

11/09/2005

NOTICE OF ERROR
REPLYRECEIVED
DEC 02 2005
DEPARTMENT OF
WATER RESOURCES

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: 2-10135

IDAHO POWER CO
PO BOX 70
BOISE ID 83707
Telephone Number: (208) 386-2781

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

Quantity, priority date, and "Other Provisions Necessary for Definition or Administration of this Water Right."

2. Describe the changes you wish to make in the proposed recommendation: Quantity and priority date should be recommended as claimed. Remove paragraphs 1-5 of the above-referenced section.

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

Claimant will provide evidence to support the claimed quantity and priority date. Paragraphs 1-5 references are inconsistent with the Swan Falls Agreement, and were the subject of discussion at a meeting between Idaho Power Company and IDWR regarding Malad power rights. Should IDWR desire further discussion, please contact counsel for IPC.*

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