

11/09/2005

RECEIVED
DEC 02 2005
DEPARTMENT OF
WATER RESOURCESNOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 2, 2005

Water right number: 2-2064

IDAHO POWER CO

PO BOX 70

BOISE ID 83707

Telephone Number: (208) 388-2781

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

"Other Provisions Necessary for Definition or Administration of this Water Right"

2. Describe the changes you wish to make in the proposed recommendation:

Remove paragraphs 1-5 of the above-referenced section.

3. Give a brief explanation as to why you disagree with these portions:

The references are inconsistent with the Swan Falls Agreement. These inconsistencies were the subject of discussion at a meeting between Idaho Power Company and IDWR regarding Malad power rights. Should IDWR desire further discussion of the issues, please contact counsel for Idaho Power Company.*

I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12/1/2005

SIGNATURE:

Please print your name: James C. Tucker, Senior Attorney

IDAHO POWER COMPANY

IDWR State Office, 322 E. Front St., P.O. Box 83720, Boise, ID 83720-0098

*Counsel for Idaho Power Company: James S. Lochhead
Adam T. DeVoe
Brownstein Hyatt & Farber, P.C.
410 17th St., 22nd Floor
Denver, Colorado 80202
Telephone: 303-223-1100