

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: A01-10383
Date Received: 1/10/1997
Receipt No: S019633
Received By: _____

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

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

AND/OR

Name: ROSHOLT ROBERTSON & TUCKER 208-734-0700
Address: C/O J C TUCKER
142 3RD AVE NORTH
TWIN FALLS ID 83303-1906

2. Date of Priority: AUG 1, 1901

3. Source: SNAKE RIVER Trib. to: COLUMBIA

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	2000.000		

7. Total Quantity Appropriated is:
2000.000 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

11. Place of use in counties:

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

13. Other Water Rights Used:

01-02017; 01-02046; 01-02032; TRANSFER 464; PERMIT APPLICATION

14. Remarks:

15. Basis of Claim: POSTED NOTICE

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 Organizations:

I do solemnly swear or affirm that I am _____ of
Title

_____, that I have signed the foregoing
Organization

document in the space below as _____ of
Title

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

17. Notice of Appearance:

Notice is hereby given that I, _____ will be
Print Name

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 _____

Address _____

Date _____

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

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AD

RECEIVED

OCT 23 1996

Department of Water Resources

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

383-2670

A01-10383

Mailing Address

P.O. Box 70

Boise, Idaho

Zip 83707

2. Date of Priority (Only one (1) per claim) August 1, 1901

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 3/4, 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

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

A0110383

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 2,000 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2,000 (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:

- If water is for Irrigation, indicate acreage in each subdivision in the tabulation below.
- 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.
01-02017;01-02046;01-02032;transfer of right #464;beneficial use claim or None ()
for 136 cfs; permit application for 7,850 cfs.

14. Remarks: Idaho Power Company has filed or will be filing the above-referenced adjudication claims and water right 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.

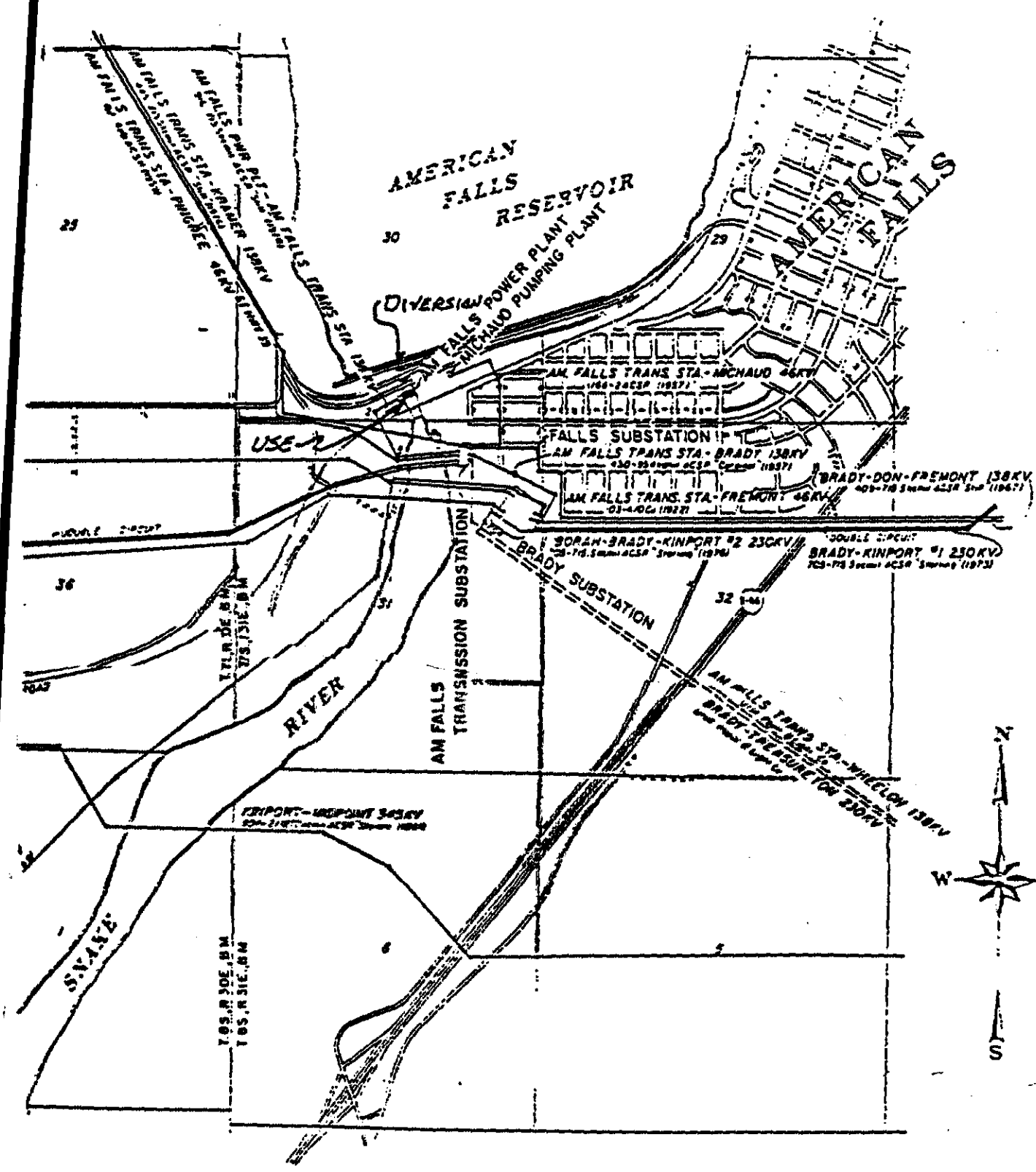
Last Name Idaho Power Company Ident No. _____

Copies: White -State, Yellow-Claimant

(SEE ATTACHED)

A 16x16 grid of squares. Each square contains a crosshair pattern formed by two perpendicular dashed lines intersecting at the center. The grid is composed of 16 columns and 16 rows of these squares.

Copies: White-State, Yellow-Claimant



AMERICAN FALLS RESERVOIR

DIVERSION POWER PLANT
MICHAEL PUMPING PLANT

AM FALLS TRANS STA - ARCHAUD 48KV
1168-240234 118371

FALLS SUBSTATION
AM FALLS TRANS STA - BRADY 138KV
430-554404 ACSP 118371

AM FALLS TRANS STA - FREMONT 48KV
03-4004 118371

BRADY-DON-FREMONT 138KV
409-718 Second ACSP 2nd 118671

SORAH-BRADY-KINPORT #2 230KV
703-718 Second ACSP 118731

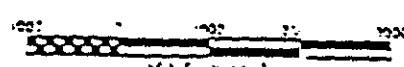
DOUBLE CIRCUIT
BRADY-KINPORT #1 230KV
703-718 Second ACSP 118731

BRADY SUBSTATION

AM FALLS TRANSMISSION SUBSTATION

Snake RIVER

KINPORT-MIDPOINT 345KV
504-21477 Second ACSP 118804



TRANSMISSION LINE PATROL MAP
AMERICAN FALLS AREA
IDAHO POWER COMPANY
60481 2400
230-5999

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice X License _____ Permit _____
Decree _____ Book 4, Pg. 265, Blaine County (Exhibit A)
If applicable provide IDWR Water Right Number _____ Certificate of Water Right Transfer No. 463 (Exhibit B)
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 _____

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 _____

Residing at _____

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 _____

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

Date 10-18-96

Last Name Idaho Power Company Ident. Number _____

Copies White-State, Yellow-Claimant

RECEIVED

DEC 30 1998

**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

A01-10383

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: Bride
My commission expires: 12.31.92

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME JEAN DOWSE Co.CLAIM IDENT. NO. 401-10383DATE RECEIVED 23 Oct 96CK # 25093AMOUNT \$500 + 50% for

- | | YES | NO | Required Info? |
|--|-------------------------------------|--------------------------|------------------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * <i>name, P.O. #1</i> |
| 2. Is a priority date entered? | ☒ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates? | ☒ | ☐ | * |
| See Adjudication Memos #1 and #4 to determine if a Permit is required. | ☒ | ☐ | |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☒ | ☐ | |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 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. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? | ☒ | ☐ | |
| Is the consumptive use correct? | ☒ | ☐ | |
| 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. | ☒ | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * <i>P.O. #1</i> |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated? | ☒ | ☐ | |
| 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.) | ☒ | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☒ | ☐ | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 19. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 20. Is the fee enclosed correct? | ☒ | ☐ | * <i>late fee</i> |
| 21. If this claim is based on an existing water right, has the identification number been entered? | ☒ | ☐ | |
| 22. Should this claim be data entered? | ☒ | ☐ | |

Claim checked by: ASBDate: 1/9/97

Claim must be returned to claimant:

(Yes) ☐ (No) ☒

Claimant must be notified of modifications:

(Yes) ☐ (No) ☒

Receipt Prepared by:

Date:

Claim data entered by:

Date:

Checked by:

Date:

Sent to claimant by:

Date:

Comments: NOTICE OF APPEARANCE by J.C. Tucker, ROBERT, ROBERTSON, TUCKER

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Certificate of Water Right
Transfer Right No. 463

This is to certify that Idaho Power Company, a corporation of the State of Maine, qualified to do business in the State of Idaho, claims a right to the use of 611 c.f.s., of the waters of Snake River for power purposes, initiated and perfected under and by virtue of that certain water location notice by J. H. Brady, dated August 1, 1901, and recorded in Book 4 of Water Rights at Page 265 in the records of Blaine County, Idaho, now situated in Water District #36 of the County of Power, State of Idaho, to-wit, at the hydro-electric generating station on the island in Snake River at American Falls, Power County, State aforesaid, sometimes known as "Island Plant"; that Idaho Power Company has become the owner of the said water right by mesne conveyances and was until recently the owner of said Island Plant; that the waters covered by said water right were diverted from said stream in the South Half of the South Half (S $\frac{1}{2}$ S $\frac{1}{2}$) of Section 30, Township 7 South, of Range 31 E., B.M., and conducted to the said Island Plant and there used; that the said Company discontinued the use of the said waters of the said water right as used at the said Island Plant in June, 1927, and established a new place of use for such water on the east side of Snake River at American Falls, County and State aforesaid, at what is commonly known as the American Falls East Side Power Plant of Idaho Power Company; that the new point of diversion of said waters is North 69 degrees 30 minutes West 1872.3 feet from the Southeast Corner of Section 30, in Township 7 South, of Range 31 E., B.M., and such waters are conducted to said new place of use through the forebay of the American Falls East Side Power Plant of Idaho Power Company.

That upon the application of said Idaho Power Company for a transfer of water right made before the Commissioner of Reclamation of the State of Idaho, and said application having been granted, the right to the use of the said 611 c.f.s. of waters so initiated and perfected by and under said water location notice at the said new place of diversion and said new place of use be, and the same hereby is, acknowledged; that the right to the use of the waters aforesaid hereby acknowledged is restricted to said American Falls East Side Power Plant of Idaho Power Company, as provided by the laws of the State of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation of Idaho at Boise, Idaho, this 17th day of June, 1929.


Commissioner of Reclamation

STATE OF IDAHO, DEPARTMENT OF RECLAMATION

In the Matter of the Application of }
Idaho Power Company for Transfer of } ORDER GRANTING TRANSFER
Water Right, Water District No. 36. }

WHEREAS, on the 27th day of May, 1929, at the Department of Reclamation of Idaho, at Boise, Idaho, the matter of the application of Idaho Power Company for a transfer of water right came on regularly for hearing, pursuant to the published notice; and

WHEREAS, no one appeared at the hearing to protest the application, and the evidence submitted by the Applicant in support of its said application shows that no one shall be injured by said transfer; and

WHEREAS, the Watermaster of the district in which the old and new points of diversion and of use are located has approved said application;

IT IS, THEREFORE, HEREBY ORDERED that the said application for transfer of 611 c.f.s. of the waters of Snake River be granted and certificate issue to the Applicant herein; and

IT IS, THEREFORE, HEREBY FURTHER ORDERED that due notice of the hearing of said application has hereby been given.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of my office at Boise, Idaho, this 17th day of June, 1929.


Commissioner of Reclamation

a true and correct copy, in a conspicuous place near the point of intended diversion described in said Notice to-wit:

At West end of O.S.L. R.R. Bridge about 4 rods to the right of track on fence post at bank of river, ^{in Plaine County, Idaho.} B.P. Randall.

Subscribed and sworn to before me this 19 day of March 19.

W. A. Johsson

Justice of Peace

Recorded at Request of Geo Ingessoll Jr March 20. 1901 at 3²⁵ o'cl

W. E. Heard County Recorder.

By Geo A. Wood Deputy.

→ Snake River.

Notice of Water Right Location.

To whom it may concern:

Notice is hereby given, that J. Brady, of the City ofocatello, County of Bannock, State of Idaho, has this First day of August, 1901, appropriated and hereby claim the use of waters of Snake River to the extent of Two Thousand (2000) Cubic Feet per second, flowing at the point of intended diversion, which said point of intended diversion is particularly described as follows, to-wit:

At the head of the island of the R. Ry Bridge, at American Falls, Idaho, and on the line of Nevada and Plaine Counties.

That the special purpose ~~or~~ purpose for which said is claimed, is Irrigation, Mining, Power, and Domestic Use.

The place of intended use is the City of Pocatello Town of American Falls, and such other places in the same as may require the use of water for the above named purposes.

That the general course of the proposed canal or conduit is on each side of the Snake River, for such distance as may be required. That it is intended to complete the work.

The length of said proposed canal or conduit is approximately twenty miles. That it is intended to complete the work for the diversion and use of said water as aforesaid, within five years. A copy of this notice was duly posted at or on the point of intended diversion, on the First day of August, 1901.

Witness my hand at Pocatello, County of Bannock, State of Idaho, this 10th day of August, 1901.

Appropriator and Claimant. J. L. Brady.
State of Idaho, ss.

depose and say that he is of lawful age and the appropriator and claimant of the Water Right described in the within and foregoing notice and whose name is subscribed thereto.

That the statements in said notice are true, and that the original notice, of which the foregoing is a true copy, was posted in a conspicuous place at or near the point of intended diversion at 7:15 o'clock P.M. the first day of August 1901.

J. K. Brady.

Subscribed and sworn to before me this 10th day of August 1901.

Seal A. L. Richardson, Clerk of the U.S. District Court, District of Idaho.

By Theo Turner, Deputy.

Recorded at request of J. K. Brady at 7 o'clock P.M. August 12, 1901.

By Geo. M. Brod,

H. E. Heard,

Deputy.

County Recorder.

Snake River

Andrew J. Tarbet

Notice of Appropriation of Water.

Notice is hereby given that I, Andrew J. Tarbet, of Salt Lake City, State of Utah, do claim of the water of Snake River there flowing, six thousand (6,000) cubic feet per second of time.

That the point at which I intend to divert said water is American Falls, Blaine County, Idaho, in Lot 12, Section 30, Township 7 South, Range 31 East, Boise Meridian.

The purposes for which I claim the water are:

For propelling pumping machinery, for generating electric power and light, for propelling pumping machinery, and for irrigation and domestic purposes.

The place where I intend to use the water is, Blaine County, Idaho.

The general course, length, destination and conduit by which I propose to divert said water is as follows; for mechanical purposes by a tunnel 420 feet, more or less in length, running partly through Sections 30 and 31, T. 7 S. R. 31 E. B. M., and by steel pipes 185 feet, more or less in length, for pumping purposes in the above named Sections Township and Range.

For irrigation, by means of open canals 15 feet wide by 3 feet deep, running northerly and southerly about 15 miles in length to irrigate all the lands in Sections 13, 14, 23, 24, 26, 35 and 36, in Township 7 South, Range 30 East, Boise Meridian; also Sections 1, 2, 9, 10, 11 and 16 in Township 8 South,