

COPY

2002 APR 11 AM 11:22

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO

FILED

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

In Re SRBA

)

Subcase No. 36-7834, 36-8058

)

Case No. 39576

)

)

NOTICE OF COMPLETED

ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: **LICENSE ISSUED**

Name of Claimant:

Michael G. Branchflower

Katherine L. Branchflower

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: 4/10/02

  
Signature of IDWR Representative

NOTICE OF COMPLETED  
ADMINISTRATIVE PROCEEDING  
5/21/96

## CERTIFICATE OF MAILING

I certify that on 4/11, 2002, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:  
Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
PO Box 2707  
Twin Falls ID 83303-2707
2. One Copy to:  
Claimant or attorney of record:  
Michael G. Branchflower  
Katherine L. Branchflower  
PO Box 575  
Hagerman ID 83332
3. One Copy to:  
Chief Natural Resources Division  
Office of the Attorney General  
PO Box 44449  
Boise ID 83711-4449
4. One Copy to:  
United States Dept of Justice  
Environment & Natural Resource Div  
550 West Fort Street MSC 033  
Boise ID 83724



Signature of person or attorney mailing the form

04/10/2002

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 36-7834

NAME AND ADDRESS: KATHERINE L BRANCHFLOWER  
PO BOX 575  
HAGERMAN ID 83332-0575

MICHAEL G BRANCHFLOWER  
PO BOX 575  
HAGERMAN ID 83332-0575

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 100.000 CFS  
72,400.00 AFY

PRIORITY DATE: 12/21/1978

POINT OF  
DIVERSION: T07S R13E S11 SESENE Within GOODING County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>              |
|-----------------------|----------------------|------------------------------|
| POWER                 | 01/01 12/31          | 100.000 CFS<br>72,400.00 AFY |

THE WATER USE FOR THIS RIGHT IS NON-CONSUMPTIVE.

PLACE OF USE: POWER Within GOODING County  
T07S R13E S11 SENE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT SHALL BE JUNIOR AND SUBORDINATE TO ALL RIGHTS FOR THE USE OF WATER, OTHER THAN HYDROPOWER, WITHIN THE STATE OF IDAHO THAT ARE INITIATED LATER IN TIME THAN THE PRIORITY DATE OF THIS RIGHT AND SHALL NOT GIVE RISE TO ANY RIGHT OR CLAIMS AGAINST ANY FUTURE RIGHTS FOR THE USE OF WATER, OTHER THAN HYDROPOWER, WITHIN THE STATE OF IDAHO INITIATED LATER IN TIME THAN THE PRIORITY DATE OF THIS RIGHT.

THE RIGHT HOLDER SHALL ALLOW A BYPASS FLOW PAST THE DIVERSION STRUCTURE IN BILLINGSLEY CREEK ACCORDING TO THE SCHEDULE BELOW:

35 CFS FROM 1/1 THROUGH 9/30

70 CFS FROM 10/1 THROUGH 11/15

35 CFS FROM 11/16 THROUGH 12/31

THE DIVERSION AND USE OF WATER FOR HYDROPOWER PURPOSES UNDER THIS LICENSE IS SUBJECT TO REVIEW BY THE DIRECTOR ON OR AFTER MARCH 1, 2011. UPON APPROPRIATE FINDINGS RELATIVE TO THE INTEREST OF THE PUBLIC, THE DIRECTOR MAY CANCEL ALL OR ANY PART OF THE USE AUTHORIZED HEREIN AND MAY REVISE, DELETE OR ADD CONDITIONS UNDER WHICH THE RIGHT MAY BE EXERCISED.

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 36A.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF

04/10/2002

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

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FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

THIS RIGHT DOES NOT CONSTITUTE IDAHO PUBLIC UTILITIES COMMISSION OR FEDERAL ENERGY REGULATORY COMMISSION APPROVAL THAT MAY BE REQUIRED.

USE OF WATER UNDER THIS APPROVAL SHALL COMPLY WITH APPLICABLE WATER QUALITY STANDARDS OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY.

RIGHT NO. 36-8058 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

A RATED SECTION TO ACCURATELY MEASURE AND DETERMINE THE RATE OF FLOWS DIVERTED TO THE GENERATORS SHALL BE MAINTAINED AND MEASURING DEVICES OF A TYPE APPROVED BY THE DEPARTMENT SHALL BE MAINTAINED TO MEASURE THE BY-PASS FLOWS.

THE RIGHT HOLDER SHALL RE-RATE THE INTAKE CHANNEL FLOW AND SUBMIT THE INFORMATION TO IDWR ONCE EVERY THREE YEARS OR AS DETERMINED NECESSARY BY THE DIRECTOR.

04/10/2002

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 36-8058

NAME AND ADDRESS: KATHERINE L BRANCHFLOWER  
PO BOX 575  
HAGERMAN ID 83332-0575

MICHAEL G BRANCHFLOWER  
PO BOX 575  
HAGERMAN ID 83332-0575

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 53.400 CFS  
6,800.00 AFY

PRIORITY DATE: 02/03/1982

POINT OF  
DIVERSION: T07S R13E S11 SESENE Within GOODING County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>            |
|-----------------------|----------------------|----------------------------|
| POWER                 | 01/01 12/31          | 53.400 CFS<br>6,800.00 AFY |

THE WATER USE FOR THIS RIGHT IS NON-CONSUMPTIVE.

PLACE OF USE: POWER Within GOODING County

T07S R13E S11 SENE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT SHALL BE JUNIOR AND SUBORDINATE TO ALL RIGHTS FOR THE USE OF WATER, OTHER THAN HYDROPOWER, WITHIN THE STATE OF IDAHO THAT ARE INITIATED LATER IN TIME THAN THE PRIORITY DATE OF THIS RIGHT AND SHALL NOT GIVE RISE TO ANY RIGHT OR CLAIMS AGAINST ANY FUTURE RIGHTS FOR THE USE OF WATER, OTHER THAN HYDROPOWER, WITHIN THE STATE OF IDAHO INITIATED LATER IN TIME THAN THE PRIORITY DATE OF THIS RIGHT.

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04/10/2002

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

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