNING
P.O. BOX 716
WENDELL ID 83355

PROOF DUE NOTICE

RE: PERMIT NO. 36-08252

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before September 1, 1992. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

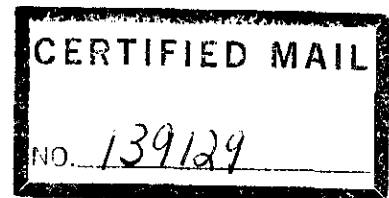
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures



RECEIVED

AUG 20 1992

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 327-7900
August 16, 1990

F. F. GUNNING
P.O. BOX 716
WENDELL, ID 83355

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. P36-08252

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed a form entitled "Instructions for Proof of

MICROFILMED

SEP 15 1990

Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MICROFILMED
SEP 15 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
State Office
1301 North Orchard St.

Statehouse Mail
Boise, Idaho 83720
(208) 327-7900

JULY 12, 1990

Gooding County Leader
442 Main Box 56
Gooding, ID 83330

Dear Legal Dept.:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before AUGUST 6, 1990.

Yours truly,

SHARLA CURTIS
Secretary

Encl.

MICROFILMED

SEP 05 1990

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

36-08252

GUNNING, F. F.

P.O. BOX 716
WENDELL, ID 83355

Source: GROUNDWATER

Diversion Pt: SESE Sec 24 T 07S R 15E
 SWNE Sec 25 T 07S R 15E

Use: IRRIGATION (2.400 CFS)
 Total Diversion: (2.400 CFS)

Date Filed: 10/17/ 1984

In: T07S R15E S24	SWNE	SENE	SWSW	SESW
	NESE	NWSE	SWSE	

120.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before AUGUST 6, 1990.

Published 7/18/1990 & 7/25/1990

R. Keith Higginson, Director

MICROFILMED

SEP 05 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

June 20, 1990

R. KEITH HIGGINSON
DIRECTOR

F.F. Gunning
P.O. Box 716
Wendell, ID 83355

Re: Application No. 36-8252

Dear Mr. Gunning:

The Department acknowledges receiving an assignment of the above application from G.C. Gunning to you along with an amendment that changes the point of diversion and place of use. I have noticed on your amendment that the Bureau of Land Management (BLM) owns a portion of the land described as the amended place of use.

The Department will proceed with advertising the application during the first half of July. However, before the Department can approve the application, you must submit documentation concerning any arrangements which allows you to develop the BLM ground (i.e.; lease agreement etc.).

Please forward this additional information at your earliest convenience. Delays in submitting this information will cause delays in approving the application.

Please feel free to contact me directly at 327-7864 if you have questions concerning this matter.

Sincerely,

Tim Luke
Sr. Water Resource Agent

MICROFILMED

SEP 25 1990

RECEIVED

JUN 15 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

Department of Water Resources
Southern Region Office

Application No. 36-8252

INSTRUCTIONS: IF YOU ARE NOT INTERESTED IN HAVING THE APPLICATION PROCESSED, PLEASE COMPLETE AND RETURN THE ENCLOSED WITHDRAWAL FORM.

IF YOU WISH TO HAVE THE APPLICATION PROCESSED, PLEASE ANSWER THE FOLLOWING QUESTIONS AS THOROUGHLY AS POSSIBLE. FAILURE TO RETURN EITHER THE WITHDRAWAL FORM OR QUESTIONNAIRE IS CAUSE FOR THE DEPARTMENT TO VOID THE APPLICATION.

- 1a. Are you the current owner of the land or place of use described under this application? Yes X No
b. If you are not the property owner, please describe the arrangement enabling you to develop the proposed project.

2a. Has the source of water listed on this application been used to irrigate any of the land described under this same application prior to October 1, 1984? Yes No ✓

b. If yes, please describe the extent of development and number of acres irrigated. (Note: Uses developed after October, 1984 are considered trust water diversions and may be subject to certain restrictions and/or conditions. You may be asked to verify uses established prior to October, 1984.)

3. If you answered NO to ques #2a, please state the number of acres you have irrigated with this source after October 1, 1984. 120

4. If you have not irrigated lands under this application, please state the number of acres you plan to complete.

5. If the permit is a supplemental filing please identify other water rights which are used on the same land.

Northside Canal Co. shares

Use the reverse side of this form if you wish to add any comments. You may mark changes on the enclosed application to designate any proposed amendments. (Note: Proposed changes which result in an expansion of use will not be considered by the department.)

I hereby assert that the responses provided above are true to the best of my knowledge. I understand that any willful misrepresentations may result in voiding of the application.

Applicant T J. Lohme

Date 5/31/90

Note: New address is P.O. Box 716, Wendell, ID 83355

1986 IDWR Irrigation Report shows
was irrigated as non-irrigated

T.J. Lohme 8-24-90

MICROFILMED

SEP 05 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

*Spoke w/ Doug Jones 5-31-90
Allow some additional time -
Will submit assignment & Assignment
needs time for Assignment.*

May 4, 1990

*Trust Let &
Questionnaire Resent
on 5/8/90*

RE: APPLICATION FOR PERMIT NO. 36-8252

Dear APPLICANT:

Due to the Swan Falls litigation, Department approval of the enclosed application may have been delayed. The Department is presently reviewing your application and may authorize the proposed development.

The purpose of this letter is to determine: (1) if you are still interested in developing the project, and (2) the extent of development if any, that has already occurred under the application. Enclosed are two forms requesting information which will help the Department expedite the processing of the application.

1. If you have abandoned or have no interest in continuing with your plans for development of the project, please complete the enclosed withdrawal form and return it to the Department. If you request a withdrawal of the application and the application was not previously advertised, the department will refund your original filing fee.

2. If you wish to continue with your proposed development plans, or have completed all or a portion of the proposed development before October 1, 1984, then you must complete and return the enclosed questionnaire. You may use the questionnaire and enclosed application to make any comments &/or amendments concerning the application. Your completion of the questionnaire will expedite processing and help the department determine if the water diverted under the application is public water or trust water. Approved trust water applications may be subject to additional conditions.

Failure to return either of the above forms within thirty (30) days of the date of this letter is cause for the Department to void the application.

Please be further advised that if any undeveloped portion of your proposed project is greater than 200 acres, the Department will issue a notice requesting additional information as required by Water Appropriation Rule 4,5. (in particular, Rules 4,5,3. thru 4,5,3,5, apply to your project if it is more than 200 acres).

MICROFILMED

SEP 15 1990

Page 2

If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 327-7864. The enclosed forms and all other relative information must be returned within thirty (30) days to:

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720
Attn: Tim Luke

Please note that a copy of your application is enclosed. The application number is also shown on the enclosed questionnaire.

Sincerely,



TIM LUKE
Sr. Water Resource Agent

Enclosures

MICROFILMED
SEP 05 1990