

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 37-7863
Date Received: 7/28/1988
Receipt No: S001156
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ROBERT E VEEH Phone: (208)734-2223
3268 HIGHLAWN DR
TWIN FALLS ID 83301

BETTY VEEH Phone: (208)734-2223
3268 HIGHLAWN DR
TWIN FALLS ID 83301

SHOROCK HYDRO INC Phone: (208)734-8633
C/O MARC A EDSON MANAGER
PO BOX 1787
TWIN FALLS ID 83301-1787

2. Date of Priority: 10/31/1980

3. Source: LITTLE WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05S	17E	33	NE NE NW	LINCOLN	

5. Description of diverting works:

CANAL, PENSTOCK AND GENERATOR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
POWER	1/01	12/31 60		

7. Total Quantity Appropriated is:
60 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05S	17E	33	NW	NW	POWER	

11. Place of use in counties: LINCOLN

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

LAND IS OWNED BY THE ARKOOSH ESTATE WITH POWER PROJECT ROYALTIES BEING PAID TO DARLENE FRAZIER, THE LANDOWNER AT THE TIME THE PROJECT WAS CONSTRUCTED.

UNIT # 1 GENERATOR 200 H.P.

TURBINE 149 KW # 2 125 H.P.

93 KW # 3 125 H.P.

93 KW TOTAL 335 KW WHEN A37-07863 AND A37-07911 ARE COMBINED A TOTAL OF 120 CFS IS DIVERTED TO GENERATE A TOTAL OF 335 KW UNDER A TOTAL HEAD OF 42 FEET.

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.

15. Basis of Claim: Permit



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

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NOV 26 2003

Department of Water Resources

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 25, 2003

ROBERT E VEEH AND BETTY VEEH
3268 HIGHLAWN DR
TWIN FALLS ID 83301

Re: SRBA Claim #37-7863, #37-7911

Dear Mr. and Mrs. Veeh

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownerships to you. Please find the enclosed copies of the computer records of the claims noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office. (208) 736-3033.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Carrie Hahn'.

Carrie Hahn
Office Specialist

Enc. (5)

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

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
37-07863					
37-07911					

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) Lyle E. Frazier and Toni D. Frazier
and Robert E. Veeh and Betty Veeh
4. New Owner/Claimant(s) Robert E. Veeh and Betty Veeh
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
- New Mailing Address 3268 Highlawn Dr.
- City, State and ZIP Code Twin Falls, ID 83301
- New Telephone Number () 208-734-2223
5. Date you acquired the property 1/2/03

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Department of Water Resources
 Southern Region

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)
(include title if applicable)

Robert G. Gresh
Betty Deek

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 11/24/03 Fee NA
 Received by _____ Date _____ Receipt No. _____
 Processed by che AJ Date 11/25/03 WR _____ Date _____

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Department of Water Resources
Southern Region

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-07863

Priority: October 31, 1980

Maximum Diversion Rate: 60.00 CFS
Maximum Diversion Volume: 43,400.0 AF

It is hereby certified that LYLE F FRAZIER And TONI D FRAZIER
3268 HIGHLAWN DR
TWIN FALLS ID 83301

And

ROBERT E VEEH And BETTY VEEH
3268 HIGHLAWN DR
TWIN FALLS ID 83301

have complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 31, 1980; and have submitted Proof of Beneficial Use on December 23, 1983. An examination indicates that the works have a diversion capacity of 158 cfs of water from:

SOURCE

LITTLE WOOD RIVER

Tributary: MALAD 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	60.00 CFS	43,400.0 AF

LOCATION OF POINT OF DIVERSION:

LITTLE WOOD RIVER NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 33, Twp 05S, Rge 17E, B.M., LINCOLN 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
05S 17E 32	X																

CONDITIONS OF APPROVAL

1. Use of water under this right shall be non-consumptive.
2. Right 37-07911 is also diverted through the point of diversion described above.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

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Department of Water Resources
Southern Region

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 37-07863

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 June 21, 2017. 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. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
8. The issuance of this right does not grant any right-of-way or easement across the land of another.

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 29th day of September, 2003.


for KARL J. DREHER
Director

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Department of Water Resources
Southern Region

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-07911

Priority: May 07, 1981

Maximum Diversion Rate: 60.00 CFS
Maximum Diversion Volume: 43,400.0 AF

It is hereby certified that LYLE F FRAZIER And TONI D FRAZIER
3268 HIGHLAWN DR
TWIN FALLS ID 83301

And

ROBERT E VEEH And BETTY VEEH
3268 HIGHLAWN DR
TWIN FALLS ID 83301

have complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 07, 1981; and have submitted Proof of Beneficial Use on December 23, 1983. An examination indicates that the works have a diversion capacity of 158 cfs of water from:

SOURCE

LITTLE WOOD RIVER

Tributary: MALAD RIVER

and a water right has been established as follows:

BENEFICIAL USE

POWER

PERIOD OF USE

01/01 to 12/31

DIVERSION RATE

60.00 CFS

**ANNUAL
DIVERSION VOLUME**

43,400.0 AF

LOCATION OF POINT OF DIVERSION:

LITTLE WOOD RIVER NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 33, Twp 05S, Rge 17E, B.M., LINCOLN 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
05S	17E	32	X																

CONDITIONS OF APPROVAL

1. Use of water under this right shall be non-consumptive.
2. Right 37-07863 is also diverted through the point of diversion described above.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

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Department of Water Resources
Southern Region

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-07911

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 June 21, 2017. 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. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
8. This right does not grant any right-of-way or easement across the land of another.

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 29th day of September, 2003.


for **KARL J. DREHER**
Director

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Department of Water Resources
Southern Region

PARTNERSHIP BUY-OUT AGREEMENT

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NOV 20 2003
Department of Water Resources
Southern Region

THIS AGREEMENT made and entered into effective this 2 day of January, 2003
by and between ROBERT E. VEEH and BETTY VEEH, husband and wife, hereinafter referred to
as "Veeh" and LYLE FRAZIER and TONI D. FRAZIER, husband and wife, hereinafter referred to
as "Frazier."

RECITALS:

1. Veeh and Frazier are partners in an Idaho General Partnership known as Veeh and Frazier Hydro, sometimes referred to herein as "the partnership."
2. Frazier desires to sell and Veeh desires to purchase all of Frazier's right, title and interest in and to Veeh and Frazier Hydro, together with any interest that Frazier might have personally in the assets claimed by the partnership.

NOW, THEREFORE, it is agreed as follows:

1. **Sale.** For the considerations hereinafter set forth, Frazier sells and Veeh buys all of Frazier's right, title and interest in and to Veeh and Frazier Hydro, an Idaho General Partnership, including but not limited to the partnership's royalty agreement with Shoshone Hydro, an Idaho Limited Partnership.

2. **Purchase Price.** The purchase price is \$39,000.00, which Veeh agrees to pay to Frazier in cash at closing.

3. **Liens and Encumbrances.** Frazier warrants and represents that the partnership interest being purchased by Veeh is free and clear of all liens and encumbrances.

4. **Closing.** The closing shall take place on the 2 day of January, 2003 at the offices of Veeh.

5. **Final Accounting.** [REDACTED] al

accounting of all of Frazier's right, title and interest in and to the partnership, and all assets owned or claimed by the partnership.

6. **Attorney's Fees.** In the event of any suit or proceeding by either party herein and against the other party, including any and all bankruptcy claims, actions and proceedings deemed necessary or desirable, or to otherwise protect the interest of a party, including the hiring of any attorney in the event of default, the non-defaulting party or the prevailing party (in the event of suit) shall be entitled to recover reasonable attorney's fees and costs, including fees or costs that may be incurred in any appellate proceedings.

7. **Partial Invalidity.** In the event any portion of this Agreement, or part thereof, shall be determined invalid, void or otherwise unenforceable, the remaining provisions hereunder, or part thereof, shall remain in full force and effect, and shall in no way be affected, impaired or invalidated thereby, it being understood that such remaining provisions shall be construed in a manner most closely approximating the intention of the parties with respect to the invalid, void or unenforceable provision or part thereof.

8. **Waiver.** Failure of either party to exercise the rights upon any default of the other shall not be construed as the waiver of the right to insist upon full performance of all the terms and conditions of this Agreement, or exercising any other rights contained in this Agreement.

9. **Choice of Law.** This Agreement will be interpreted in accordance with the laws and statutes of the State of Idaho. Any action or proceeding commenced by either party to enforce any remedy or right granted or implied by this Agreement shall be commenced in the Fifth District Court of the State of Idaho, in and for the County of Twin Falls, and both parties hereby consent to such in personam jurisdiction and venue

10. **Attorney's Disclaimer.** This Agreement was drafted by ~~Vechn's attorney~~ **RECEIVED**

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Department of Water Resources
Southern Region

as a matter of convenience only and shall not be construed for or against either party on that account. Frazier hereby acknowledges that the attorney for Veeh has not given legal advise to Frazier nor made any representations or warranties on behalf of Veeh. Frazier acknowledges that they have engaged separate legal counsel to review the documents and are relying in their execution and participation in this transaction upon advise of their own counsel and not that of counsel for Veeh.

11. **Amendments.** This Agreement may not be amended, modified, altered, or changed in any respect whatsoever, except by further agreement in writing duly executed by the parties hereto.

12. **Survival of Provisions.** Each covenant, condition, warranty and representation herein made shall survive the closing. All provisions which are to be performed or applied to circumstances subsequent to closing shall likewise survive the closing.

13. **Binding Effect.** This Agreement shall be binding upon the heirs, estates, personal representatives, successors and assigns of the parties.

14. **Parties' Further Assurance.** The parties, each and for themselves, do further covenant one to the other to execute any and all other documents which may be necessary to effect the conveyances contemplated by this Agreement.

15. **Parties.** In construing this Agreement, it is understood that Veeh or Frazier may be more than one person; that if the Agreement so requires, the singular pronoun shall be taken to mean and include the plural, the masculine, the feminine and the neuter, and that generally, all grammatical changes shall be made, assumed and implied to make the provisions hereof apply equally to partnerships, corporate entities and to individuals.

16. **Entire Agreement.** This Agreement contains the entire agreement between the parties hereto. No representations or promises with respect to this sale and purchase have been

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Department of Water Resources
Southern Region

made by Frazier or Veeh, other than expressly set forth herein.

17. **Paragraph Headings.** The titles of the articles and sections have been inserted as a matter of convenience for reference only and shall not control or affect the meaning or construction of any of the terms and provisions thereof.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.


ROBERT E. VEEH


BETTY VEEH


LYLE FRAZIER


TONI D. FRAZIER

STATE OF IDAHO)
) SS.
COUNTY OF TWIN FALLS)

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NOV 20 2003
Department of Water Resources
Southwest Region

On this 2nd day of January, 2003, before me, the undersigned, a Notary Public for Idaho, personally appeared ROBERT E. VEEH and BETTY VEEH, husband and wife, known or proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.




Notary Public for Idaho
My Commission Expires on 10/16/04
Residing at: Booding, ID

STATE OF IDAHO)

: ss.

COUNTY OF TWIN FALLS)

On this 2 day of January, 2003, before me, the undersigned, a Notary Public for Idaho, personally appeared LYLE FRAZIER and TONI D. FRAZIER, husband and wife, known or proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.



Susan M. Bolton
Notary Public for Idaho
My Commission Expires on 10/16/04
Residing at: Gooding, ID

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NOV 20 2003
Department of Water Resources
Southern Region

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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 **37-7863**
Date Received: 7/28/1988
Receipt No: S001156
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

ROBERT E VEEH

Phone:

3268 HIGHLAWN DR
TWIN FALLS ID USA 83301

BETTY VEEH

Phone:

3268 HIGHLAWN DR
TWIN FALLS ID USA 83301

TONI D FRAZIER

Phone:

3268 HIGHLAWN DR
TWIN FALLS ID USA 83301

LYLE F FRAZIER

Phone:

3268 HIGHLAWN DR
TWIN FALLS ID USA 83301

SHOROCK HYDRO INC

Phone: (208)734-8633

C/O MARC A EDSON MANAGER
PO BOX 1787
TWIN FALLS ID USA 83301-1787

2. Date of Priority: 10/31/1980

3. Source: LITTLE WOOD RIVER

Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05S	17E	33	NE NE NW	LINCOLN	

5. Description of diverting works:

CANAL, PENSTOCK AND GENERATOR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
POWER	1/01	12/31	60	

7. Total Quantity Appropriated is:
60 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05S	17E	33	NW	NW	POWER	

11. Place of use in counties: LINCOLN

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

LAND IS OWNED BY THE ARKOOSH ESTATE WITH POWER PROJECT ROYALTIES BEING PAID TO DARLENE FRAZIER, THE LANDOWNER AT THE TIME THE PROJECT WAS CONSTRUCTED.

UNIT # 1 GENERATOR 200 H.P.

TURBINE 149 KW # 2 125 H.P.

93 KW # 3 125 H.P.

93 KW TOTAL 335 KW WHEN A37-07863 AND A37-07911 ARE COMBINED A TOTAL OF 120 CFS IS DIVERTED TO GENERATE A TOTAL OF 335 KW UNDER A TOTAL HEAD OF 42 FEET.

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.

15. Basis of Claim: Permit

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DEC 1 1989

State of Idaho

Department of Water Resources

Department of Water Resources

ASSIGNMENT OF PERMIT

I, DARLENE FRAZIER, hereby assign to ROBERT E. & BETTY VEEH and
of Route 3, Box 6736, Twin Falls, Idaho LYLE F. & TONI D. FRAZIER
261 Los Lagos, Twin Falls, Idaho
Address

All my right, title, and interest in and to Permit No. 37-7863
to appropriate the public waters of the State of Idaho.

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

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

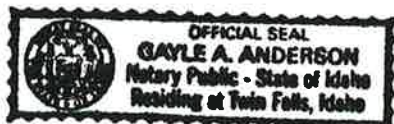
Made this 3rd day of October, 19 89.

Darlene Frazier
Permit Holder

Spouse of Permit Holder

State of Idaho)
County of Twin Falls) ss

On this 3rd day of October, 19 89, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.



s e a l

Gayle A. Anderson
Notary Public residing at
Twin Falls, Idaho

My commission expires:

2/10/95

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: A37-07863
Date Received: 7/28/1988
Receipt No: 5001156
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SHOROCK HYDRO INC. 208-734-8633
Address: P.O. BOX 1787
TWIN FALLS, ID 83301

AND/OR

Name: DARLENE FRAZIER
Address: TWIN FALLS, ID 83301

2. Date of Priority: OCT 31, 1980

3. Source: LITTLE WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	17E	33	NE	NE	NW		LINCOLN

5. Description of diverting works:
CANAL, PENSTOCK AND GENERATOR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
POWER	01/01	12/31	60.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
P/ POWER GENERATION
GENERATING CAPACITY 167.5 KILOWATTS

A37-07863

Page 1

Date: 07/28/88

MICROFILMED
FEB 24 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05S	17E	33	NW NW		POWER	

11. Place of use in counties: LINCOLN

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
A37-07911

14. Remarks:

LAND IS OWNED BY THE ARKOOSH ESTATE WITH POWER PROJECT ROYALTIES BEING PAID TO DARLENE FRAZIER, THE LANDOWNER AT THE TIME THE PROJECT WAS CONSTRUCTED.

UNIT # 1	GENERATOR	200 H.P.	TURBINE	149 KW
# 2		125 H.P.		93 KW
# 3		125 H.P.		93 KW
			TOTAL	335 KW

WHEN A37-07863 AND A37-07911 ARE COMBINED A TOTAL OF 120 CFS IS DIVERTED TO GENERATE A TOTAL OF 335 KW UNDER A TOTAL HEAD OF 42 FEET.

15. Basis of Claim: PERMIT

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 MANAGER of _____ Title

Sho Rock Hydro Inc , that I have signed the foregoing Organization

document in the space below as MANAGER of Title

Sho Rock Hydro Inc and that the statements contained in the Organization

foregoing document are true and correct.

MARC A ELLSON
Signature of Authorized Agent

MANAGER Sho Rock Hydro Inc
Title and Organization

7-28-88
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 28th day
of July 19 88

[Signature]
Notary Public

Seal

Residing at Kimberly, Id
My Commission Expires 6/30/94

MICROFILMED
FEB 24 1993

RECEIVED

04/12/2005

APR 28 2005

Department of Water Resources

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 3, 2005

Water right number: 37-7863

ROBERT E VEEH
3268 HIGHLAWN DR
TWIN FALLS ID 83301
Telephone Number: (208)734-2223

BETTY VEEH
3268 HIGHLAWN DR
TWIN FALLS ID 83301
Telephone Number: (208)734-2223

SHOROCK HYDRO INC
~~G/O MARC A EDSON MANAGER~~
PO BOX 1787
TWIN FALLS ID 83301-1787
Telephone Number: (208)734-8633

John J. Straubhar

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made. *above*

DATE: *4/26/05*

SIGNATURE:

John J. Straubhar

Please print your name:

JOHN J. STRAUBHAR

IDWR State Office, 322 E. Front St., P.O. Box 83720, Boise, ID 83720-0098

*✓ up dated address request.
5/2/05 SCC*

10/08/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: **37-7863**

NAME AND ADDRESS: ROBERT E VEEH
3268 HIGHLAWN DR
TWIN FALLS ID 83301

BETTY VEEH
3268 HIGHLAWN DR
TWIN FALLS ID 83301

TONI D FRAZIER
3268 HIGHLAWN DR
TWIN FALLS ID 83301

LYLE F FRAZIER
3268 HIGHLAWN DR
TWIN FALLS ID 83301

SHOROCK HYDRO INC
C/O MARC A EDSON MANAGER
PO BOX 1787
TWIN FALLS ID 83301-1787

SOURCE: LITTLE WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 60.000 CFS
43,400.000 AFY

PRIORITY DATE: 10/31/1980

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.

POINT OF DIVERSION:

T05S R17E S33 NENENW Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
POWER	01/01 12/31	60.000 CFS 43,400.00 AFY

PLACE OF USE: POWER Within LINCOLN County

T05S R17E S32 NENE

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

10/08/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF 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.

The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after June 21, 2017. 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.

EXPLANATORY MATERIAL: License

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

This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.

Use of water under this right shall be non-consumptive.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Right 37-07911 is also diverted through the point of diversion described above.

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-07863

Priority: October 31, 1980

Maximum Diversion Rate: 60.00 CFS
Maximum Diversion Volume: 43,400.0 AF

It is hereby certified that LYLE F FRAZIER And TONI D FRAZIER
3268 HIGHLAWN DR
TWIN FALLS ID 83301

And

ROBERT E VEEH And BETTY VEEH
3268 HIGHLAWN DR
TWIN FALLS ID 83301

have complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 31, 1980; and have submitted Proof of Beneficial Use on December 23, 1983. An examination indicates that the works have a diversion capacity of 158 cfs of water from:

SOURCE

LITTLE WOOD RIVER

Tributary: MALAD 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	60.00 CFS	43,400.0 AF

LOCATION OF POINT OF DIVERSION:

LITTLE WOOD RIVER NE¼NE¼NW¼ Sec. 33, Twp 05S, Rge 17E, B.M., LINCOLN County

PLACE OF USE: POWER

Twp Rge Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals	
05S 17E 32	X																	

CONDITIONS OF APPROVAL

1. Use of water under this right shall be non-consumptive. EXP
2. Right 37-07911 is also diverted through the point of diversion described above. EXP
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M. EXP
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion. EXP

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-07863

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. *priority*
6. The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after June 21, 2017. 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. *Gen*
7. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required. *exp*
8. The issuance of this right does not grant any right-of-way or easement across the land of another. *exp*

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 29th day of September, 2003.


for **KARL J. DREHER**
Director

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A37-07863, A37-07911

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent JEANIE M ROBERTSON

DATE

April 28, 1995 4:14pm

CUSTOMER

ROB NICHOLSON

SUBJECT: Questions on status of permits, Aj claims based
on permits
phone call (.) walk-in (X)

Had some permits that he wanted to make sure everything had been done on as well as the AJ claims based on those permits. Two of them had claims and at this point the water right files have been sent to the State Office for issue of the Licenses (A37-07863 and A37-07911). The other two didn't require proof of beneficial use to be submitted till 1999 so AJ claims weren't required for them (37-08262 and 37-08113). Told him it looked like everything was done that was required for now...the ball was in our court, so to speak.

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NOV 27 1996

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A37-07911 &
A37-07863

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Steve Clelland

April 18, 1995 3:50pm

NAME:
JOHN RITCHIE

CALLIN/BACK

RE:
QUERY ON RIGHTS

HE ASKED FOR OWNER INFO ON THESE TWO CLAIMS: A37-07911 & A37-07863. FOUND THE AJ CLAIMS AND READ OFF THE OWNERS THEN LOOKED AT THE WR PERMITS AND GAVE HIM THOSE NAMES. WR IS STILL IN PERMIT AND COULD BE CHANGED VIA ASSIGNMENT OF PERMIT BY DARLENE FRAZIER (C). PERMITS ARE BOTH IN LICENSE REVIEW W/ SHELLEY KEEN IN BOISE, AS PER BCQ1 ON 1-30-95.

MICROFILMED
NOV 27 1996