

0

WATER RIGHT NUMBER 02-2059 ✓

OWNER LAST NAME - IDAHO POWER CO.

FIRST NAME -

ORIG OWNER -

ADDRESS LINE 1 - P.O. BOX 70

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - BOISE

STATE - ID ZIP CODE - 83707

SOURCE - SNAKE RIVER

TRIBUTARY OF - COLUMBIA RIVER

STAGE -

STATUS -

PRIORITY - 03-20-1935 COUNTY - GOODING

TOTAL DIV. RATE - 250.0000 -CFS

TOTAL DIV. VOLUME - .00 AFA TRFR/AMEND -

WATER DIST. - 02 DLE/CAREY ACT - RIGHT BASIS - E

DIVERSION POINT - SESW 02 07S 13E LOT 07 REDIV -

SWSW 02 07S 13E LOT 08 REDIV -

FROM - 01-01 TO - 12-31 USE - POWER

USE DIV. RATE - 250.0000 CFS USE DIV. VOLUME - .00 AFA

USE - POWER

PLACE OF USE - TWN 07S RNG 13E SEC 02 TRACT SESW LOT 07 AC

DECREE NAME -

DATE -

TOTAL ACRES 0

REMARKS - LOWER SALMON FALLS PLANT. P/D ALSO IN TWIN FALLS COUNTY.

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. -

PROOF MADE - FLD EXAM - COND. OF APPROVAL -

DIVERSION MEANS - DAM.

NOTICE OF CLAIM TO A WATER RIGHT

02-2059
I.D. No. Map No.
\$10 #18883
Fee Paid Receipt No.

Notice is hereby given that Idaho Power Company (Name of Claimant)

P O Box 70, Boise, Idaho 83707

(Zip Code)

Telephone No. 383-2878

(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:
- (1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) 03/20/35 1935
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Snake River
tributary to COLUMBIA RIVER
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
Quantity 250,0000 cfs Use for power generation Period of Use From Jan 1 To Dec 31
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
- Quantity Use Period of Use From To
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
- Quantity Use Period of Use From To
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
- Quantity Use Period of Use From To
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
- (4) 250,0000 cfs TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)
- (5) A) Point of Diversion: Give location of point where water is diverted from its source SE 1/4 SW 1/4
Sec. 2, Twp. 7S, Rge. 13 E, B.M., Gooding County
Additional Points: Lot 8 (SWSW), S.2, T.7S, R.13E SCI: 2720(1) 572.8 BOTH POINTS
B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
dam

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

Total no. of acres none

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible: power generation

NOTE: Include here the type and number of stock watered:

- NOTE: Include here the type and number of stock watered.
- (7) If you are claiming water as a member of an organization, list name of organization: no
- (8) Remarks PLANT. P/D ~~IN~~ ALSO IN TWIN FALLS CNTY
Lower Salmon Falls Power Site

- (9) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case.

☒ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No. Water Right No 02-2059 and Old
No 18107

KEYPUNCHED

5-4-82 ojs sc 11/2/82

5-4-82 JF SC 11/2/82
Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.
Individual

(Signature of Claimant)

(Date)

State of Idaho

Organization

County of Ada

\$5.

Seal

Organization **IDAHO POWER COMPANY** (Signature of Spouse)

(Signature of Authorized Agent)

On this 27th day of

in the year 1987

before me

a notary public, personally appeared

a notary public, personally appeared James A. Conan
known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation,
partnership or James A. Conan) executed the same.

My commission expires _____

Notary Public residing at

State of Idaho
Department of Water Resources

ADJUDICATION CLAIM ANALYSIS SHEET

Review by JS

Date 4/28/82

Right No. 02-2059

Claimant IDAHO POWER

Recommendation differs from claim: ☐ Yes ☒ No ☐ Disallow
(Document any differences)

Claim Details Verified Against:

Check (X or ✓) those searched. Circle records used for recommendation.
Include copies or memos where applicable to explain findings.

☒ License

☐ Previous Statutory Claim.

☐ Permits, valid or lapsed. Number(s) if different than above _____

☐ Decree. Name & date _____

☐ Conveyance Loss Calculations. See printout included.

☐ Title abstract. ☐ In file. Or, Name & location _____

☐ County records. ☐ In file. Or, Name & location _____

☐ Affidavits. ☐ In file.

☐ Posted Notices, Water Locations Notices. ☐ In file.

☐ Deed Records. ☐ In file. Or, Name & location _____

☐ Patent Records. ☐ In file. Or, Name & location _____

☐ Metzker Maps. Identify _____

☐ A.S.C.S. Records. Year & Photograph No. _____

☐ Irrigation Company/District Records. ☐ In file. Or Name & location _____

☐ Historical Books. Name(s) & location _____

☐ Interview(s). Attach conversation memorandum.

☐ Other _____

☐ _____

Field Exam Made: ☒ Yes ☐ No Date _____

☐ Adj. Report in file ☒ Beneficial Use Report in License (S.O.) File

Measurement _____ cfs. Amount recommended _____ cfs.

Type of measuring device: _____ Meter No. _____

Condition _____ Date _____ Time _____

Adjudication Photo(s) Used: Name or No. HAGERMAN, _____

Field Photographs Taken ☐ Yes ☒ No

Memorandum in file ☒ Yes ☒ No

Remarks _____

TO: 02-2059

FROM: J. Noyes

DATE: January 23, 1985

RE: Supproting Data in State Office FILE on Idaho Power Co. Claim
No. 02-2059

Engineering Report

Field examination was made by Fred A. Tolman, July 13, 1937 indicating a measurement of the ~~system~~^{system} was impossible due the turbulent conditions below the plant. He indicated the old unit has a capacity of 1300 Sec. Ft. and the two new units have a combined capacity of 1950 Sec. ft. on a total plant use of 3250 sec. ft. of which 3000 sec. ft. were licensed to 02-2001 leaving a balance of 250 sec. ft. How he arrived at 1950 sec. ft. for the two units is questionable.

Proof Report

1. K.M. Robinson, President of Idaho Power Co. June 29, 1937

Rationalized that Lic. 02-2001 has been in continual use for 3000 cfs and 2059 has an additional 300~~0~~ cfs for a total of 3300 cfs.

2. Myron Swendsen, Civil Eng. Boise

Claims he has seen 3200 cfs

3. W.L. Gorton, Eng, Boise

Observed 3200 cfs.

Note

There is no indication in the files how the examiners determined the amount of water, other than by pure observation

Idaho Power Co. applied for 300 sec. ft. was granted 250 cfs on License No. 02-2059

No condition on license

License and Certificate of Water Right

Water District No.

Priority March 20, 1955

THIS IS TO CERTIFY that IDAHO POWER COMPANY, made application for a permit to appropriate the public waters of the State of Idaho, dated March 20, 1935; that Permit No. 18107 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 250 second feet was issued thereunder on August 19, 1937, showing that said works were completed on the 29th day of June, 1937; and that on the 29th day of June, 1937,

IDAHO POWER COMPANY

of Boise, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Snake River, a tributary of Columbia River, for the purpose of power, under Use Permit No. 18107 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 Commissioner of Reclamation of Idaho and entered of record in Volume 7 of the records of the Commissioner of Reclamation, Idaho, 1864, on the 20th day of August, 1937.

The right hereby confirmed dates from March 20, 1935.

The Point of Diversion is located in Lot 7,
in the $\frac{1}{4}$ $\frac{1}{4}$, Sec. 8, Tp. 7 S., R. 13 E., B. M. Gooding County.
t 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 250
cubic feet per second.

Description and location of use: At what is commonly known as the Lower Salmon Falls Power Site on Snake River.

[illegible]

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, affixed at Boise, Idaho,
 20th day of August, 1939

R. W. PARIS
Commissioner of Reclamation

SEAL

2 2059

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: A02-02059
Date Received:
Receipt No: C005054
Received By: CA 1-11-89
CA 1-6-89

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: IDAHO POWER CO.
Address: P.O. BOX 70
BOISE, ID 83707
2. Date of Priority: MAR 20, 1935
3. Source: SNAKE RIVER Trib. to: COLUMMBIA RIVER
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|------------|
| 07S | 13E | 2 | SW | SW | SW | 8 | TWIN FALLS |
| | | | SE | SW | SW | 7 | GOODING |
5. Description of diverting works:
LOWER SALMON FALLS DAM
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|---------|-------|-------|---------|------|--------|
| POWER | 01/01 | 12/31 | 250.000 | | |
7. Total Quantity Appropriated is:
250.000 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
POWER PLANT
GENERATING CAPACITY 60000.0 KILOWATTS
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	2	SW	SW	7	POWER	

A02-02059 Page 1 Date: 01/06/89

MICROFILMED
MAR 20 1993

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
02-02001A, 02-02001B, 02-02060

14. Remarks:
LOWER SALMON FALLS POWER PLANT.

15. Basis of Claim: LICENSE
Water Right Number: 18107

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: _____

For Organizations:

I do solemnly swear or affirm that I am General Counsel and Secretary of

Title
Idaho Power Company, that I have signed the foregoing
Organization
document in the space below as General Counsel and Secretary of

Title
Idaho Power Company and that the statements contained in the
Organization
foregoing document are true and correct.

R. W. Stal
Signature of Authorized Agent
General Counsel and Secretary
Idaho Power Company
Title and Organization

January 10, 1989
Date

MICROFILMED
MAR 20 1993

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 10th day
of January 1989

David S. David
Notary Public

Seal

Residing at Boise, Idaho

My Commission Expires 12/31/92

17. Notice of Appearance:

Notice is hereby given that I, Thomas G. Nelson 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 Thomas G. Nelson

Address PO Box 2139 Boise Id 83701

Date 1/9/89

02-02001A+
Amount file

2-11-91
original in
file
Jd. Power
J. Power

November 21, 1988

Mr. Thomas G. Nelson
Nelson, Rosholt, Robertson, Tolman and Tucker
P. O. Box 2139
Boise, ID 83701

Re: Idaho Power's Twin Falls County Adjudication Claims

Dear Tom:

Please find enclosed copies of the following claims:

Lower Salmon	02-02001A
	02-02001B
	02-02059
	02-02060

Upper Salmon	02-02057
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I have also enclosed pre-printed claim forms on the Twin Falls and Shoshone power plants in Jerome County, (02-00033 and 02-00036), as well as the irrigation rights you requested.

Please review the claims and make any necessary corrections. The power claims should have the nameplate generator capacity added to Item #9.

If you have any questions, please contact this office.

Sincerely,

Carter Fritschle
Senior Water Resource Agent

CF:db
Enclosures
Claim Forms

MICROFILMED

MAR 20 1993

SD-33	Last Name: IDAHO POWER						STATE	
S		O						
E	First	W	Water	Priority		Total	Use	
L	Name	N	Right No.	Date	Source	Diversion	Code Desc	

	IDAHO POWER CO.							
		✓	A65-03828	01/27/1963	GROUNDWATER	0.040	43 DOMEST	
		✓	A65-09368	01/06/1963	GROUNDWATER	0.040	43 DOMEST	
		✓	A65-12096	02/21/1978	PAYETTE RIV	2000.000	28 POWER	
		✓	A73-07051	03/24/1981	PAHSIMEROI	10.000	19 FISH	
		✓	A73-10124	06/20/1984	GROUNDWATER	0.040	43 DOMEST	
		✓	A01-02032	03/08/1919	SNAKE RIVER	4600.000	28 POWER	
		✓	R36-02018	01/18/1919	CLEAR LAKES	526.000	28 POWER	
		✓	A36-15221	03/03/1982	NIAGARA SPR	0.040	43 DOMEST	
	IDAHO POWER COMPANY							
		✓	A78-07013	08/01/1969	RAPID RIVER	18.600	19 FISH	

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

2/ 7/92 PER INSTRUCTIONS FROM DON SHAFF, I'VE MODIFIED ALL OF IDAHO POWER'S RECORDS BY ENTERING 2 ATTORNEYS--STEVEN L HERNDON OF IPC AND TUCKER/SMITH FROM ROSHOLT, ROBERTSON & TUCKER. I'VE CORRECTED DATA ENTRY WHERE NEEDED AND ADDED PHONE NUMBERS WHERE NEEDED. THESE MODIFICATIONS WERE A RESULT OF A NOTICE OF APPEARANCE FROM THE ATTORNEYS.

S. FRAZEE

[Handwritten signature]

A02-02059

MICROFILMED
MAR 20 1993

James C. Tucker
Bruce M. Smith
ROSHOLT, ROBERTSON & TUCKER
P. O. Box 2139
Boise, Idaho 83702-2139
Telephone: (208) 336-0700
4743p/shs/1-2-92

Steven L. Herndon
Assistant General Counsel
Idaho Power Company
P. O. Box 70
Boise, Idaho 83707

- 383-2692

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.

CASE NO: 39576

The State of Idaho, ex rel.
A. Kenneth Dunn in his official
capacity as director of the
Idaho Department of Water
Resources,

NOTICE OF
APPEARANCE

Petitioner,

vs.

The United States; the State
of Idaho; and all claimants
to the use of water from the
Snake River Basin Water System,

Defendants.

* * * * *

COMES NOW, IDAHO POWER COMPANY, by and through its
attorneys, Steven L. Herndon, Assistant General Counsel of

1 IDAHO POWER COMPANY, and James C. Tucker and Bruce M. Smith of
2 the firm of ROSHOLT, ROBERTSON & TUCKER, and, pursuant to Order
3 of this Court entered December 17, 1991, enters its appearance
4 in the above-captioned case.

5 DATED this 2nd day of January, 1992.

6 ROSHOLT, ROBERTSON & TUCKER

7 *James A. Rosholt*
8 for JAMES C. TUCKER

9 CERTIFICATE OF MAILING

10 I hereby certify that on this 2nd day of January,
11 1992, I caused to be served a true copy of the foregoing NOTICE
12 OF APPEARANCE by the method indicated below, and addressed to
13 each of the following:

14 Larry Echohawk
15 Attorney General
16 State of Idaho
Statehouse, Room 210
Boise, Idaho 83720

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

17 David Shaw
18 Adjudication Bureau Chief
Idaho Department of Water
Resources
19 1301 North Orchard
Statehouse Mail
20 Boise, Idaho 83720 (6 copies)

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

21 Peter C. Monson, Esq.
22 Assistant Attorney General
U.S. Department of Justice
23 Land and Natural Resources
Division
Indian Resources Section,
24 Rm. 6317
P. O. Box 44378
25 Washington, D.C. 20026-4378

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

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27
28 MICROFILMED

MAR 20 1993

1 Don A. Olowinski
2 HAWLEY, TROXELL, ENNIS
3 & HAWLEY
4 P. O. Box 1617
5 Boise, Idaho 83701

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

for John B. Rosset
JAMES C. TUCKER

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MAR 20 1993