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JUL 31 2002

Department of Water Resources

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

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

2002 JUL 30 PM 12:56

Water Right 36-07834

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILEDNAME AND ADDRESS: MICHAEL G BRANCHFLOWER
KATHERINE L BRANCHFLOWER
PO BOX 575
HAGERMAN, ID 83332-0575

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 100.00 CFS
72400.00 AFY

PRIORITY DATE: 12/21/1978

POINT OF DIVERSION: T07S R13E S11 SESENE Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Power		01-01 TO 12-31	100.00 CFS 72400.00 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 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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

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



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication