

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: A37-02128

Date Received: 8/17/1988

Receipt No: C002945

Received By: _____ CA

RECEIVED

OCT 17 1988

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources

RECEIVED

JUN 14 1990

Department of Water Resources
Southern Region Office

1. Name: IDAHO POWER CO.
Address: P.O. BOX 70
BOISE, ID

83707

2. Date of Priority: NOV 25, 1908

3. Source: MALAD RIVER
COVE CREEK

Trib. to: SNAKE RIVER
MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	13E	35	NE	NE	NW		GOODING

5. Description of diverting works:
DIVERSION DAM, FLUME TO POWERHOUSE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
POWER	01/01	12/31	700.000		

7. Total Quantity Appropriated is:
700.000 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 13500.0 KILOWATTS

10. Place of Use:

L 347250 + 50

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	13E	27	SW	SW	2	POWER	

A37-02128

Page 1

Date: 08/19/88

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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:
37-02472

14. Remarks:
LOWER MALAD POWER PLANT.

15. Basis of Claim: LICENSE
Water Right Number: 4366

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 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.

Rolt W. Stahl
Signature of Authorized Agent
General Counsel and Secretary
Idaho Power Company
Title and Organization

October 11, 1988

Date

State of Idaho)
) SS.
County of Ada)

Subscribed and sworn (or affirmed) before me this 11th day

of October 19 88

Darryl L. Reynolds
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 Box 2139, Boise, Id 83701

Date 10/16/88

10/4/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Idaho Power Co.

CLAIM IDENT. NO. A37-02128

DATE RECEIVED 10-17-88 CK # 096556 AMOUNT \$ 24,129

- | | YES | NO |
|--|-------------------------------------|--------------------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ |
| 2. Is a priority date entered? | ☒ | ☐ |
| Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?
A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS. | | |
| 3. (a) Is a source entered? | ☒ | ☐ |
| (b) Is a tributary to entered? (if required) | N/A | ☐ |
| 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? | N/A | ☐ |
| Is the consumptive use correct? | N/A | ☐ |
| 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, each household must file a separate claim. See Adjudication Memo # 4. | ☒ | ☐ |
| 10. Is (are) the place(s) of use entered? | ☒ | ☐ |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ |
| 13. Are other water rights listed or "none" checked? | ☒ | ☐ |
| 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 | ☐ |
| 15. Is the basis of the claim checked? | ☒ | ☐ |
| 16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) | ☒ | ☐ |
| Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ |
| Was this claim filed on time, or was an extension granted? | ☒ | ☐ |
| Is the fee enclosed correct? | ☒ | ☐ |
| If this claim is based on an existing water right, has the identification number been entered? | N/A | ☐ |
| Should this claim be receipted and data entered? | ☒ | ☐ |

Claim checked by:

Comments:

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SD-33	Last Name: IDAHO POWER CO		STATE	
S	O			
E	W	Water	Priority	
L	N	Right No.	Date	Source
	First Name			Total Diversion
				Use Code Desc
-	IDAHO POWER CO			
-		C A36-02704	01/31/1966	NIAGARA SPR
-				132.000
-				01 IRR
-				43 DOMEST
-				49 FIRE
-				19 FISH
-		C A37-02128	11/25/1908	MALAD RIVER
-				700.000
-				28 POWER
-		C A37-02472	05/14/1946	MALAD RIVER
-				650.000
-		C A63-03118	01/14/1958	GROUNDWATER
-				1.400
-				25 COOL
-		C A63-03544	09/22/1966	GROUNDWATER
-				2.676
-				43 DOMEST
-				25 COOL
-				49 FIRE
-		C A63-08142	05/13/1975	GROUNDWATER
-				0.060
-		C A65-02232	12/03/1918	PAYETTE RIV
-				50.000
-		C A73-02168	01/20/1967	PAHSIMEROI
-				10.000
-				19 FISH

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

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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

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

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FEB 23 1993

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
19 Idaho Department of Water
Resources
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
23 U.S. Department of Justice
Land and Natural Resources
Division
24 Indian Resources Section,
Rm. 6317
25 P. O. Box 44378
Washington, D.C. 20026-4378

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

26
27
28
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FEB 23 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 James A. Roscoe
JAMES C. TUCKER

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NOTE TO FILE

From: Vikie Hancock

4/11/02

Regarding: Claim number 37-2128 and 37-2472

An additional claim for the Lower Malad Power Plant, **37-20710**, was filed by Idaho Power on 4/10/2002.