

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A36-08058

Date Received: 8/30/1988

Receipt No: S001901

Received By: O/C AB

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: MICHAEL G BRANCHFLOWER

Address: PO BOX 392

WENDELL ID

83355

AND

Name: KATHERINE L BRANCHFLOWER

Address: PO BOX 392

WENDELL ID

83355

2. Date of Priority: FEB 3, 1982

3. Source: BILLINGSLEY CREEK

Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	13E	11	SE	SE	NE		GOODING

5. Description of diverting works:

ROCK DIVERSION, CONCRETE FLUME AND/OR PIPE TO PENSTOCK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
POWER	01/01	12/31	100.000		

7. Total Quantity Appropriated is:

100.000 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

POWER/ HYDRO-POWERPLANT

GENERATING CAPACITY 200.0 KILOWATTS

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	13E	11	SE NE		POWER	

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

A36-07834

14. Remarks:

FEET OF HEAD = 20 FEET HORSEPOWER = 227

OWNERSHIP CHANGE MADE 3/1/96 BY TLB.

15. Basis of Claim: PERMIT

Water Right Number - 36-08058

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***
BRANCHFLOWER

MICHAEL G

1 - PO BOX 392

2 -

3 -

City- WENDELL

State- ID Zip- 83355

Phone - 208-000-0000

BRANCHFLOWER

KATHERINE L

1 - PO BOX 392

2 -

3 -

City- WENDELL

State- ID Zip- 83355

Phone - 208-000-0000

*** D - DIR RPT OWNER ***
TROUT-CO

1 - PO BOX 326

2 -

3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-837-4554

+ - - Priority Date - - +
02/03/1982

+ - - Region - - - +
17 SOUTHERN

+ - - Stage - - - +
P - PERMIT

+ - - Status - - - +

+ - - Source - - - - +
BILLINGSLEY CREEK

+ - - Tributary - - - - - +
SNAKE RIVER

+ - - Point of Diversion - - - - - +						
Twn	Rng	Sec	Tract	Lot	RFlg	County
07S	13E	11	SE SE NE		(47)	GOODING

+ - - Water Use - - - - - +						
Code	Description	Period From	Period To	Diversion Rate	Diversion Volume	
28 - POWER		01/01	12/31	100.000		
+ - Total Div. Rate - +		+ - Total Div. Volume - +		+ - Total Consumptive Use - +		+ - KW Usage - +
100.000				0.0		200.0

+ - - Place of Use - - - - - +						
Twn	Rng	Sec	Tract	Lot	Acres	County
07S	13E	11	SE NE		28 POWER	(47) GOODING

Total Acres:

+ - - Diversion Means - ROCK DIVERSION, CONCRETE FLUME AND/OR PIPE TO PENSTOCK

+ - - Non-Irrigation Use - POWER/ HYDRO-POWERPLANT

+ - - Other Rights for Same Use - A36-07834

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DEC 5 1996

Water right number - 36-08058

Prefix Translation: WATER RIGHT

+ - - - - - Remarks - - - - - +

GEN FEET OF HEAD = 20 FEET HORSEPOWER = 227

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

No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - - +

A01 - THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION
- IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION
- OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS
- SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL
- BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY
- IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

+ - - - - - Comments - - - - - +

Date: 03/01/1996 User Id: TBACKLUN Subject: NAME CHANGE
OWNERSHIP CHANGE MADE WITH 42-1409(7). SF3 WAS SENT TO NEW OWNERS. WARRANTY DEED INCLUDED.

+ - - Audit Fields - - +

03/04/96 TBACKLUN

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 11/02/1992	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	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 08/30/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001901	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND	Presumption Flag	-
				Notice of Error Flag	-

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NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

FEB 21 1996

DATE OF CLOSING: _____

Department of Water Resource
Southern Region

LEGAL DESCRIPTION OF PROPERTY: Township 7S Range 13 EMB
Section 11, SE 1/4 of NE 1/4 of 1/4 Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

- [] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- [] Water Right Number(s) Assigned by IDWR: 36-8058 and 36-7834 and 36-10752, 36-10751, and 36-10755
- [] Name and Address of Former Owner/Claimant(s)(Seller): Trout Co.
P.O. Box 425
Hagerman, ID 83332
- [] New Owner/Claimant (Purchaser): Michael G. Branchflower and Katherine L. Branchflower
- [] New Mailing Address: P.O. Box 392
Wendell, ID 83355
- [] New Telephone Number: () _____ - _____
- [] Does the change in ownership result in a splitting of the water right owned/claimed? yes XX no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- [] Attach proof of ownership, describe proof attached: copy of Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- [] Signature of New Owner/Claimant(s) Katherine L. Branchflower Date 12/29/95
W. A. Sandy Date 12-29-95
- [] Signature of Former Owner/Claimant(s): W. A. Sandy, President of Trout Co. Date _____

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 3/14/96 By: ASB

Claim Numbers of Split, if any:

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

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RECEIVED

163901

FEB 21 1996

Department of Water Resources
STATE OF IDAHO COUNTY OF GOODING Southern RegionFiled for record at the request of FIRST AMERICAN TITLE35 min. past 3 o'clock P. m. this 5th
of January, 1996 18.00
By Penny Watson Deputy

G-003622

WARRANTY DEED

FOR VALUE RECEIVED, TROUT CO, an Idaho corporation, a/k/a TROUTCO, an Idaho corporation, and W. A. SANDY and FLORENCE M. SANDY, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto MICHAEL G. BRANCHFLOWER and KATHERINE L. BRANCHFLOWER, husband and wife the Grantees, whose address is 1401 E 3100 S, Wendell, Idaho 83355, the following described premises, to-wit:

"See Exhibit "A" attached hereto

J.M.S.
W.A. Together with all water rights appurtenant to said property including Permit No. 36-7834 and Permit No. 36-8058; and No. 36-10752, 36-10751 and 36-10755.

Together with (i) any and all appurtenances belonging or appertaining thereto; (ii) any and all improvements located thereon; (iii) any and all appurtenant easements or rights of way affecting such real property and any of Grantors' rights to use the same; (iv) any and all rights of ingress and egress to and from such real property and any of Grantors' rights to use same; (v) any and all mineral rights and interests of Grantors relating to such real property (present or revisionary); (vi) any and all rights to the present or future use of waste water, waste water capacity, drainage, water or other utility facilities to the extent such rights pertain to or benefit such real property or the improvements located thereon, including without limitation, all reservations of or commitments or letters covering any such use in the future, whether now owned or hereafter acquired; (vii) any and all rights and interests of Grantors, if any, to any leases covering all or any portion of such real property; and (viii) all right, title and interest of Grantors, if any, in and to (a) any and all roads, streets, alleys and ways (open or proposed) affecting, crossing, fronting or bounding such real property, including any awards made or to be made relating thereto including, without limitation, any

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unpaid awards or damages payable by reason of damages thereto or by reason of a widening of or changing of the grade with respect to same, (b) any and all strips, gores or pieces of property abutting, bounding or which are adjacent or contiguous to such real property (whether owned or claimed by deed, limitations or otherwise), (c) any and all air rights relating to such real property and (d) any and all reversionary interests in and to such real property (such real property together with any and all of the related improvements, appurtenances, rights and interests referenced in items (i) through (viii) above are herein collectively referred to as the "Property").

TO HAVE AND TO HOLD the said Property together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantees, their successors and assigns forever, subject to the matters herein stated; and Grantors do hereby bind themselves and their successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantees, their successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, to the full extent such matters are valid and subsisting and affect the Property.

DATED this 29th day of December, 1995.

TROUT CO, an Idaho Corporation a/k/a
TROUTCO, an Idaho Corporation

By: W. A. Sandy
Its: President

W. A. Sandy
W. A. SANDY

Florence M. Sandy
FLORENCE M. SANDY

STATE OF IDAHO)
) ss.
County of Gooding)

On this 29th day of December, 1995, before me, the undersigned, a Notary Public for Idaho, personally appeared



EXHIBIT "A"

PARCEL I

Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho

Section 11: That part of the N1/2SE1/4NE1/4, described as follows:

COMMENCING at the Northeast corner of Section 11;
Thence South 89°59'39" West along the North boundary of Section 11, 1,314.98 feet to the Northwest corner of the NE1/4NE1/4;
Thence South 0°06'15" East along the West boundary of the NE1/4NE1/4 and the SE1/4NE1/4, 1,971.81 feet to the Southwest corner of the N1/2SE1/2NE1/4;
Thence South 89°43'55" East along the South boundary of said N1/2SE1/4NE1/4, 478.50 feet;
Thence North 0°06'15" West, 452.43 feet more or less to a point in the centerline of Billingsley Creek, said point being the TRUE POINT OF BEGINNING;
Thence South 0°06'15" East, 32.00 feet more or less to a point on the South bank of Billingsley Creek;
Thence continuing South 0°06'15" East, 420.43 feet to the South boundary of the N1/2SE1/4NE1/4;
Thence South 89°43'55" East along the South boundary of the N1/2SE1/4NE1/4, 253.00 feet;
Thence North 0°06'15" West, 291.04 feet to a point on the South bank of Billingsley Creek;
Thence continuing North 0°06'15" West, 65.00 feet more or less to the centerline of Billingsley Creek;
Thence Northwesterly along the centerline of Billingsley Creek to the POINT OF BEGINNING.

PARCEL II

Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho

Section 11: That part of the N1/2SE1/4NE1/4, described as follows:

BEGINNING at the Southeast corner of said N1/2SE1/4NE1/4;
Thence South 89°40' West along the South boundary of said N1/2SE1/4NE1/4 for a distance of 362.70 feet to the centerline of Billingsley Creek, which point is the TRUE POINT OF BEGINNING;
Thence North 33°13' East along the centerline of Billingsley Creek for a distance of 92.30 feet;
Thence North 11°02' East along the centerline of Billingsley Creek for a distance of 121.30 feet;
Thence leaving Billingsley Creek on a course of South 86°22' West for a distance of 233.40 feet;
Thence South 8°32' East for a distance of 183.90 feet to the South boundary of said N1/2SE1/4NE1/4;
Thence South 89°40' East along said South boundary for a distance of 131.80 feet to the POINT OF BEGINNING.

Exhibit "A" Continued

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Exhibit "A" Continued

PARCEL III

Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho

Section 11: That part of the N1/2SE1/4NE1/4 on the South side of Billingsley Creek, EXCEPT the West 478.50 feet (being the West 7 1/4 acres of the N1/2SE1/4NE1/4);

AND EXCEPTING THEREFROM the following described parcel:

COMMENCING at the Northeast corner of Section 11;

Thence South 89°59'39" West along the North boundary of Section 11, 1,314.98 feet to the Northwest corner of the NE1/4NE1/4;

Thence South 0°06'15" East along the West boundary of the NE1/4NE1/4 and the SE1/4NE1/4, 1,971.81 feet to the Southwest corner of the N1/2SE1/2NE1/4;

Thence South 89°43'55" East along the South boundary of said N1/2SE1/4NE1/4, 478.50 feet;

Thence North 0°06'15" West, 452.43 feet more or less to a point in the centerline of Billingsley Creek, said point being the TRUE POINT OF BEGINNING;

Thence South 0°06'15" East, 32.00 feet more or less to a point on the South bank of Billingsley Creek;

Thence continuing South 0°06'15" East, 420.43 feet to the South boundary of the N1/2SE1/4NE1/4;

Thence South 89°43'55" East along the South boundary of the N1/2SE1/4NE1/4, 253.00 feet;

Thence North 0°06'15" West, 291.04 feet to a point on the South bank of Billingsley Creek;

Thence continuing North 0°06'15" West, 65.00 feet more or less to the centerline of Billingsley Creek;

Thence Northwesterly along the centerline of Billingsley Creek to the POINT OF BEGINNING.

AND EXCEPTING therefrom the following described parcel:

BEGINNING at the Southeast corner of said N1/2SE1/4NE1/4;

Thence South 89°40' West along the South boundary of said N1/2SE1/4NE1/4 for a distance of 362.70 feet to the centerline of Billingsley Creek, which point is the TRUE POINT OF BEGINNING;

Thence North 33°13' East along the centerline of Billingsley Creek for a distance of 92.30 feet;

Thence North 11°02' East along the centerline of Billingsley Creek for a distance of 121.30 feet;

Thence leaving Billingsley Creek on a course of South 86°22' West for a distance of 233.40 feet;

Thence South 8°32' East for a distance of 183.90 feet to the South boundary of said N1/2SE1/4NE1/4;

Thence South 89°40' East along said South boundary for a distance of 131.80 feet to the POINT OF BEGINNING.

Exhibit "A" Continued

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

MARCH 4, 1996

MICHAEL & KATHERINE BRANCHFLOWER
PO BOX 392
WENDELL ID 83355

RE: SRBA CLAIM 36-08058, 36-07834, 36-10751, 36-10752, & 36-10755
TROUT CO.

DEAR CLAIMANT(S):

PURSUANT TO THE NOTIFICATION WITH A 42-1409(7) THAT YOU HAVE PURCHASED PROPERTY WITH THE ABOVE-REFERENCED ADJUDICATION CLAIM(S). WE HAVE CHANGED THE DEPARTMENT'S RECORDS AS YOU HAVE REQUESTED. **THIS COPY IS FOR YOUR RECORDS.** PLEASE REVIEW FOR ACCURACY.

I AM ENCLOSING A STANDARD FORM THREE THAT IS TO BE FILLED OUT AND SENT TO SRBA COURT FOR THE RECORDS. IF YOU ALREADY HAVE THIS FORM, PLEASE DISREGARD IT. IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CONTACT ME AT THIS OFFICE.

SINCERELY,

TARA L BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/TLB
ENCLOSURES

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E

RECEIVED RECEIVED

APR 15 1996

MAR 04 1996

Department of Water Resources
Southern RegionDepartment of Water Resources
Adjudication BureauIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

36-08058, 36-07834, 36-10751, 36-10752, 36-

STANDARD FORM 3

36-10755

(Check Appropriate Box)

☐ NOTICE OF CHANGE IN ADDRESS

OR

☐ CONSENT TO SUBSTITUTION OF
PARTYdocument accepted by SRBA court 2/2/96
CML sometimes not updated, no CML record.
INSTRUCTIONS FOR USE

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

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

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

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

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

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

I am the new claimant/purchaser of 36-8058 and 36-7834, 36-10752, 36-10751 and 36-
(Insert each water right number) 36-10755

My name is Michael G. Branchflower and Katherine L. Branchflower

My address is P.O. Box 392, Wendell, ID 83352

My phone number is: Work _____ Home _____

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

P.O. Box 425
Hagerman, ID 83332

W. A. Sandy
Signature of prior claimant/seller
W. A. Sandy, President of Trout Co.

Michael G. Branchflower
Signature of new claimant/purchaser
Michael G. Branchflower

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

Attorney name _____

Attorney of record for _____
(Identify party/claimant)

Attorney address and phone number: _____

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

INSTRUCTIONS FOR MAILING

Mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. FAX filings will not be accepted by the SRBA Clerk of the Court.

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on January 2, 1995, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. A *Change of Address* was served on each party, or if they are represented by an attorney you must serve the attorney, in each subcase in which you are a party, at the following address(es):

3. A *Consent to Substitution of Party* was served on the prior claimant/seller, or if they are represented by an attorney you must serve the attorney, at the following address(es):

Trout Co.
P.O. Box 425
Hagerman, ID 83332

4. A *Consent to Substitution of Party* was served on each party to each subcase, or if they are represented by an attorney you must serve the attorney, in which the prior claimant/seller is a party at the following address(es):

163503

STATE OF IDAHO COUNTY OF GOODING

Filed for record at the request of FIRST AMERICAN TITLE

35 min. past 3 o'clock 4 m. this 5th
of January 1996 18.00

By Penny Watson Deputy

G-003622

WARRANTY DEED

FOR VALUE RECEIVED, TROUT CO, an Idaho corporation, a/k/a TROUTCO, an Idaho corporation, and W. A. SANDY and FLORENCE M. SANDY, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto MICHAEL G. BRANCHFLOWER and KATHERINE L. BRANCHFLOWER, husband and wife the Grantees, whose address is 1401 E 3100 S, Wendell, Idaho 83355, the following described premises, to-wit:

"See Exhibit "A" attached hereto

1 m. g.
W. A.
together with all water rights appurtenant to said property including Permit No. 36-7834 and Permit No. 36-8058; and No. 36-10752, 36-10751 and 36-10755.

Together with (i) any and all appurtenances belonging or appertaining thereto; (ii) any and all improvements located thereon; (iii) any and all appurtenant easements or rights of way affecting such real property and any of Grantors' rights to use the same; (iv) any and all rights of ingress and egress to and from such real property and any of Grantors' rights to use same; (v) any and all mineral rights and interests of Grantors relating to such real property (present or revisionary); (vi) any and all rights to the present or future use of waste water, waste water capacity, drainage, water or other utility facilities to the extent such rights pertain to or benefit such real property or the improvements located thereon, including without limitation, all reservations of or commitments or letters covering any such use in the future, whether now owned or hereafter acquired; (vii) any and all rights and interests of Grantors, if any, to any leases covering all or any portion of such real property; and (viii) all right, title and interest of Grantors, if any, in and to (a) any and all roads, streets, alleys and ways (open or proposed) affecting, crossing, fronting or bounding such real property, including any awards made or to be made relating thereto including, without limitation, any

unpaid awards or damages payable by reason of damages thereto or by reason of a widening of or changing of the grade with respect to same, (b) any and all strips, gores or pieces of property abutting, bounding or which are adjacent or contiguous to such real property (whether owned or claimed by deed, limitations or otherwise), (c) any and all air rights relating to such real property and (d) any and all reversionary interests in and to such real property (such real property together with any and all of the related improvements, appurtenances, rights and interests referenced in items (i) through (viii) above are herein collectively referred to as the "Property").

TO HAVE AND TO HOLD the said Property together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantees, their successors and assigns forever, subject to the matters herein stated; and Grantors do hereby bind themselves and their successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantees, their successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, to the full extent such matters are valid and subsisting and affect the Property.

DATED this 29th day of December, 1995.

TROUT CO, an Idaho Corporation a/k/a
TROUTC0, an Idaho Corporation

By: W. A. Sandy
Its: President

W. A. Sandy
W. A. SANDY

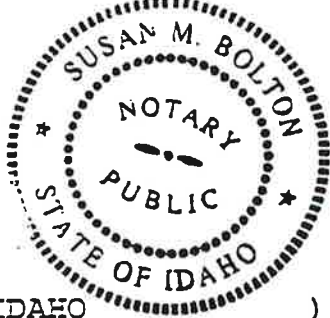
Florence M. Sandy
FLORENCE M. SANDY

STATE OF IDAHO)
) : ss.
County of Gooding)

On this 29th day of December, 1995, before me, the undersigned, a Notary Public for Idaho, personally appeared

W. A. Sandy and and, known or identified to me to be the President ~~and~~ Secretary, respectively, of TROUT CO a/k/a TROUTCO, the corporation that executed the foregoing instrument, and acknowledged to me that they executed the same on behalf of said corporation.

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

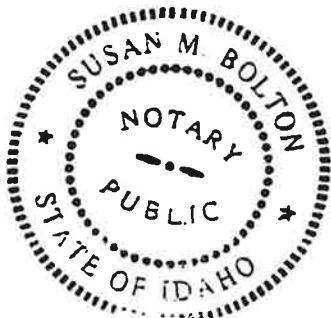


Susan M. Bolton
Notary Public for Idaho
Residing at Gooding
Commission Expires: 10/16/98

STATE OF IDAHO)
: ss.
COUNTY OF GOODING)

On this 29th day of December, 1996, before me, the undersigned, a Notary Public for Idaho, personally appeared W. A. SANDY and FLORENCE M. SANDY, husband and wife, known or identified to me to be the persons whose names are subscribed to the foregoing 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.



Susan M. Bolton
Notary Public for Idaho
Residing at Gooding, ID
Commission Expires: 10/16/98

EXHIBIT "A"

PARCEL I

Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho

Section 11: That part of the N1/2SE1/4NE1/4, described as follows:

COMMENCING at the Northeast corner of Section 11;
Thence South 89°59'39" West along the North boundary of Section 11, 1,314.98 feet to the Northwest corner of the NE1/4NE1/4;
Thence South 0°06'15" East along the West boundary of the NE1/4NE1/4 and the SE1/4NE1/4, 1,971.81 feet to the Southwest corner of the N1/2SE1/2NE1/4;
Thence South 89°43'55" East along the South boundary of said N1/2SE1/4NE1/4, 478.50 feet;
Thence North 0°06'15" West, 452.43 feet more or less to a point in the centerline of Billingsley Creek, said point being the TRUE POINT OF BEGINNING;
Thence South 0°06'15" East, 32.00 feet more or less to a point on the South bank of Billingsley Creek;
Thence continuing South 0°06'15" East, 420.43 feet to the South boundary of the N1/2SE1/4NE1/4;
Thence South 89°43'55" East along the South boundary of the N1/2SE1/4NE1/4, 253.00 feet;
Thence North 0°06'15" West, 291.04 feet to a point on the South bank of Billingsley Creek;
Thence continuing North 0°06'15" West, 65.00 feet more or less to the centerline of Billingsley Creek;
Thence Northwesterly along the centerline of Billingsley Creek to the POINT OF BEGINNING.

PARCEL II

Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho

Section 11: That part of the N1/2SE1/4NE1/4, described as follows:

BEGINNING at the Southeast corner of said N1/2SE1/4NE1/4;
Thence South 89°40' West along the South boundary of said N1/2SE1/4NE1/4 for a distance of 362.70 feet to the centerline of Billingsley Creek, which point is the TRUE POINT OF BEGINNING;
Thence North 33°13' East along the centerline of Billingsley Creek for a distance of 92.30 feet;
Thence North 11°02' East along the centerline of Billingsley Creek for a distance of 121.30 feet;
Thence leaving Billingsley Creek on a course of South 86°22' West for a distance of 233.40 feet;
Thence South 8°32' East for a distance of 183.90 feet to the South boundary of said N1/2SE1/4NE1/4;
Thence South 89°40' East along said South boundary for a distance of 131.80 feet to the POINT OF BEGINNING.

Exhibit "A" Continued

MICROFILMED

DEC 5 1996

Exhibit "A" Continued

PARCEL III

Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho

Section 11: That part of the N1/2SE1/4NE1/4 on the South side of Billingsley Creek, EXCEPT the West 478.50 feet (being the West 7 1/4 acres of the N1/2SE1/4NE1/4);

AND EXCEPTING THEREFROM the following described parcel:

COMMENCING at the Northeast corner of Section 11;

Thence South 89°59'39" West along the North boundary of Section 11, 1,314.98 feet to the Northwest corner of the NE1/4NE1/4;

Thence South 0°06'15" East along the West boundary of the NE1/4NE1/4 and the SE1/4NE1/4, 1,971.81 feet to the Southwest corner of the N1/2SE1/2NE1/4;

Thence South 89°43'55" East along the South boundary of said N1/2SE1/4NE1/4, 478.50 feet;

Thence North 0°06'15" West, 452.43 feet more or less to a point in the centerline of Billingsley Creek, said point being the TRUE POINT OF BEGINNING;

Thence South 0°06'15" East, 32.00 feet more or less to a point on the South bank of Billingsley Creek;

Thence continuing South 0°06'15" East, 420.43 feet to the South boundary of the N1/2SE1/4NE1/4;

Thence South 89°43'55" East along the South boundary of the N1/2SE1/4NE1/4, 253.00 feet;

Thence North 0°06'15" West, 291.04 feet to a point on the South bank of Billingsley Creek;

Thence continuing North 0°06'15" West, 65.00 feet more or less to the centerline of Billingsley Creek;

Thence Northwesterly along the centerline of Billingsley Creek to the POINT OF BEGINNING.

AND EXCEPTING therefrom the following described parcel:

BEGINNING at the Southeast corner of said N1/2SE1/4NE1/4;

Thence South 89°40' West along the South boundary of said N1/2SE1/4NE1/4 for a distance of 362.70 feet to the centerline of Billingsley Creek, which point is the TRUE POINT OF BEGINNING;

Thence North 33°13' East along the centerline of Billingsley Creek for a distance of 92.30 feet;

Thence North 11°02' East along the centerline of Billingsley Creek for a distance of 121.30 feet;

Thence leaving Billingsley Creek on a course of South 86°22' West for a distance of 233.40 feet;

Thence South 8°32' East for a distance of 183.90 feet to the South boundary of said N1/2SE1/4NE1/4;

Thence South 89°40' East along said South boundary for a distance of 131.80 feet to the POINT OF BEGINNING.

Exhibit "A" Continued

MICROFILMED

DEC 5 1996

Exhibit "A" Continued

AND EXCEPTING

Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho

Section 11: That part of the N1/2SE1/4NE1/4, described as follows:

COMMENCING at the Southeast corner of the N1/2SE1/4NE1/4;
Thence North 89°43'55" West along the South boundary of the N1/2SE1/4NE1/4,
494.78 feet;
Thence North 08°35'55" West, 362.23 feet to the centerline of Billingsley Creek said
point being the TRUE POINT OF BEGINNING;
Thence South 08°35'55" East, 179.97 feet;
Thence North 86°11'05" East, 233.40 feet to the centerline of Billingsley Creek;
Thence Northwesterly along the centerline of Billingsley Creek to the TRUE POINT
OF BEGINNING.

PARCEL IV

Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho

Section 11: That part of the N1/2SE1/4NE1/4, described as follows:

COMMENCING at the Southeast corner of the N1/2SE1/4NE1/4;
Thence North 89°43'55" West along the South boundary of the N1/2SE1/4NE1/4,
494.78 feet;
Thence North 08°35'55" West, 362.23 feet to the centerline of Billingsley Creek said
point being the TRUE POINT OF BEGINNING;
Thence South 08°35'55" East, 179.97 feet;
Thence North 86°11'05" East, 233.40 feet to the centerline of Billingsley Creek;
Thence Northwesterly along the centerline of Billingsley Creek to the TRUE POINT
OF BEGINNING.

SUBJECT TO a non-exclusive easement for ingress and egress across the South
20.0 feet of the West 97.0 feet of said Lot 4, Harris Subdivision.

MICROFILMED

DEC 5 1996

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A36-08058
Date Received: 8/30/1988
Receipt No: S001901
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TROUT-CO 208-837-4554
Address: BOX 326
HAGERMAN, ID 83332

2. Date of Priority: FEB 03, 1982

3. Source: BILLINGSLEY CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	13E	11	SE	SE	NE		GOODING

5. Description of diverting works:
ROCK DIVERSION, CONCRETE FLUME AND/OR PIPE TO PENSTOCK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
POWER	01/01	12/31	100.000		

7. Total Quantity Appropriated is:
100.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
P/
GENERATING CAPACITY 200.0 KILOWATTS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	11	SE	NE		POWER	

11. Place of use in counties: GOODING

A36-08058

Page 1

Date: 08/30/88

MICROFILMED
FEB 09 1993

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

13. Other Water Rights Used:
A36-07834

14. Remarks:
FEET OF HEAD = 20 FEET HORSEPOWER = 227

15. Basis of Claim: APPLICATION

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Organizations:

I do solemnly swear or affirm that I am Sec/Trea of
Title

Trout Co, that I have signed the foregoing
Organization
document in the space below as Sec/Trea of
Title

Trout Co and that the statements contained in the
Organization
foregoing document are true and correct.

John D. Sandy
Signature of Authorized Agent

Sec/Trea Trout Co
Title and Organization

8/30/88
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 30th day
of August 19 88

Seal

Roxanne Storey
Notary Public

Residing at Buhl, Id

My Commission Expires 6-30-94

Water Right Number - A36-08058

Adj. Flag Translation: Adjudication Temporary Work Area

Old (D) Number -

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

*** C - CURRENT OWNER ***
TROUT-CO

P.O.
1 - BOX 326

2 -

3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-837-4554

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
02/03/1982 17 P - PERMIT

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
BILLINGSLEY CREEK SNAKE RIVER

Point of Diversion							Stream Index (Blank if no Index Code)
Twn	Rng	Sec	Tract	Lot	RFlg	County	
07S	13E	11	SE SE NE		(47)	GOODING	

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
28 - POWER		01/01	12/31	100.000	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
100.000 200.0

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	11	SE NE			28	POWER	(47) GOODING

Total Acres:

+ - - Diversion Means - ROCK DIVERSION, CONCRETE FLUME AND/OR PIPE TO PENSTOCK

+ - - Non-Irrigation Use - P/

+ - - Other Rights for Same Use - A36-07834

+ - - - - - Remarks - - - - - +
FEET OF HEAD = 20 FEET HORSEPOWER = 227

BASIS OF CLAIM CHANGED TO PERMIT
6/7/90 ADM

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

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

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	-	00/00/0000	Old Judicial District	-	
Claim Received Date	-	08/30/1988	Last Amended Date	-	00/00/0000	Temporary Right	-	P
Claims Tape Error Flg	-		Receipt Number	-	S001901	Water District	-	
Fee Exempt Flag	-		POU Ownership Flag	-	Y	Federal/State Indicator	-	S
			Name Connector	-		Presumption Flag	-	

Water Right Number - 36-08058 Prefix Translation: WATER RIGHT Old (D) Number -

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

*** C - CURRENT OWNER ***
TROUTCO

1 - P.O. BOX 425
2 -
3 -
City- HAGERMAN State- ID Zip- 83332
Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
02/03/1982 17 SOUTHERN P - PERMIT

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
BILLINGSLEY CREEK SNAKE RIVER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
07S 13E 11 SE NE (47) GOODING

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
28 - POWER 01/01 12/31 100.000

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
100.000

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 13E 11 SE NE 28 POWER (47) GOODING

Total Acres:

+ - - Diversion Means - ROCK DIVERSION, CONCRETE FLUME AND/OR PIPE TO PENSTOCK

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
FEET OF HEAD = 20 FEET HORSEPOWER = 227
A MEAS. DEVICE OF A TYPE APPROVED BY THIS DEPT. SHALL BE
PERMANENTLY INSTALLED & MAINTAINED AT THE P/D. THIS PERMIT SHALL
BE SUBJECT TO FUTURE OPERATION SO THAT USE OF WATER UNDER THIS
PERMIT WILL NOT CONFLICT OR INTERFERE WITH THE FUTURE UPSTREAM
DIVERSION OF WATER FOR IRRIGATION OR OTHER BENEFICIAL
CONSUMPTION. THE PERMIT HOLDER SHALL ALLOW A MIN. OF 25 CFS OF
WATER TO FLOW PAST THE DIVERSION STRUCTURE TO MAINTAIN THE
INSTREAM VALUES. THE DIVERSION OF WATER UNDER THIS PERMIT IS

Water right number - 36-08058

Prefix Translation: WATER RIGHT

+ - - - - Remarks - - - - - +

LIMITED TO THE AMOUNT OF WATER AVAILABLE IN BILLINGSLEY CREEK
ABOVE THE 100 CFS APPLIED FOR ON APP. 36-7834. THIS RIGHT
DEVELOPED UNDER THIS PERMIT & ANY SUBSEQUENT LICENSE SHALL BE
SUBJECT TO TERMINATION BY THE DIRECTOR AT THE END OF 15 YEARS.
THE DIRECTOR MAY REVIEW THE PROJECT USING THE CRITERIA FOR A NEW
PROJECT & IF HE DETERMINES THAT A NEW PERMIT WOULD BE ISSUED FOR
THE PROJECT, THE LIFE OF THE PERMIT OR SUBSEQUENT LICENSE WILL BE
EXTENDED FOR 15 MORE YEARS WITH THE SAME PRIORITY AS THE
ORIGINAL PERMIT.

+ - - - - Conditions of Approval - - - - - +

- 005 - Use of water under this right is subject to control by the
- watermaster of State Water District No. .
- 08A - This right is subject to the provisions of Sections 42-205
- through 42-210, Idaho Code, restricting the sale, transfer,
- assignment, or mortgage of this right. Failure to comply with
- these provisions is cause for immediate cancellation of this
- right.
- 025 - This right does not constitute Idaho Public Utilities Commission
- or Federal Energy Regulatory Commission approval that may be
- required.
- 016 - See remarks for additional conditions of approval.

A01

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

+ - - - - Comments - - - - - +

No comments Found

+ - - Audit Fields - 00/00/00

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 03/01/1991	Field Exam Made - 01/04/1991	Field Exam Fee -
Approved/Denied - 03/14/1984	Protested Date - 00/00/0000	Swan Falls - 3
Proof Made Date - 02/28/1991	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date - 00/00/0000	Verified Date - 00/00/0000	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District -
Licensed Date - 00/00/0000	Appl Received - 00/00/0000	Transfer/Amended -
Decree Date - 00/00/0000		

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - R36-08058

Adj. Flag Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
TROUT-CO

1 - P.O. BOX 326
2 -
3 -
City- HAGERMAN State- ID Zip- 83332
Phone - 208-837-4554

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
02/03/1982 17 Error in Region P - PERMIT

+ - - - - - Source - - - - - + + - - - - - Tributary - - - - - +
BILLINGSLEY CREEK SNAKE RIVER

+ - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County (Blank if no Index Code)
07S 13E 11 SE SE NE (47) GOODING

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
28 - POWER		01/01	12/31	100.000	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
100.000 200.0

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	11	SE NE			28	POWER	(47) GOODING

Total Acres:

+ - - Diversion Means - ROCK DIVERSION, CONCRETE FLUME AND/OR PIPE TO PENSTOCK

+ - - Non-Irrigation Use - POWER/ HYDRO-POWERPLANT

+ - - Other Rights for Same Use - A36-07834

+ - - - - - Remarks - - - - - +
FEET OF HEAD = 20 FEET HORSEPOWER = 227

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

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

A01

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

01:37:23
07/03/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-08058

LAST: TROUT-CO FIRST:
ADDRESS: P.O. BOX 326
CITY: HAGERMAN STATE: ID ZIP: 83332
PHONE NUMBER: 208-837-4554

OWNER CODE: C

FIELD EXAM REQUIRED? FIELD
VERIFICATION REQUIRED DUE TO REMARKS? DATABASE EXAMINER
Y

CLAIM REMARKS: FEET OF HEAD = 20 FEET HORSEPOWER = 227

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____ PHONE NUMBER: (____) ____-____
DATE OF FIELD EXAM: ____/____/____ APPOINTMENT MADE: Y(____) N(____) TIME: ____:____ A(____) P(____)
ACCOMPANIED BY: _____ PHONE NUMBER: (____) ____-____
RELATIONSHIP TO CLAIMANT: _____
DIRECTIONS TO PROPERTY / REMARKS:

A. AJ CLAIM: # A36-08058 PRIORITY DATE: 02-03-1982 STAGE: P
B. WR RECORD: # 36-08058 PRIORITY DATE: 02-03-1982 STAGE: P

C. FIELD EXAM REQUIRED? DATABASE FIELD
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) N EXAMINER

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N()
IF YES EXPLAIN.

REMARKS: _____

=====

RECOMMENDED PRIORITY DATE:
02-03-1982

REVIEWED BY _____ DATE _____

=====

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-08058	07S	13E	11	SE	SE	NE		GOODING

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A36-10223	NONE

A36-00103A
A36-00003B
A36-00003C
A36-00003E
A36-00003F
A36-00003J
A36-00039G

WR RECORDS IN SAME 40 ACRE TRACT

36-00003
36-00005
36-00019
36-00021
36-00024
36-00025
36-00026
36-00027
36-00034
36-00035A
36-00035B
36-00039A
36-00039B
36-00040
36-00051
36-00052
36-00064
36-00065
36-00067
36-00071
36-00076
36-00077
36-00082
36-00083
36-00085
36-00087
36-00088
36-00089
36-00090
36-00091
36-00094
36-00095
36-00096
36-00103
36-00108
36-00112A
36-00112B
36-00113B
36-00113C
36-00113D
36-00125
36-04008
36-04115
36-04261
36-07271
36-07658

36-07739
36-07834
36-07840
36-07853
36-07875
36-07957
36-08319
36-08335

SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-08058	07S	13E	11		SE	NE		GOODING

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

36-00003	A36-00025	NONE
36-00005	A36-00087	
36-00019	A36-07658	
36-00021	A36-10409	
36-00024	A36-00051D	
36-00025	A36-10119	
36-00026	A36-10120	
36-00027	A36-10751	
36-00034	A36-10752	
36-00035A	A36-10755	
36-00035B	A36-10061	
36-00039A	A36-00103B	
36-00039B	A36-00108A	
36-00040	A36-00003G	
36-00051	A36-00027	
36-00052	A36-00039C	
36-00064	A36-00090E	
36-00065	A36-00051B	
36-00067	A36-00076A	
36-00071	A36-00089B	
36-00076	A36-00089D	
36-00077	A36-10283	
36-00082	A36-10312	
36-00083	A36-00090A	
36-00085	A36-00003D	
36-00087	A36-00090B	
36-00088	A36-00090C	
36-00089	A36-00090D	
36-00090	A36-00090F	
36-00091	A36-00108F	
36-00094	A36-00125A	
36-00095	A36-00026	
36-00096	A36-00051C	
36-00103	A36-00071A	
36-00108	A36-00089A	
36-00112A	A36-00108C	
36-00112B	A36-00108D	
36-00113B	A36-00108E	

36-00113C
36-00113D
36-00125
36-04008
36-04115
36-04261
36-07271
36-07658
36-07739
36-07834
36-07840
36-07853
36-07875
36-07957
36-08319
36-08335

A36-00108H
A36-04008
A36-04115
A36-04261
A36-00113B
A36-10316
A36-10588
A36-00039J
A36-00096A
A36-00113F
A36-00113G
A36-10559
A36-00048B
A36-00048C
A36-10223
A36-00103A
A36-00003B
A36-00003C
A36-00003E
A36-00003F
A36-00003J
A36-00039G

SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE

Y
N

FIELD
EXAMINER

REMARKS:

=====

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

REVIEWED BY: _____ DATE: _____

=====

A. ROOT WATER RIGHT NUMBERS: A36-08058

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	13E	11	SE	NE		TROUT-CO	A36-08058 /	36-08058 /	29.0		
						HOLMES , H.L.	A36-10588 / 1.5	- /			
						ROBINSON , GEORGE E.	A36-04068 /	36-04068 /			
						TYLER , DENNY	A36-04261 / 4.0	36-04261 / 4.0			
						KIPP , RUDY B.	A36-07658 / 0.5	36-07658 / 1.0			
						KIPP , RUDY B.	A36-10119 /	- /			
						KIPP , RUDY B.	A36-10120 / 0.5	- /			
						PETRICK , HERMAN W.	A36-10559 /	- /			
						SANDY , WILLIAM A.	A36-10751 /	- /			
						SANDY , WILLIAM A.	A36-10752 /	- /			
						TROUT-CO	A36-10755 /	- /			
						WARD , JOHN P.	A36-04008 / 1.0	36-04008 / 1.0			
						HOLMES , ALICE M.	A36-00090E /	- /			
						FISH & GAME	A36-00048 / 6.0	36-00048 /			
						PETRICK , HERMAN W.	A36-00048C / 1.0	- /			
						WARD , JOHN P.	A36-00090B /	- /			
						TYLER , BRUCE H.	A36-00090C /	- /			
						CULBERTSON , S.A.	A36-00090D /	- /			
						PAR-6 PARTNERSHIP	A36-00090F /	- /			
						NORTHRUP , HAROLD N.	A36-00090G /	- /			
						CLOUSER , JOHN F.	A36-00090A /	- /			
						BOTHWELL , MARY	A36-00103A / 1.0	- /			
						ROBINSON , GEORGE E.	A36-00048B / 2.0	- /			
						MC FADDAN , DAN H.	A36-00049 / 6.0	36-00049 /			
						CLOUSER , DORIS H.	A36-00089A / 1.5	- /			
						HOLMES , H.L.	A36-00089C / 2.0	- /			
						NORTHRUP , HAROLD N.	A36-00089D / 1.0	- /			
						TROUT-CO	A36-07834 /	36-07834 /			
						POPE , ELIJAH		36-00089 /			
						POPE , ELIJAH		36-00090 /			
						TROVILLO , D. C.		36-00147 /			
						PARKER , CHARLES		36-07957 /			
						STATE OF IDAHO		36-08353 /			
TOTAL ACRES							A36-08058		29.00		

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES: _____

REVIEWED BY: _____

DATE: _____

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-08058 POWER	FROM 01-01 TO 12-31	100.000 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		100.000 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-08058 POWER	FROM 01-01 TO 12-31	100.000 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		100.000 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	N	_____
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	N	_____
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	N	_____

D. PERIOD OF USE:

RECOMMEND AS CLAIMED? Y() N()

RECOMMEND TO WR STANDARDS OR OTHER? Y() N() Explain in remarks, below.

REMARKS:

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 100.000 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 100.000 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

FIELD
DATABASE EXAMINER
Y

B. FLOW MEASUREMENT

MEASUREMENT METHOD , SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y(Y) N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: A36-07834

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-10588	BILLINGSLEY CREEK	HOLMES , H.L.	0.050	0.033		
A36-04008	SPRING	WARD , JOHN P.	0.020	0.020		
A36-00048	BILLINGSLEY CREEK	FISH & GAME	10.000	0.056		
A36-00048C	BILLINGSLEY CREEK	PETRICK , HERMAN W.	0.030	0.030		
A36-00103A	BILLINGSLEY CREEK	BOTHWELL , MARY	0.060	0.060		
A36-00048B	BILLINGSLEY CREEK	ROBINSON , GEORGE E.	0.180	0.090	8.00	4.00
A36-00049	FLORENCE LIVESTOCK SPRING	MC FADDAN , DAN H.	9.700	0.054		
A36-00089A	BILLINGSLEY CREEK	CLOUSER , DORIS H.	0.030	0.020		
A36-00089C	BILLINGSLEY CREEK	HOLMES , H.L.	0.060	0.030		
A36-00089D	BILLINGSLEY CREEK	NORTHROP , HAROLD N.	0.040	0.040		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-08058	POWER	TROUT-CO	FROM 01-01 TO 12-31	100.000 CFS	
A36-04068	DOMESTIC	ROBINSON , GEORGE E.	FROM 01-01 TO 12-31	.020 CFS	
A36-07658	DOMESTIC	KIPP , RUDY B.	FROM 03-15 TO 11-15	.040 CFS	
A36-10119	DOMESTIC	KIPP , RUDY B.	FROM 01-01 TO 12-31	.020 CFS	
A36-10120	DOMESTIC	KIPP , RUDY B.	FROM 03-15 TO 11-15	.030 CFS	
A36-10559	DOMESTIC	PETRICK , HERMAN W.	FROM 01-01 TO 12-31	.040 CFS	
A36-10751	DOMESTIC	SANDY , WILLIAM A.	FROM 01-01 TO 12-31	.040 CFS	
A36-10752	DOMESTIC	SANDY , WILLIAM A.	FROM 01-01 TO 12-31	.040 CFS	

A36-10755	DOMESTIC	TROUT-CO	FROM 01-01	TO 12-31	.040 CFS
A36-00090E	DOMESTIC	HOLMES , ALICE M.	FROM 01-01	TO 12-31	.040 CFS
A36-00090E	COMMERCIAL	HOLMES , ALICE M.	FROM 01-01	TO 12-31	.100 CFS
A36-00090B	DOMESTIC	WARD , JOHN P.	FROM 01-01	TO 12-31	.020 CFS
A36-00090C	DOMESTIC	TYLER , BRUCE H.	FROM 01-01	TO 12-31	.020 CFS
A36-00090D	DOMESTIC	CULBERTSON , S.A.	FROM 01-01	TO 12-31	.020 CFS
A36-00090F	DOMESTIC	PAR-6 PARTNERSHIP	FROM 01-01	TO 12-31	.080 CFS
A36-00090G	DOMESTIC	NORTHROP , HAROLD N.	FROM 01-01	TO 12-31	.040 CFS
A36-00090A	DOMESTIC	CLOUSER , JOHN F.	FROM 01-01	TO 12-31	.020 CFS
A36-07834	POWER	TROUT-CO	FROM 01-01	TO 12-31	100.000 CFS

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
 ACRES _____ x 0.02 CFS/ACRE = _____ CFS
 (Taken from p/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y(____) N(____)

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y(____) N(____) ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = _____ AF/A
 ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =
 TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A
 ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =
 TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y(____) N(____)

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

=====

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
POWER	01-01 12-31	DATABASE EXAMINER 100.000 _____	DATABASE EXAMINER _____	DATABASE EXAMINER 0.0 _____
TOTAL FOR THIS RIGHT		100.000		0.0

REVIEWED BY: _____

DATE: _____

=====

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	()	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-08058

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 100.000	EXAMINER _____	CFS
-----------------------------------	---------------------	-------------------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A36-08058	100.000	-		36-08058	100.000
TOTAL CFS		100.000				100.000

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE
Y

FIELD
EXAMINER

REMARKS:

AUTHENTICATION:

SIGNATURE: _____ DATE: _____

NAME OF FIELD EXAMINER: _____ TITLE: _____



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

RECEIVED

JAN - 3 2002

Department of Water Resources

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

December 27, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RECEIVED

JAN 28 2002

Department of Water Resources
Southern Region

Re: Snake River Basin Adjudication (SRBA)
Water Right(s) #36-2229, 36-2517A, 36-4021, 36-7377, 36-7460, 36-7534,
36-7547, 36-8581, 36-8582, 36-10238, 36-10382, 36-10383, 36-10916,
36-15219B
Change of Address

Dear Water Right Holders:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your water right or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary and list any other water rights you may have before returning this letter by January 18, 2002. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the water right record.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

36-7834
36-8058
36-10751
36-10752
36-10755

#####

The address is correct as shown above or as otherwise changed.

Claimant Signature

Telephone No.

208 543 2322

First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RETURN TO SENDER

fee due 60¢

U.S. POSTAL SERVICE
PS FORM 3547

Snake River Basin Adjudication
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RETURN TO SENDER

fee due 60¢

U.S. POSTAL SERVICE
PS FORM 3547

ADDRESS SERVICE
REQUESTED

BRAN392 833552015 1101 04 11/29/01
FORM 3547

BRANCHFLOWER
PO BOX 575
HAGERMAN ID 83332-0575



BRANCHFLOWER, KATHY
PO BOX 392
WENDELL ID 833550392

← michael G.

36-2517
10238✓
2229✓
2517A✓
4021✓
7371✓
7547✓
10916✓
7460✓
7534✓
8581✓
8582✓
10382✓
10383✓
15219B✓
+36-7834
36-8058
36-10751
10752
10755

COPY

2002 MAY 24 AM 11:24

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. 36-8058
)

Case No. 39576

) AMENDED
)

) NOTICE OF COMPLETED
)

) ADMINISTRATIVE PROCEEDING

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

Name of Claimant:

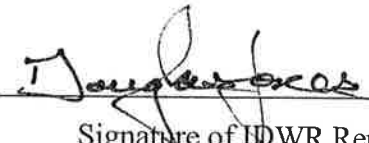
Michael G. Branchflower

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: 5/23/02


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 5/24, 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

05/22/2002

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: 97.000 CFS
70,200.00 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	97.000 CFS 70,200.00 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

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

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.

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.

RIGHT NO. 36-7834 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

May 24, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MICHAEL BRANCHFLOWER
KATHERINE BRANCHFLOWER
PO BOX 575
HAGERMAN ID 83332

RE: SRBA Claim(s) 36-8058

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 36-08058

Amended

RECEIVED
MAY 22 2002
Department of Water Resources
Southern Region

Priority: February 3, 1982

Maximum Diversion Rate: 97.00 CFS
Maximum Diversion Volume: 70,200.0 AF

It is hereby certified that MICHAEL G BRANCHFLOWER And KATHERINE L BRANCHFLOWER
PO BOX 575
HAGERMAN ID 83332-0575 have complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated February 3, 1982; and have
submitted Proof of Beneficial Use on February 28, 1991. An examination indicates that the works have
a diversion capacity of 197.0 cfs of water from:

SOURCE

BILLINGSLEY CREEK

Tributary: SNAKE RIVER

and a water right has been established as follows:

BENEFICIAL USE

POWER

PERIOD OF USE

01/01 to 12/31

DIVERSION RATE

97.00 CFS

**ANNUAL
DIVERSION VOLUME**

70,200.0 AF

LOCATION OF POINT(S) OF DIVERSION:BILLINGSLEY CREEK SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 11, Twp 7S, Rge 13E, B.M. GOODING County**PLACE OF USE:** POWER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	11				X													

CONDITIONS OF APPROVAL

1. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
2. Use of water under this right shall be non-consumptive.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 36A.
4. Right 36-07834 is also diverted through the point of diversion described above.
5. The rights for the use of water confirmed in this license 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 of this right and shall not give rise to any right or claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.

State of Idaho
Department of Water Resources

Amended

Water Right License
WATER RIGHT NO. 36-08058

Amended

CONDITIONS OF APPROVAL CONTINUED

6. 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.
7. The right holder shall allow a bypass flow past the diversion structure in Billingsley Creek, in conjunction with Right 36-07834, 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
8. A rated section to accurately measure and determine the rate of flow 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.
9. 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.
10. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.

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 17th day of MAY, 2002.


KARL J. DREHER
Director

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

Case No. 39576

)
)
)
)
Subcase No. 36-7834, 36-8058

**NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING**

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

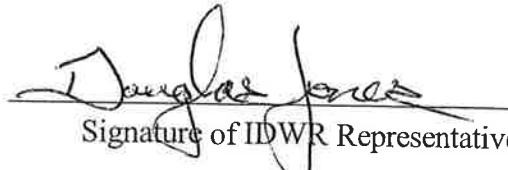
Name of Claimant:

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

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 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

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
		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. 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.

04/10/2002

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

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 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.

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.

RIGHT NO. 36-7834 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

April 11, 2002

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

MICHAEL G BRANCHFLOWER
KATHERINE L BRANCHFLOWER
PO BOX 575
HAGERMAN ID 83332

RE: SRBA Claim(s) 36-7834, 36-8058

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 36-08058

RECEIVED

MAR 21 2002

Department of Water Resources
Southern Region

Priority: February 03, 1982

Maximum Diversion Rate: 53.40 CFS
Maximum Diversion Volume: 6,800.0 AF

It is hereby certified that MICHAEL G BRANCHFLOWER And KATHERINE L BRANCHFLOWER
PO BOX 575
HAGERMAN ID 83332-0575 have complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated February 03, 1982; and have
submitted Proof of Beneficial Use on February 28, 1991. An examination indicates that the works have
a diversion capacity of 153.4 cfs of water from:

SOURCE

BILLINGSLEY CREEK

Tributary: SNAKE RIVER

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>
POWER	01/01 to 12/31	53.40 CFS	6,800.0 AF

LOCATION OF POINT OF DIVERSION:BILLINGSLEY CREEK SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 11, Twp 07S, Rge 13E, B.M., GOODING County**PLACE OF USE:** POWER

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07S 13E 11				X													

CONDITIONS OF APPROVAL

1. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
2. Use of water under this right shall be non-consumptive.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 36A.
4. Right 36-07834 is also diverted through the point of diversion described above.
5. The rights for the use of water confirmed in this license 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 of this right and shall not give rise to any right or claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.
6. 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.

36-08058

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 36-08058

7. The right holder shall allow a bypass flow past the diversion structure in Billingsley Creek, in conjunction with Right 36-07834, 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
8. A rated section to accurately measure and determine the rate of flow 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.
9. 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.
10. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.

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 14TH day of MARCH, 2002.

Acting for


KARL J. DREHER
Director

Water Right Number - R36-08058

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
TROUT-CO1 - P.O. BOX 326
2 -
3 -
City- HAGERMAN
Phone - 208-837-4554

State- ID Zip- 83332

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
02/03/1982 17 SOUTHERN P - PERMIT+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
BILLINGSLEY CREEK SNAKE RIVER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County
07S 13E 11 SE SE NE (47) GOODING+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
28 - POWER 01/01 12/31 100.000+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
100.000 0.0 200.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 13E 11 SE NE 28 POWER (47) GOODING

Total Acres:

+ - - Diversion Means - ROCK DIVERSION, CONCRETE FLUME AND/OR PIPE TO PENSTOCK

+ - - Non-Irrigation Use - POWER/ HYDRO-POWERPLANT

+ - - Other Rights for Same Use - A36-07834

+ - - - - Remarks - - - - - +
FEET OF HEAD = 20 FEET HORSEPOWER = 227+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found+ - - - - Conditions of Approval - - - - - +
A01 - THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION
- IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION
- OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS

MICROFILMED

FEB 09 1993

Water right number - R36-08058

Prefix Translation: RESEARCH

+ - - - - Conditions of Approval - - - - - +
(Condition continued from previous page)

- SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL
- BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY
- IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.

+ - - - Decree Plaintiff - - - +

+ - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

+ - - - - Comments - - - - - +
No Comments Found

+ - - Audit Fields - - +

12/03/91 WORSTELL

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

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	- 12/03/1991	Old Judicial District	-
Claim Received Date	- 08/30/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001901	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED
FEB 09 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

01:37:23
07/03/90

PAGE: 14
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-08058

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE								
POINT OF DIV	Y							
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE	-							
PURPOSES								
PERIOD OF USE								
BASIS OF CLAIM			Permit					
REMARKS	Y			(Y)				

Recommend As Licensed.

"VERIFIED BY" CODES

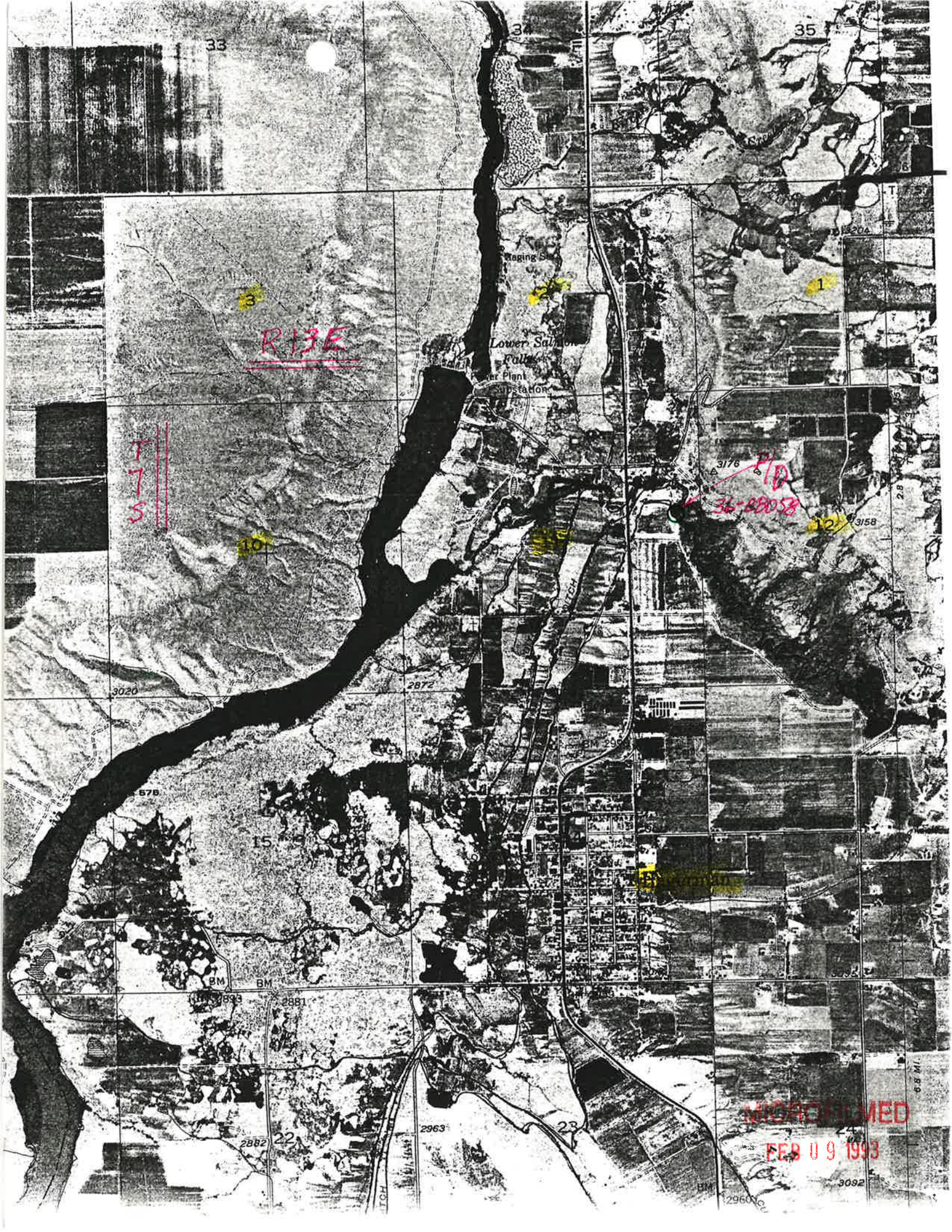
TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

No review - proof made 2/28/91 Exam made 1/4/91
finding (also see A36-07834) - therefore, claim dependent on license exam

MICROFILMED

FEB 09 1990



33

34

35

R13E

T
7
S

Measuring Station
Lower Salmon Falls
Water Plant
Substation

P/D
36-88058

3020

2872

2578

15

BM

BM

2893

2881

2882

22

2963

23

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FEB 09 1993

3092

BM

2960

68 M.