

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: A37-02471

Date Received: 8/16/1988

Receipt No: 0002945

Received By: _____ *04*

RECEIVED

OCT 17 1988

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

Department of Water Resources

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

83707

JUN 10 1990

Department of Water Resources
Southern Region Office

2. Date of Priority: MAY 14, 1946

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	25	SW	SW			GOODING
		36	NW	NW			GOODING

5. Description of diverting works:
DIVERSION DAM, CONCRETE FLUME TO POWER HOUSE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
POWER	01/01	12/31	900.000		

7. Total Quantity Appropriated is:
900.000 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 7200.0 KILOWATTS

475,200 + 50.

A37-02471

Page 1

Date: 08/19/88

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	13E	35	NE	NW		POWER	

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:
NONE

14. Remarks:
UPPER MALAD POWER PLANT.

15. Basis of Claim: LICENSE
Water Right Number: 19863

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.

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

October 11, 1988

Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 11th day
of October 1988

Samuel Z. Boyd
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

10/6/88

7.5 MINUTE SERIES (TOPOGRAPHIC)

GEOLOGICAL SURVEY

GLENN'S FERRY 25 MI.
BLISS 4.4 MI.

260 000 FEET

114° 2' 30"

KING HILL 22 MI.
BLISS 5.6 MI.

675 000m E. R. 1



10/4/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Idaho Power CLAIM IDENT. NO. A37-02471DATE 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) | ☒ | ☐ |
| 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, 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.) | ☒ | ☐ |
| 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? | ☒ | ☐ |
| Should this claim be receipted and data entered? | ☒ | ☐ |

Claim checked by: CA

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 R36-02082	12/10/1948		5.000
-	C A02-02059	03/20/1935	SNAKE RIVER	250.000
-	C A02-02064	09/04/1947	SNAKE RIVER	12000.000
-	C A02-02065	12/11/1947	SNAKE RIVER	3000.000
-	C A02-02080	06/21/1950	SNAKE RIVER	15420.000
-	C A02-04000	01/17/1900	SNAKE RIVER	1840.000
-	C A02-04001	04/17/1900	SNAKE RIVER	1460.000
-	C A29-07414	07/19/1977	GROUNDWATER	0.020
-	C A35-02557	01/26/1959	GROUNDWATER	2.680
-	C A37-02471	05/14/1946	MALAD RIVER	900.000
-			COVE CREEK	
-	C A36-15358	11/20/1912	THOUSAND SP	0.330
-			SNOW BANK S	
-	C A63-07945	03/07/1974	GROUNDWATER	0.890
-				07 INDUST
-				49 FIRE

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

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FEB 23 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

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

MICROFILMED

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 R. 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
17 Statehouse, Room 210
18 Boise, Idaho 83720

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☐

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

17 David Shaw
18 Adjudication Bureau Chief
19 Idaho Department of Water
20 Resources
21 1301 North Orchard
22 Statehouse Mail
23 Boise, Idaho 83720 (6 copies)

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Overnight Mail
Telecopy (Fax)

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

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Don A. Olowinski
HAWLEY, TROXELL, ENNIS
& HAWLEY
P. O. Box 1617
Boise, Idaho 83701

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☐	Telecopy (Fax)

for John A. Rossmore
JAMES C. TUCKER

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FEB 23 1993

NOTE TO FILE

From: Vikie Hancock

4/11/02

Regarding: Claim number 37-2471

An additional claim for the Upper Malad Power Plant, **37-20709**, was filed by Idaho Power on 4/10/2002.