

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: A01-02017
Date Received: 1/10/1997
Receipt No: S019633
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: IDAHO POWER COMPANY 208-388-2300
Address: PO BOX 70
BOISE ID 83707

2. Date of Priority: SEP 3, 1908

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	31E	30	SW	SE			POWER

5. Description of diverting works:
AMERICAN FALLS POWER PLANT

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
POWER	01/01	12/31	1400.000		

7. Total Quantity Appropriated is:
1400.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
POWER

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
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11. Place of use in counties:

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

13. Other Water Rights Used:

01-02032; 01-02046; TRANSFER 463 & 464; PERMIT APPLICATION

14. Remarks:

P/U WITHIN CITY LIMITS OF AMERICAN FALLS.

NO RELEVANT REMARKS TO ADD (SEE ORIGINAL DOCUMENT)

15. Basis of Claim: LICENSE

Water Right Number: 4168

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: 39356

Ident. Number A01-02017

Date Received _____

Receipt Number 5019633 Adm

RECEIVED

OCT 23 1996

Department of Water Resources
Boise, Idaho

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Idaho Power Company Phone (208) 388-2300
Mailing Address P.O. Box 70, Boise, Idaho Zip 83702
388-2300 1/9/97
83702 83707
2. Date of Priority (Only one (1) per claim) September 3, 1908
3. Source of water supply (a) Snake River
which is tributary to (b) Columbia River
4. a. Location of existing point of diversion is: Township 7S Range 31E Section 30,
1/4 of SW 1/4 of SE 1/4, Govt. Lot, B.M., County of Power
- Additional points of diversion if any: _____
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, 1/4 of 1/4 of 1
Govt. Lot _____ B.M., County of _____
- ending point is: Township _____ Range _____ Section _____, 1/4 of 1/4 of
1/4, Govt. Lot B.M., County of
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. American Falls Power Plant

A0102017

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Power purposes from 1/1 to 12/31 amount 1,400 or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1,400 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Power

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	

Total number of acres irrigated N/A

11. In which county (ies) are lands listed above as place of use located? Power

12. Do you own the property listed above as place of use? Yes X No _____
 If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
01-02032; 01-02046; transfer of rights 463 & 464; beneficial use claim for 136 cfs; permit application for 7,850 c/f/s or None ()

14. Remarks: Idaho Power Company has filed, or will be filing the above-referenced adjudication claims and water rights applications for the American Falls power plant. In conjunction with the development of the first American Falls Dam in 1927 and the subsequent 1976 dam replacement project, the Company also entered into various contracts and agreements that may be relevant to the Company's water right claims. The Company is in the process of reviewing those contracts and agreements along with Company and IDWR records to determine whether, in light of recent decisions in the SRBA Court, the filing of additional claims or the amendment of the above listed claims may be necessary to protect the Company's water rights at the American Falls plant.

Last Name Idaho Power Company Ident No. 01-02017

Copies: White -State, Yellow-Claimant

(SEE ATTACHED)

A 16x16 grid of 256 squares. Each square contains a crosshair pattern formed by two dashed lines intersecting at the center. The lines are oriented horizontally and vertically, creating a simple cross shape within each square. The grid is composed of 16 rows and 16 columns, with each cell being a uniform size.

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____

Decree _____

If applicable provide IDWR Water Right Number 01-02017

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Attorney _____

Title _____

of Idaho Power Company _____, that I have signed the foregoing
Organization

document in the space below as _____ Attorney _____ of Idaho Power Company
Title Organization

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

Signature of Authorized Agent [Signature]

Title and Organization Attorney, Idaho Power Company Date 10-18-96

State of Idaho/or _____)

County of Twin Falls)

SS.

Subscribed and sworn (or affirmed) before me this 18th day of October 19 96

SEAL

Notary Public [Signature]

Residing at [Signature]

My Commission Expires 12-17-97

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, James C. Tucker will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature [Signature]

Address P.O. Box 1906, Twin Falls, Idaho 83303-1906

Date 10-18-96

Last Name Idaho Power Company Ident. Number 01-02017

Copies White-State, Yellow-Claimant

DEC 30 1998

Gen

**Rosholt, Robertson & Tucker
Chartered
ATTORNEYS AT LAW**

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906

TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

December 29, 1998

Department of Water Resources

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
JOHN K. SIMPSON
NORMAN M. SEMANKO
PATRICK D. MADIGAN
TIMOTHY J. STOVER

FYT

*cc: E.O.
S.O.
N.O.
W.O.*

w/a Hachman +

cc: W.A.

Sally Sherman
Technical Records Specialist, Adjudication Bureau
Idaho Dept. of Water Resources
1301 North Orchard St.
P.O. Box 83720
Boise, ID 83720-0098

A01-02017

RE: IDAHO POWER COMPANY W/R #74-00490

Dear Ms. Sherman:

This letter is in response to yours of December 18, 1998, addressed to our client, Idaho Power Company, at a Salmon post office box address. Enclosed for your reference is a copy of a Power of Attorney issued by Idaho Power Company (IPC), which authorizes me to perform whatever functions may be necessary to protect IPC's interests in its water rights and SRBA claims. Please be advised that all SRBA claims, as well as applications for new water rights and applications for transfer, in the name of Idaho Power Company should bear the corporate headquarters address of Idaho Power Company, P.O. Box 70, Boise, ID 83707.

In recent years, this law firm has attempted to review all water rights held by IPC, as well as file any necessary SRBA claims and consolidate the company's water right records. In that regard, any claims we have filed also bear the notice of our appearance on behalf of IPC, so we usually receive notice of director's reports, etc. However, there still may be claims which were filed in the early days of the SRBA by various individuals which were not given the corporate headquarters address. We would appreciate being copied with all documents sent to IPC regarding any SRBA claims, if that is possible.

Thank you for your assistance, and please let me know if you require any additional information from this office or IPC headquarters.

Sincerely,

James C. Tucker
JAMES C. TUCKER

Encl.

cc: Bob Stahman, IPC

RECEIVED

DEC 30 1998

Department of Water Resources

LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

Idaho Power Company, an Idaho corporation, hereby nominates and appoints James C. Tucker of the law firm of Rosholt, Robertson & Tucker, with offices in Boise, Idaho, and Twin Falls, Idaho, as attorney-in-fact with full authority to act for and on behalf of Idaho Power Company, to authorize, prepare, and/or sign any and all documents, claim forms, amendments, or any other document or instrument required or necessary to protect the interest of Idaho Power Company related to its water rights, including, but not limited to, any and all documents necessary to be filed in the Snake River Basin Adjudication.

Idaho Power Company's agent is hereby authorized to sign, seal, and deliver, as its act and deed, those said instruments of writing that may be necessary or proper to carry into execution and effect all claims relating to Idaho Power Company's water rights as above-mentioned. Further, Idaho Power Company hereby declares that each and every agreement, receipt, or payment which shall be by its said agent given, made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had been signed, sealed, and delivered by Idaho Power Company in its own proper representative; and Idaho Power Company hereby undertakes at all times to ratify whatsoever its said agent shall lawfully do or cause to be done in or concerning the said premises by virtue of these presents.

IN WITNESS WHEREOF, Idaho Power Company has hereunto executed this Limited Power of Attorney this 14th day of August, 1992.

IDAHO POWER COMPANY

BY: [Signature]

ATTEST:

By: [Signature]

Secretary

STATE OF IDAHO)
) ss.
County of Ada)

On this 14th day of August, 1992, before me, a Notary Public, in and for said County and State, personally appeared J. LaMont Keon and Robert W. Stahman, known or identified to me to be the Vice-President and Secretary, respectively, of the Idaho Power Company, the corporation that executed the foregoing instrument, and acknowledged to me that such corporation 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.

Sally A. Chambers
NOTARY PUBLIC FOR IDAHO
Residing at: Bovde
My commission expires: 12.31.92

ROSHOLT, ROBERTSON & TUCKER

**Chartered
ATTORNEYS AT LAW**

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
JOHN K. SIMPSON
PATRICK D. MADIGAN
TIMOTHY J. STOVER
NORMAN M. SEMANKO

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
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TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

October 23, 1996

Idaho Department of Water Resources
1301 North Orchard
Statehouse Mail
Boise, ID 83720

HAND DELIVERED TO SOUTHERN REGION
IDAHO DEPARTMENT OF WATER RESOURCES
TWIN FALLS, IDAHO

ATTN: Karl Dreher, Director
Dave Tuthill, Adjudication Bureau Chief

Gentlemen:

Please find enclosed the following water right application and adjudication claims which we have presented for filing on this date on behalf of the Idaho Power Company:

- 01-07128 1) Application for Permit - 7,850 cfs for power purposes @ American Falls;
- A01-02017 2) Notice of Claim - 1,400 cfs for power purposes @ American Falls;
- A01-10382 3) Notice of Claim - 6,000 cfs for power purposes @ American Falls;
- A01-10383 4) Notice of Claim - 2,000 cfs for power purposes @ American Falls;
- A01-10384 5) Notice of Claim - 136 cfs for power purposes @ American Falls; and
- A02-10135 6) Notice of Claim - 3,500 cfs for power purposes @ Bliss power plant.

These filings are being made to supplement previous filings by the Company based upon the results of hydraulic capacity tests completed by the Company at various power facilities. These capacity tests were initiated in an effort to verify the previous SRBA claims filed by the Company. Tests at all of the Company's facilities have not been completed and further amended or supplementary filings may be forthcoming.

OCT 23 1996

Idaho Department of Water Resources
Boise, Idaho

The filings at American Falls are further complicated, and in many respects necessitated, by the history of the development of the American Falls Reservoir and the adjudication filings for that facility made by the United States. Our review of pertinent records indicates that prior to the construction of the first American Falls Dam in 1927, the Company owned and operated three small power plants at American Falls, the West Side, Island, and East Side Plants. The diversion structure at the East Side Plant was capable of diverting 6,000 cfs in 1920. Permit No. 4168 was licensed in 1920 for 1,400 cfs, and Permit No. 14067 in 1924 for 4,600 cfs to make up the difference. In 1921, the Company filed an application to appropriate an additional 1,200 cfs for power purposes (Permit No. 15201/01-2041), along with an application for a permit to store 300,000 AF of water at the American Falls site. (Permit No. R-273/01-2065.) In each case, permits were subsequently issued to the Company.

About that same time, the Bureau of Reclamation became interested in the American Falls area as a reservoir site for the Minidoka Project. On June 15, 1923, the United States and the Company entered into a contract by which the United States acquired a portion of the Company's land and the water rights for the development of the American Falls site (The actual deed is dated April 13, 1926). This included the West Side and Island power plants. The Company retained the East Side Plant. The 1923 contract provided, among other things, that the Company was to acquire 45,000 AF of primary storage and 255,000 AF of "secondary storage" along with the right to use the water discharged from the dam for power production in the East Side Plant. The East Side power plant was not connected to the dam, so it made no use of the extra head created by the impoundment.

With the construction of the American Falls Dam in 1927, the capacity at the East Side Plant was increased to 9,000 cfs, and the corresponding the water rights consisted of the following:

1. 253 cfs With a priority date of July 15, 1901, transferred from the West Side Plant to the East Side Plant on June 17, 1929, by transfer No. 464;
2. 611 cfs With a priority date of August 1, 1901, transferred from the Island Plant to the East Side Plant on May 4, 1929, by transfer No. 463;
3. 1,400 cfs Permit No. 4168, with a priority date of September 3, 1908, licensed in 1920 to American Falls Power Company, No. 01-02017;

4.	4,600 cfs	Permit No. 14067, with a priority dated of March 8, 1919, licensed in 1924, No. 01-02032;
5.	2,000 cfs	Permit No. 16635, with a priority dated of October 15, 1926, licensed in 1971, No. 01-02046;
	8,864 cfs	TOTAL

The Company has previously filed adjudication claims on two of the licensed rights, Nos. 4 and 5 above (Water Right Nos. 01-02032 and 01-02046). Adjudication claims for Nos. 1 and 2 (the 1901 rights), No. 3 (No. 01-02017) along with a beneficial use claim for the 136 cfs necessary to bring the total water rights at the facility to 9,000 cfs are part of the current filing.¹

Permit Nos. 01-2041 and 01-2065, the permits issued to the Company for the 1200 cfs flow right and 300,000 AF storage right, respectively, were never licensed. In 1971, the Department of Water Administration (DWA) gave to the Company notice of its intention to cancel each of those permits for non-development. The Company opposed the cancellation based on provisions in the 1923 Contract, contending that the Company reserved its water rights at the American Falls site. The 1923 Contract, immediately following the provision transferring the Company's water rights to the U.S., provided:

But it is expressly agreed and understood that the water rights and rights to the use of water which it is herein agreed that the Company shall have are reserved out of its existing appropriations and rights as independent rights under its own filings and appropriations and of the dates of priority to which the Company is entitled under such appropriations and are not to be considered as mere contract rights under contract with the United States. (1923 Contract, para 9(d), at p. 11)

Despite that language, the DWA decided that both permits should be canceled. In his written decision, the then director, R. Keith Higginson, stated:

After reviewing the files of the Department and the answer of the Idaho Power Company, the Director finds that the rights established by the Idaho Power Company, by reason of Permit Nos. 01-2041 and 01-2065, have been merged with rights granted the United States of America and that by

¹ You will note that the filings for the rights listed as Nos. 1 & 2 claim are for 6,000 cfs and 2,000 cfs, respectively. Although the Company only transferred the amounts listed above (253 and 611 cfs) to the East Side Plant, the balance of each right is included in the respective claim based on Judge Hurlbutt's recent decision in Basin-Wide # 10.

reason of contracts and agreements entered into between the Company and the United States of America, Bureau of Reclamation, *those rights are held in trust for use by the Company under the water rights of the United States at American Falls Reservoir.*

The Director further finds that since *the Company's rights to water at American Falls Dam and Reservoir are already covered by reason of licenses issued to the United States of America, under Permit Nos. R-269 and 4168² and contracts between the Company and the United States of America*, that Permit Nos. 01-2041 and 01-2065 are duplicate and should be canceled. The Company has failed to submit proof that it has constructed the necessary works to divert the water and apply it to beneficial use. (emphasis added)

In 1972, storage behind the American Falls Dam was restricted for safety reasons. This led to a non-governmental replacement program whereby the Company guaranteed bonds issued by the American Falls Reservoir District (AFRD) for reconstruction of the Dam in exchange for the right to connect its power plant directly to the Dam and use the water released from the Dam to generate power. On March 31, 1976 a contract (the "Government Contract") was entered into between AFRD and the United States. In that contract the United States acknowledged the existence of a "falling water contract" between AFRD and the Company and agreed that the Company could use the water released from the Dam, subject to the other provisions of the contract, for power generation purposes. (Government Contract, Art 18, p. 6) The Government Contract, and the use of the falling water, was authorized by the American Falls Enabling Act of December 28, 1973 (P.L. 93-206, 87 Stat. 904). Pursuant to the Government Contract and the Act, the AFRD, as the constructing agency, and the Company entered into a Falling Water Contract which authorized the Company to utilize the water discharged from the Dam in accordance with the Government Contract. (Falling Water Contract, Sec. 3.1, p. 13.) Also on March 31, 1976, the United States, AFRD and the Company entered into a Placeholder Contract which provided:

Nothing herein shall in any way alter or change the present proportion of the storage rights of the placeholder, and this Placeholder Contract and the American Falls Replacement Dam Program constitute a reaffirmation by the United States of the rights of the placeholder under the Existing Placeholder Contract, except as modified by this Placeholder Contract as authorized in the Act of December 28, 1973, and the Government Contract. The provisions of

² Permit No. 4168 for 1400 cfs was licensed to American Falls Power Company in 1920 and is one of the SRBA claims being contemporaneously filed by the Company. R-269 is current license #01-02064, held by the U.S., for 1.8 MAF of storage for irrigation and power purposes. The U.S. has filed an adjudication claim for this water right but did not include power as a purpose of use. See SRBA clm. # A01-02064.

the Existing Placeholder Contract shall in all respects remain in full force and effect except that the provisions of this Placeholder Contract with respect to the Replacement Dam, including but not limited to the operation and maintenance thereof and the distribution of water therefrom, shall prevail over the provisions of the Existing Placeholder Contract wherever and to whatever extent the provisions of the Existing Placeholder Contract are in conflict with the provisions of this Placeholder Contract. (Placeholder Contract, sec., 19, p. 6) [the 1923 Contract is identified as the "Existing Placeholder Contract" in Part 1, sec. 18]

The placeholder acknowledges that the water storage rights evidenced by permits, licenses and court decrees for the Existing Dam are held in the name of the United States and by this Placeholder Contract the water rights are reaffirmed and neither the United States, the Constructing Agency, nor the placeholders are required to make additional filings for the Replacement Dam. (Placeholder Contract, sec. 49, p. 23)

Despite the decision by the DWA in 1971 that the "Company's rights to water at American Falls Dam and Reservoir are already covered by reason of licenses issued to the United States of America . . .", questions remain as to whether additional SRBA filings by the Company are necessary to protect the Company's power rights at American Falls. Notwithstanding the 1971 decision, the contracts entered into in conjunction with the 1976 Dam Replacement Project reaffirmed the 1923 Contract and granted the Company the right to use water released from the Replacement Dam for purposes of power generation. While our review indicates that the United States holds various water rights at American Falls, only two have stated uses which include power generation. These are Water Rights Nos. 01-02064 (previously Permit No. R-269) and Water Right No. 01-04052, for a 1.8 MAF and 115,000 AF, respectively. Interestingly, the adjudication claim filed by the United States on the oldest power right, A01-02064, does not include power as a stated use. The later priority right, No. A01-04052, for 115,000 AF, does include power and contains the following under the remarks section: "Water furnished to private company for power generation." The amount of storage claimed under this right is significantly less than the 300,000 AF (45,000 primary and 255,000 secondary) of storage rights held by the Company under contract. Additionally, the U.S. has not claimed any flow rights for power purposes.

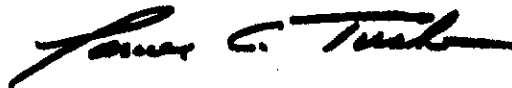
All of this further confuses and complicates the filings concerning American Falls. We are hopeful that with filing of the referenced claims that these issues can be addressed and resolved in the appropriate forum.

Finally, we are also enclosing the necessary fees for the referenced filings. The Company has previously paid the variable water use fees pursuant to I.C. § 42-1414(1)(b)(ii) and, as such, the enclosed fees for the adjudication claims are remitted under subsection

(1)(a) of that section. The filing fees for the water right application for American Falls are being conditionally paid. If it is determined that the water that is the subject of that application is not required, either based on the enclosed adjudication claims or the contract rights held by the Company, we would expect a remittance of the enclosed fees. In that regard, perhaps it would be appropriate to delay the processing of that application until the issues raised by the adjudication claims filed by both the Company and the U.S. at American Falls are resolved.

We will happy to discuss issues relating to any of the enclosed filings with you at your convenience.

Very truly yours,

A handwritten signature in black ink, appearing to read "James C. Tucker", written in a cursive style.

JAMES C. TUCKER

Encls.

LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

Idaho Power Company, an Idaho corporation, hereby nominates and appoints James C. Tucker of the law firm of Rosholt, Robertson & Tucker, with offices in Boise, Idaho, and Twin Falls, Idaho, as attorney-in-fact with full authority to act for and on behalf of Idaho Power Company, to authorize, prepare, and/or sign any and all documents, claim forms, amendments, or any other document or instrument required or necessary to protect the interest of Idaho Power Company related to its water rights, including, but not limited to, any and all documents necessary to be filed in the Snake River Basin Adjudication.

Idaho Power Company's agent is hereby authorized to sign, seal, and deliver, as its act and deed, those said instruments of writing that may be necessary or proper to carry into execution and effect all claims relating to Idaho Power Company's water rights as above-mentioned. Further, Idaho Power Company hereby declares that each and every agreement, receipt, or payment which shall be by its said agent given, made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had been signed, sealed, and delivered by Idaho Power Company in its own proper representative; and Idaho Power Company hereby undertakes at all times to ratify whatsoever its said agent shall lawfully do or cause to be done in or concerning the said premises by virtue of these presents.

IN WITNESS WHEREOF, Idaho Power Company has hereunto executed this Limited Power of Attorney this 14th day of August, 1992.

IDAHO POWER COMPANY

By: [Signature]

ATTEST:

By: [Signature]

Secretary

RECEIVED

OCT 23 1996

Department of Water Resources
Boise, Idaho

STATE OF IDAHO)
) ss.
County of Ada)

On this 14th day of August, 1992, before me, a Notary Public, in and for said County and State, personally appeared J. LaMont Keen and Robert W. Stahman, known or identified to me to be the Vice-President and Secretary, respectively, of the Idaho Power Company, the corporation that executed the foregoing instrument, and acknowledged to me that such corporation 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.

Sally A. Chambers
NOTARY PUBLIC FOR IDAHO
Residing at: Boise
My commission expires: 12.31.92

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Grand Power Co.CLAIM IDENT. NO. A01-02017DATE RECEIVED 23 Oct 96CK # 25093AMOUNT \$ 50⁰⁰ + 50⁰⁰ LATE FEE

Required Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO ** CORRECT*
2. Is a priority date entered? ☒ YES ☐ NO ***
Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO ***
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO ***
3. (a) Is a source entered? ☒ YES ☐ NO ***
(b) Is a tributary to entered? (if required) N/A ☒ YES ☐ NO ***
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO ***
5. Is there a description of the diverting works? ☒ YES ☐ NO ***
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO ***
Is the period of use included? ☒ YES ☐ NO ***
Is a quantity claimed for each use? ☒ YES ☐ NO ***
7. Is a total quantity claimed entered? ☒ YES ☐ NO ***
8. If required is a consumptive use entered? N/A ☒ YES ☐ NO ***
Is the consumptive use correct? N/A ☒ YES ☐ NO ***
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A ☒ YES ☐ NO ***
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO ** ? P.O.U.*
11. Is (are) the county(ies) entered? ☒ YES ☐ NO ** ? P.O.U.*
12. Is the ownership of p.u. checked? ☒ YES ☐ NO ** ? P.O.U. NOT LISTED*
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO ** ? P.O.U. NOT LISTED*
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A ☒ YES ☐ NO ** ? P.O.U. NOT LISTED*
15. Is the basis of the claim indicated? ☒ YES ☐ NO *Lic.*
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A ☒ YES ☐ NO *Lic.*
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO ***
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO ***
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO ** LATE FEE*
20. Is the fee enclosed correct? Exempt ☒ YES ☐ NO ***
21. If this claim is based on an existing water right, has the identification number been entered? N/A ☒ YES ☐ NO ***
22. Should this claim be data entered? ☒ YES ☐ NO ***

Claim checked by: LBRDate: 1/9/97Claim must be returned to claimant: (Yes) (No)Claimant must be notified of modifications: (Yes) (No)

Receipt Prepared by: _____

Date: _____

Claim data entered by: _____

Date: _____

Sent to claimant by: _____

Date: _____

Checked by: _____ Date: _____

Comments: SRBA CLAIM

NOTICE OF APPOINTMENT AS LIMITED POWER OF ATTORNEY TO J.R. TUCKER OR
ROEHOLT, ROBERTSON AND TUCKER -

LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

Idaho Power Company, an Idaho corporation, hereby nominates and appoints James C. Tucker of the law firm of Rosholt, Robertson & Tucker, with offices in Boise, Idaho, and Twin Falls, Idaho, as attorney-in-fact with full authority to act for and on behalf of Idaho Power Company, to authorize, prepare, and/or sign any and all documents, claim forms, amendments, or any other document or instrument required or necessary to protect the interest of Idaho Power Company related to its water rights, including, but not limited to, any and all documents necessary to be filed in the Snake River Basin Adjudication.

Idaho Power Company's agent is hereby authorized to sign, seal, and deliver, as its act and deed, those said instruments of writing that may be necessary or proper to carry into execution and effect all claims relating to Idaho Power Company's water rights as above-mentioned. Further, Idaho Power Company hereby declares that each and every agreement, receipt, or payment which shall be by its said agent given, made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had been signed, sealed, and delivered by Idaho Power Company in its own proper representative; and Idaho Power Company hereby undertakes at all times to ratify whatsoever its said agent shall lawfully do or cause to be done in or concerning the said premises by virtue of these presents.

IN WITNESS WHEREOF, Idaho Power Company has hereunto executed this Limited Power of Attorney this 14th day of August, 1992.

IDAHO POWER COMPANY

BY: [Signature]

ATTEST:

By: [Signature]

Secretary

STATE OF IDAHO)

) 88.

County of Ada)

On this 14th day of August, 1992, before me, a Notary Public, in and for said County and State, personally appeared J. LaMont Keen and Robert W. Stahman, known or identified to me to be the Vice-President and Secretary, respectively, of the Idaho Power Company, the corporation that executed the foregoing instrument, and acknowledged to me that such corporation 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.

Sally A. Chambers

NOTARY PUBLIC FOR IDAHO

Residing at: Brise

My commission expires: 12.31.92

01-2017

State of Idaho

License and Certificate of Water Right

Water License No. 4168

Amount 1400 cfs. ft.

Water District No. 70

Priority 9-3-1908

THIS IS TO CERTIFY that American Falls Power Company of Pocatello, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated September 3, 1908; that Permit No. 4168 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 6000 second feet, was issued thereunder on December 17, 1913, showing that said works were completed on the 26th day of November, 1913; and that on the 28th day of November, 1919,

Idaho Power Company of Boise, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation, Snake River, a tributary of Columbia River, for the purpose of generating electric power, under Use Permit No. 4168 of the Commissioner of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State of Idaho and entered of record in Volume 5 of Licenses, at page 2529, on the 5th day of February, 1920;

The right hereby confirmed dates from September 3, 1908;

The Point of Diversion is located in the SW 1/4 SE 1/4, Sec. 30, Tp. 7 S., R. 31 E., B.M.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1400 cubic feet per second.

Description and location of use; At the town of American Falls, Idaho.

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
	EAST SIDE	PRIDE			

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, State of Idaho, at Boise, Idaho, this 5th day of February, 1920.

W. G. Swendsen
Commissioner of Reclamation