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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Department of Water Resources
 Southern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>36-2247B, D, E, F</u>			<u>36-07460 G</u>		
<u>36-8047B, D, E, F</u>			<u>~~36-10337~~</u>		
<u>36-13882</u>			<u>36-07377 B</u>		
<u>36-10449</u>			<u>36-07547 B</u>		
<u>36-02517C</u>			<u>36-08313 B</u>		

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Double V Partnership / (Change of Business name)
4. New Owner/Claimant(s) Ken Vande Vort / Double V LLC.
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
- New Mailing Address 1587 E 300 S
- City, State and ZIP Code Wendell ID 83355
- New Telephone Number () 536-6537
5. Date you acquired the property _____

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See file 36-02247B for support documentation

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) *David Vest*
(include title if applicable) _____

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by *[Signature]* Date 6/26/02 Fee 175.00
 Receipted by *[Signature]* Date 6/26/02 Receipt No. 3025025
 Processed by AJ Date _____ WR _____ Date _____

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NOV 18 2002

District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

Important Information About Your Water Right

May 31, 2002

Michael G. Branchflower
PO Box 575
Hagerman, ID 83332-0575

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JUN - 1 2002

Department of Water Resources

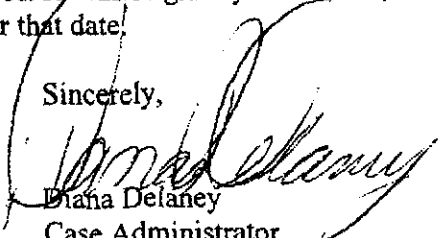
Dear Water Right Claimant(s):

This letter accompanies a copy of an *Order Amending Irrigation Period of Use Element in Partial Decree, and Incorporating into Partial Decree Express Statement Regarding General Provisions, Nunc Pro Tunc* (hereinafter "*Order*") issued for water right number 36-7460D. Following the issuance of the *Partial Decree* for water right 36-7460D, the water right was split into multiple water rights pursuant to administrative proceedings conducted before the Idaho Department of Water Resources (IDWR). According to the records of IDWR, you are the current owner of water rights 36-7460E, 36-7460F and 36-7460G, which represents water rights resulting from the split of water right 36-7460D. If you are not the current owner, please contact IDWR immediately at:

1301 North Orchard, Boise, ID 83706, 800-451-4129.

The purpose of the *Order* is to set forth beginning and ending dates for the irrigation period of use for water right 36-7460D. As stated in the face of the *Order*, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). The *Order* also incorporates into the *Partial Decree* an express statement that the *Partial Decree* is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This *Order*, in combination with the *Partial Decree* that was issued for water right 36-7460D on November 25, 1997, sets forth all of the elements from which your water right is derived. (Again, your water right was split from water right 36-7460D.) The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the *Partial Decree* to show evidence of this water right. The original of the *Order* and the original of the *Partial Decree* for this water right are on file with SRBA Court. If you do not have a copy of the original *Partial Decree*, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the *Order* is entered *Nunc Pro Tunc*, meaning that the *Order* will be treated as if it were issued on the same date that the *Partial Decree* was originally issued and, therefore, does not supercede any administrative changes occurring after that date.

Sincerely,


Diana Delaney

Case Administrator

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JUN 18 2002

THEREFORE, IT IS ORDERED that period of use element for the irrigation portion of the above-captioned decreed water right is hereby amended and decreed as:

PERIOD OF USE: 04-01 to 10-31

The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late season irrigation use and a priority date earlier than the date a partial decree is entered for this right.

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned decreed water right is hereby amended and decreed to contain the following:

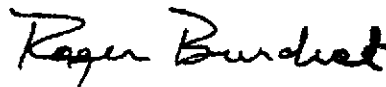
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

IT IS FURTHER ORDERED that this order is being entered *nunc pro tunc* effective as of the date the *Partial Decree* was issued and shall not supercede any subsequent administrative changes to the water right that may have occurred following entry of the *Partial Decree*.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED: May 31, 2002.



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

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NOV 18 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

July 11, 2002

DOUBLE V LLC
RAY VANDER VEGT
1587 E 3100 S
WENDELL ID 83355

RE: Change of Ownership for Water Rights 36-2247B, D, E, F, 36-8047B, D, E, F,
36-13882, 36-10449, 36-2517C, 36-7460G, 36-7377B, 36-7547B, 36-8313B

Dear Water Right Holder(s):

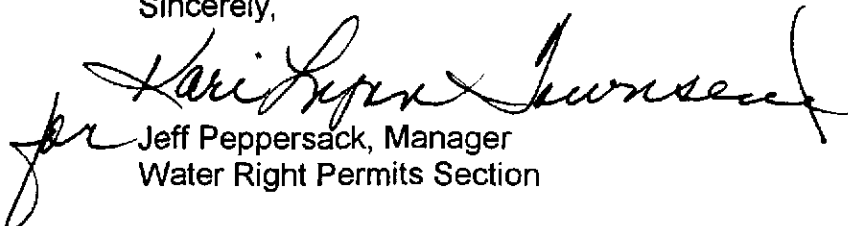
The department acknowledges receipt of correspondence changing ownership of the above referenced water rights to you. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated reports for your records.

Your original request for ownership change included water right 36-10332. Our records indicate this is not part of the land included in the legal description that you provided. A refund for the \$25.00 filing fee that you paid for this is being requested by copy of this letter to our Fiscal Section.

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,


Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

cc: Debbie Allen, Fiscal Section

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JUL 18 2002

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FEB 17 1983
Department of Water Resources
District Office

State of Idaho
Department of Water Resources
WATER RIGHT LICENSE

License of Water Right No. 36-7460 Priority March 25, 1974 Amount 14.2 cfs

THIS IS TO CERTIFY, that Janss Investment Corp.
of Thousand Oaks, California, has complied with the terms and conditions of Permit
No. 36-7460 issued pursuant to Application for Permit dated March 25, 1974
and has submitted proof to the Department of Water Resources on February 2, 1979
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 14.2 of water from a groundwater source
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 15</u> to <u>November 15</u>	at <u>14.2</u> cfs and	<u>3600.0</u> acre feet
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	
(both dates inclusive)			

Subject, however, to the condition that no more than 14.2 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
3600.0 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21; NW $\frac{1}{4}$ NE $\frac{1}{4}$,
SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28; Twp. 7S, Rge. 14E in the County of Gooding

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7S	14E	20																	33
		21											40	40	33	33	40	33	219
		28	33	40	38	39	40	40	40	40	40	38	35	39	40	35	39	39	615
		29	33																33

Total number of acres irrigated 900

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 31 day of January 1983.


Director

36-7460

WR5747NP

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS NUMBER INDEXDATE: 08/08/95
PAGE: 1WATER RIGHT
NUMBER

NAME

CFS

36-07460

Split into 36-07460A & B.

36-07460A

Split into 36-07460C & D by Trans. #3767.

36-07460B

BRANCHFLOWER , MIKE

1.04

36-07460C

JANSS INVESTMENT CORP.

12.72

36-07460D

BRANCHFLOWER , MIKE

0.44

WR5747NP

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS NUMBER INDEX

DATE: 08/08/95

PAGE: 1

WATER RIGHT
NUMBER

NAME

CFS

T36-07460G2 BRANCHFLOWER , MIKE

0.19

pending xfer

WR5747NP

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS NUMBER INDEX

DATE: 08/08/95

PAGE: 1

WATER RIGHT
NUMBER

NAME

CFS

X36-07460E	BRANCHFLOWER , MIKE	0.13
X36-07460F	BRANCHFLOWER , MIKE	0.12
X36-07460G	BRANCHFLOWER , MIKE	0.19
X36-07460H	JANSS FARMS	9.06
X36-07460J	BRANCHFLOWER , MIKE	1.38

water right database (not adj.) reflection
of transfers approved since Director's report
was prepared.

Post-It® Fax Note	7671	Date 8/8	# of pages 4
To Mary		From [Signature]	
Co/Dept.		Cc.	
Phone #		Phone #	
Fax #		Fax #	



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

October 14, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

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

Dear Interested Parties:

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

Section 67-5246 provides as follows:

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

36-74606

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

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

PETITION FOR RECONSIDERATION

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

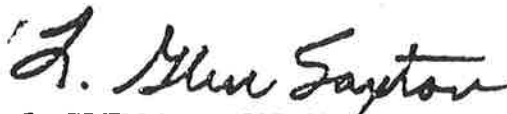
APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

The appeal must be filed within twenty-eight (28) days a) of the service date of the final order, b) of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,



L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

C: IDWR - Region, Dick Larsen

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

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

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

FINDINGS OF FACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONCLUSIONS OF LAW

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

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

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

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

ORDER

IT IS THEREFORE, HEREBY ORDERED as follows:

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

DATED this 2nd day of October, 1997.



KARL J. DREHER
Director

CERTIFICATE OF SERVICE

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

Mike and Kathy Branchflower
Box 392
Wendell, ID 83355

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

HAND DELIVERED

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


JULIE L. YARBROUGH
Senior Secretary