

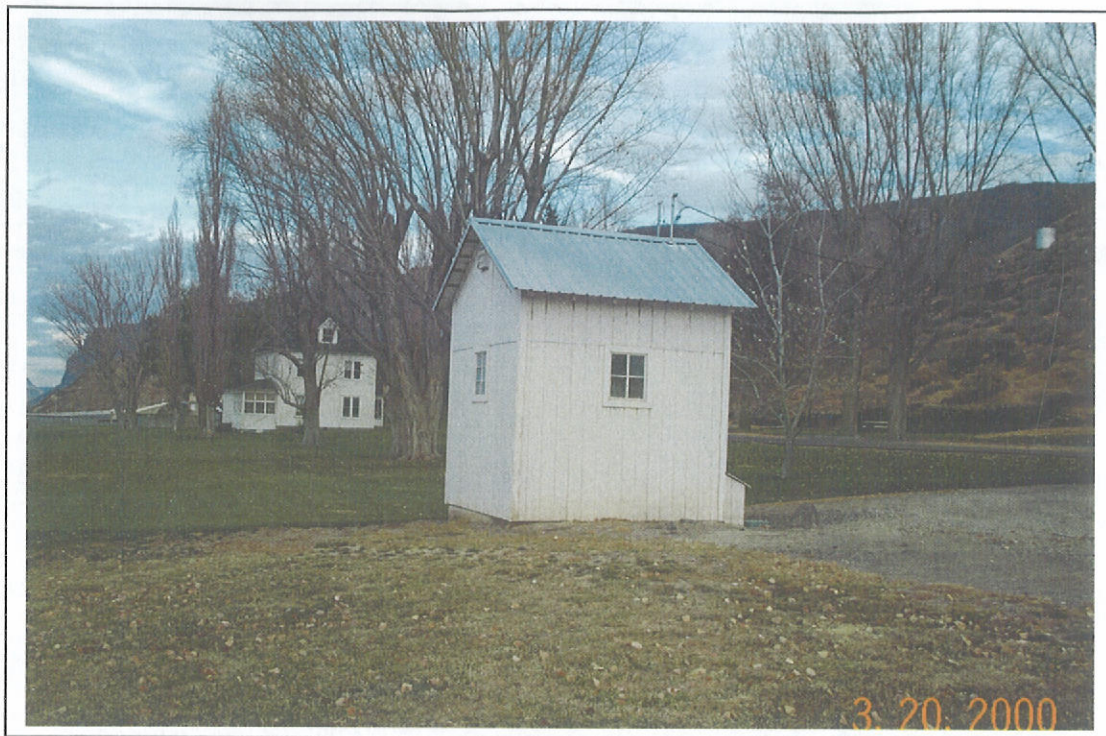
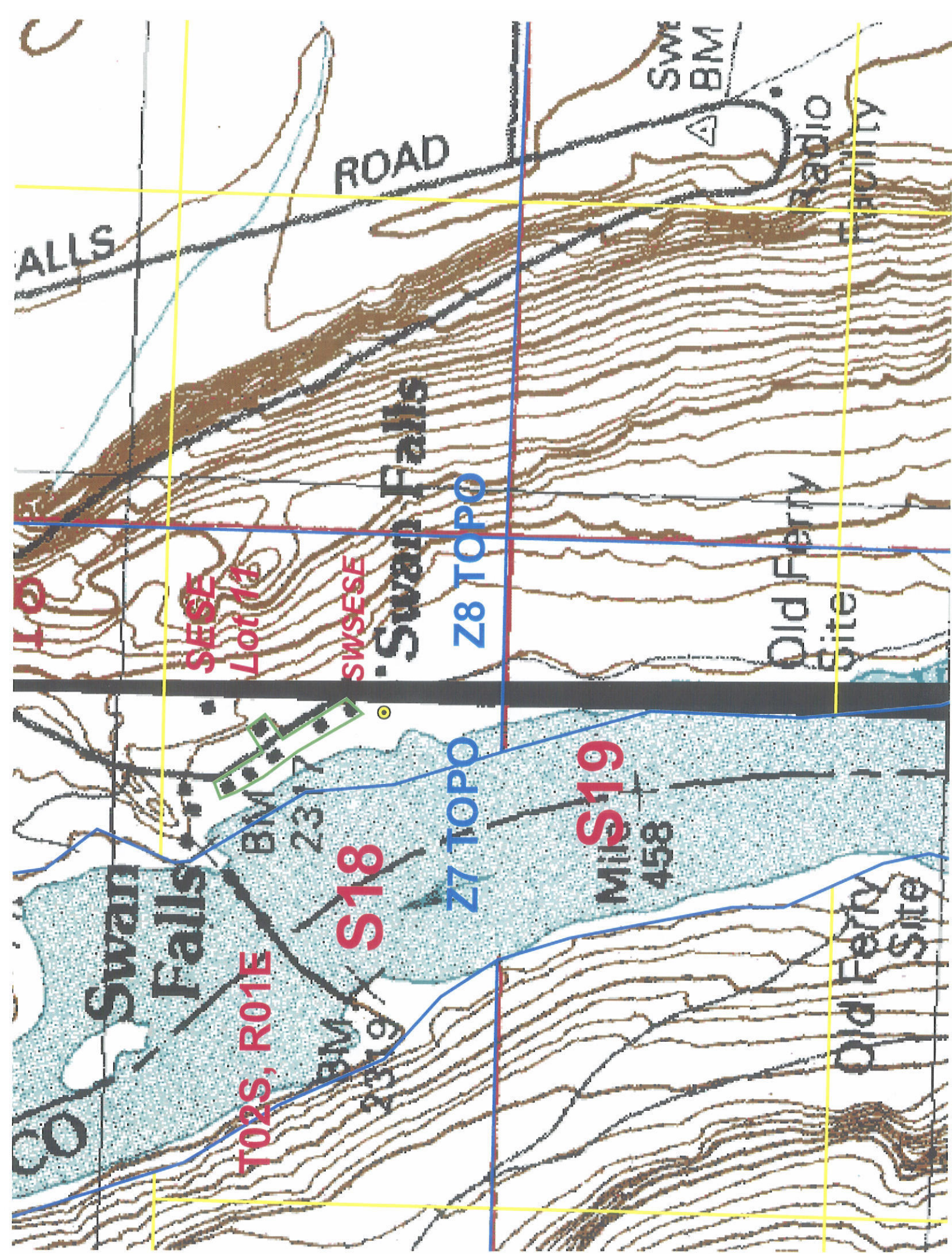


Photo 1. 63-26621 Intrepid Field Exam. Photo is by Intrepid. Well house is located in the SWSESE, lot 11, T02S, R01E, S18. Well house shown also the Clubhouse in background. View is to the North. Replacement well dug in 1991. This well is no longer used per Cindy Hodges FX 9/9/94. A transfer is needed to apply point of diversion changes and uses to the date of priority to new license well, right # 63-11612.

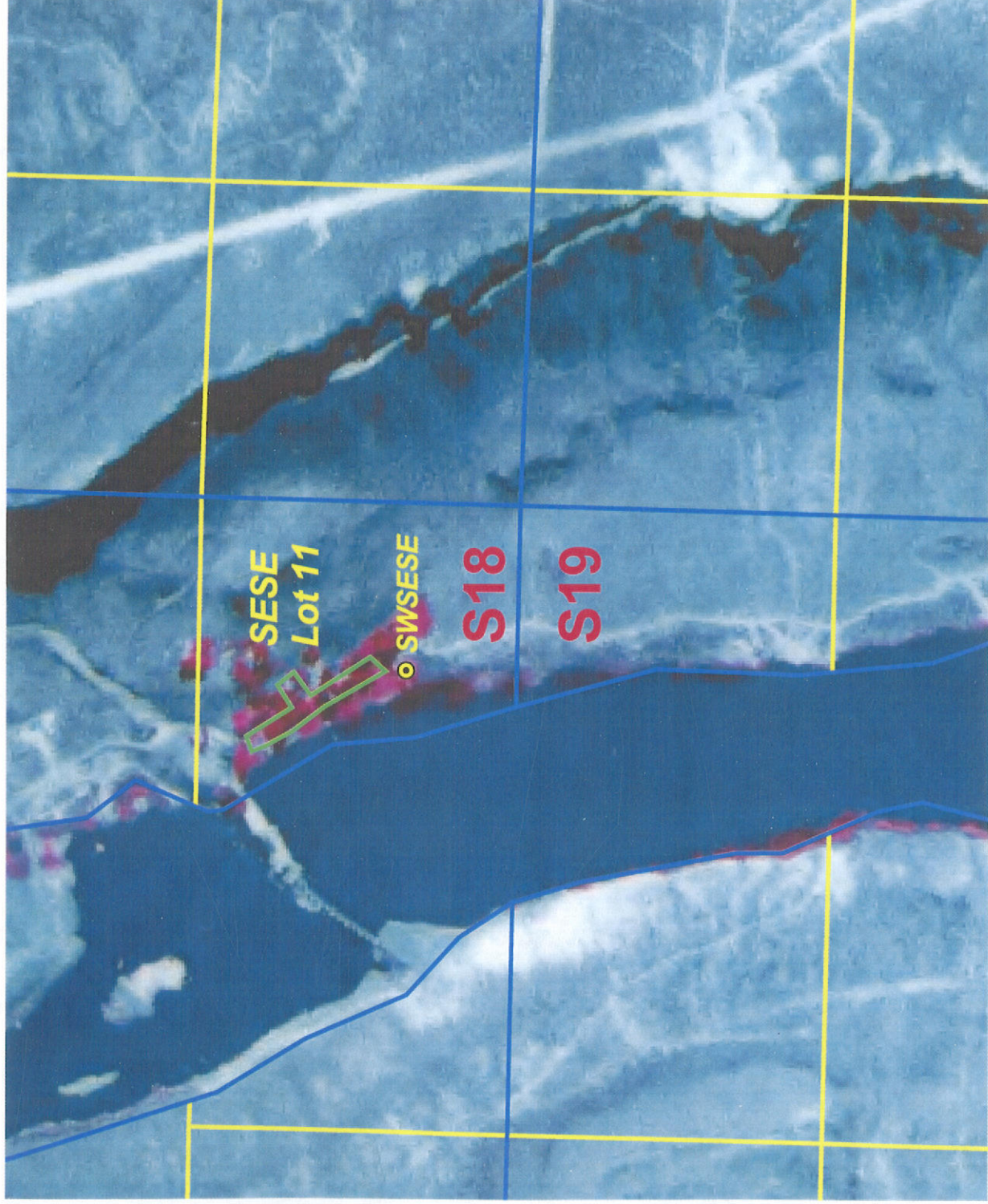


# IDAHO DEPARTMENT OF WATER RESOURCES

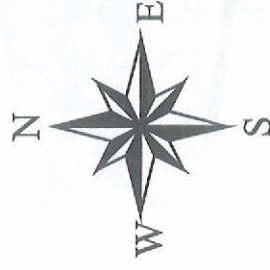
Claims: 63-26621

Date Prepared: 7-30-02

Prepared By: Ron Howerton



**T02S, R01E**  
**S18**



- Point of Diversion
- Place of use
- Section
- Quarter/Quarter

**1987 NAPP**

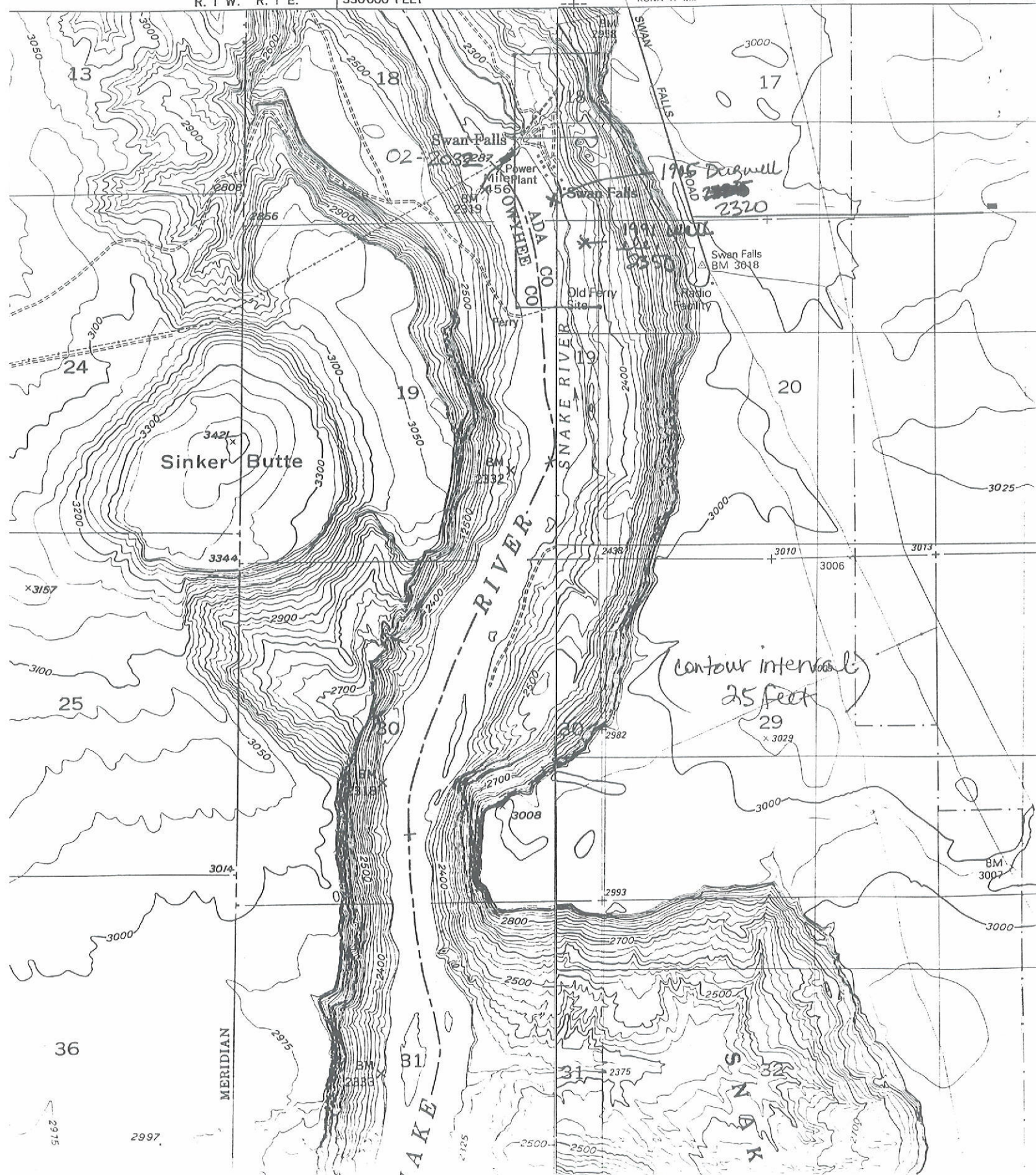


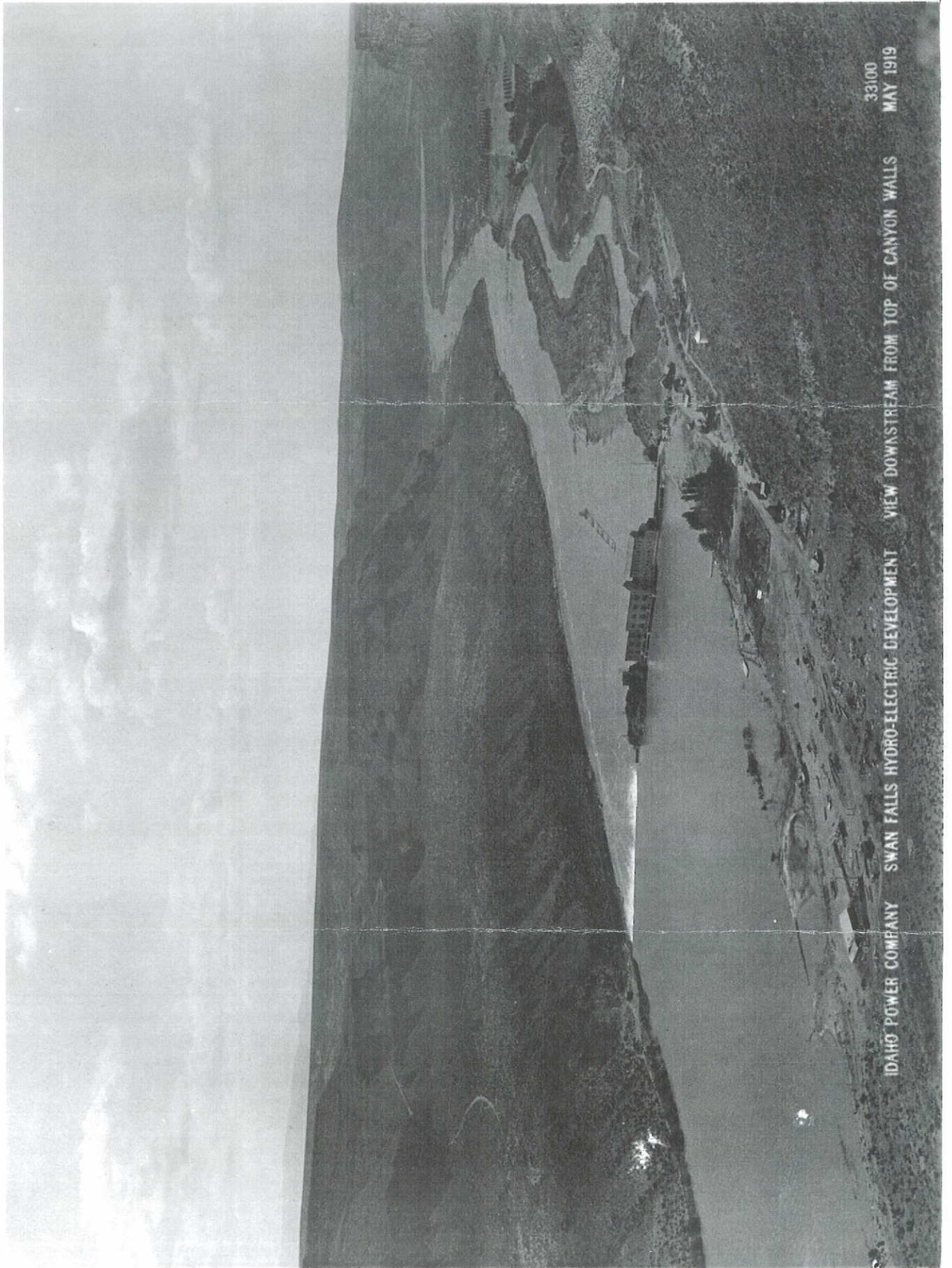


## 7.5 MINUTE SERIES (TOPOGRAPHIC)

UNITED STATES GEOLOGICAL SURVEY

552000mE





IDAHO POWER COMPANY SWAN FALLS HYDRO-ELECTRIC DEVELOPMENT 33100 MAY 1919  
VIEW DOWNSTREAM FROM TOP OF CANYON WALLS

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: A63-26621  
Date Received: 4/10/1992  
Receipt No: C023739  
Received By: \_\_\_\_\_

*Rec'd from SO  
4-14-92*

COPY FOR  
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

COPY FOR  
YOUR FILES

1. Name: IDAHO POWER CO  
Address: PO BOX 70  
BOISE ID 83707 208-383-2300

2. Date of Priority: JUL 1, 1928

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 02S      | 01E   | 18      | NW     | SE     | SE  | 11  | ADA    |

5. Description of diverting works:  
WELL AND PUMP

6. Water is used for the following purposes:

| Purpose  | From  | To    | C.F.S. | (or) | A.F.A. |
|----------|-------|-------|--------|------|--------|
| DOMESTIC | 01/01 | 12/31 | 0.450  |      |        |

7. Total Quantity Appropriated is:  
0.450 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
DOMESTIC, 9 HOMES AND 1 CLUBHOUSE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use    | Acres |
|----------|-------|---------|--------|-----|-----|--------|-------|
| 02S      | 01E   | 18      | SE     | SE  |     | DOMEST |       |

11. Place of use in counties: ADA

A63-26621

Page 1

Date: 04/13/92

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SEP 15 1992

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

13. Other Water Rights Used:  
NONE

14. Remarks:

DOMESTIC USE IS FOR 9 COTTAGES AND CLUBHOUSE LOCATED AT SWAN  
FALLS; WELL HAS BEEN IN USE SINCE COTTAGES WERE CONSTRUCTED IN  
1928.

15. Basis of Claim: BENEFICIAL USE

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

A63 26621

Date Received

4-10-92

Receipt Number

C023759

**RECEIVED**  
APR 10 1992

Department of Water Resources

**NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant (s) Idaho Power Company Phone (208 ) 383-2300Mailing Address P. O. Box 70, Boise, Idaho Zip 837072. Date of Priority (Only one (1) per claim) July 1, 19283. Source of water supply (a) Groundwater  
which is tributary to (b) \_\_\_\_\_4. a. Location of existing point of diversion is: Township 2S Range 1E Section 18,  
NW 1/4 of SE 1/4 of SE 1/4, Govt. Lot, 11 B.M., County of Ada

Additional points of diversion if any: \_\_\_\_\_

b. If instream flow, beginning point of claimed instream flow is:

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of

\_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well. Well and pump

MICROFILMED

SEP 15 1992

## HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

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SEP 18 1988

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from 1/1 to 12/31 amount 0.45 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 0.45 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is \_\_\_\_\_ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 9 households, 1 clubhouse

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RNG | SEC | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4 |       |       |       | Totals |
|-----|-----|-----|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
|     |     |     | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 |        |
| 2S  | 1E  | 18  |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       | D     |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated \_\_\_\_\_

11. In which county (ies) are lands listed above as place of use located? Ada

12. Do you own the property listed above as place of use? Yes X No \_\_\_\_\_  
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. \_\_\_\_\_ or None ( X )

14. Remarks: Domestic use is for nine cottages and clubhouse located at Swan Falls; well  
has been in use since cottages were constructed in 1928.

Last Name \_\_\_\_\_ Ident No. \_\_\_\_\_

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SEP 15 1992

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

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SEP 13 1988

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_

Decree \_\_\_\_\_

If applicable provide IDWR Water Right Number \_\_\_\_\_

Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_

Plaintiff vs Defendant \_\_\_\_\_

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 Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_

For Organizations: I do solemnly swear or affirm that I am \_\_\_\_\_

of \_\_\_\_\_ Idaho Power Company \_\_\_\_\_, that I have signed the foregoing

document in the space below as \_\_\_\_\_ and Secretary \_\_\_\_\_ of Idaho Power Company

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]

Title and Organization \_\_\_\_\_, Idaho Power Company Date 3/16/92

State of Idaho/or \_\_\_\_\_ )  
County of Ada \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this 16th day of March 19 92

SEAL

Notary Public [Signature]

Residing at Boise, Idaho

My Commission Expires 12/31/92

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, James C. Tucker will be 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 \_\_\_\_\_

ROSHOLT, ROBERTSON & TUCKER

Address P. O. Box 2139 - Boise, Idaho 83701

Date \_\_\_\_\_

Last Name \_\_\_\_\_ Ident. Number \_\_\_\_\_

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Copies White-State, Yellow-Claimant  
SEP 15 1992

4/5/1989

## SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Ed Power Co.CLAIM IDENT. NO. Ala 3-26621DATE RECEIVED 04-10-92CK # C023739AMOUNT \$ 25.00

- |                                                                                                                                                                                                                          | YES                                        | NO                                  | Required Info? |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|-------------------------------------|----------------|
| 1. Is the name and address complete with zip code?                                                                                                                                                                       | <input checked="" type="checkbox"/>        | <input type="checkbox"/>            | *              |
| 2. Is a priority date entered?                                                                                                                                                                                           | <input checked="" type="checkbox"/>        | <input type="checkbox"/>            | *              |
| Is the priority date acceptable in view of mandatory filing dates?                                                                                                                                                       | <input checked="" type="checkbox"/>        | <input type="checkbox"/>            | *              |
| See Adjudication Memos #1 and #4 to determine if a Permit is required.                                                                                                                                                   | <input checked="" type="checkbox"/>        | <input type="checkbox"/>            | *              |
| 3. (a) Is a source entered?                                                                                                                                                                                              | <input checked="" type="checkbox"/>        | <input type="checkbox"/>            | *              |
| (b) Is a tributary to entered? (if required)                                                                                                                                                                             | <input checked="" type="checkbox"/> N/A    | <input type="checkbox"/>            |                |
| 4. Is the legal description of the p.d. sufficient?                                                                                                                                                                      | <input checked="" type="checkbox"/>        | <input type="checkbox"/>            | *              |
| 5. Is there a description of the diverting works?                                                                                                                                                                        | <input checked="" type="checkbox"/>        | <input type="checkbox"/>            |                |
| 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.              | <input checked="" type="checkbox"/>        | <input type="checkbox"/>            | *              |
| Is the period of use included?                                                                                                                                                                                           | <input checked="" type="checkbox"/>        | <input type="checkbox"/>            |                |
| Is a quantity claimed for each use?                                                                                                                                                                                      | <input checked="" type="checkbox"/>        | <input type="checkbox"/>            | *              |
| 7. Is a total quantity claimed entered?                                                                                                                                                                                  | <input checked="" type="checkbox"/>        | <input type="checkbox"/>            |                |
| 8. If required is a consumptive use entered?                                                                                                                                                                             | <input checked="" type="checkbox"/> N/A    | <input type="checkbox"/>            |                |
| Is the consumptive use correct?                                                                                                                                                                                          | <input checked="" type="checkbox"/> N/A    | <input type="checkbox"/>            |                |
| 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, see Adjudication Memo # 4. | <input checked="" type="checkbox"/> N/A    | <input type="checkbox"/>            | *              |
| 10. Is (are) the place(s) of use and purpose(s) indicated?                                                                                                                                                               | <input checked="" type="checkbox"/>        | <input type="checkbox"/>            | *              |
| 11. Is (are) the county(ies) entered?                                                                                                                                                                                    | <input checked="" type="checkbox"/>        | <input type="checkbox"/>            |                |
| 12. Is the ownership of p.u. checked?                                                                                                                                                                                    | <input checked="" type="checkbox"/>        | <input type="checkbox"/>            |                |
| 13. Are other water rights listed or "none" indicated?                                                                                                                                                                   | <input checked="" type="checkbox"/>        | <input type="checkbox"/>            |                |
| 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.)                                                                  | <input checked="" type="checkbox"/> N/A    | <input type="checkbox"/>            |                |
| 15. Is the basis of the claim indicated?                                                                                                                                                                                 | <input checked="" type="checkbox"/>        | <input type="checkbox"/>            |                |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)                                                                                        | <input checked="" type="checkbox"/> N/A    | <input type="checkbox"/>            |                |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.                                                                                           | <input checked="" type="checkbox"/>        | <input type="checkbox"/>            | *              |
| 18. Has the claim been signed, sealed, and dated by a notary?                                                                                                                                                            | <input checked="" type="checkbox"/>        | <input type="checkbox"/>            | *              |
| 19. Was this claim filed on time, or was an extension granted?                                                                                                                                                           | <input checked="" type="checkbox"/>        | <input type="checkbox"/>            | *              |
| 20. Is the fee enclosed correct?                                                                                                                                                                                         | <input checked="" type="checkbox"/> Exempt | <input type="checkbox"/>            | *              |
| 21. If this claim is based on an existing water right, has the identification number been entered?                                                                                                                       | <input checked="" type="checkbox"/> N/A    | <input type="checkbox"/>            |                |
| 22. Should this claim be data entered?                                                                                                                                                                                   | <input checked="" type="checkbox"/>        | <input checked="" type="checkbox"/> |                |

Claim checked by: afDate: 4-13-92

Claim must be returned to claimant:

(Yes) ☐ (No) ☒

Claimant must be notified of modifications:

(Yes) ☐ (No) ☒Receipt Prepared by: J. YarbroughDate: 4-10-92Claim data entered by: afDate: 4-13-92Sent to claimant by: afChecked by: afDate: SEP 15 1992Comments: ad: Yee 25Don S. paid claim ok... 4-13-92.Herndon is most recent addn to IPC claims.

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11/22/2002

IDAHO DEPARTMENT OF WATER RESOURCES  
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-26621

NAME AND ADDRESS: IDAHO POWER CO  
PO BOX 70  
BOISE ID 83707

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.110 CFS

USE OF THIS RIGHT WITH RIGHT NO. 63-11612 IS LIMITED TO A TOTAL COMBINED  
DIVERSION RATE OF 0.11 CFS.

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 07/01/1928

POINT OF DIVERSION:

T02S R01E S18 SWSESE Lot 11 Within ADA County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.110 CFS

DOMESTIC USE IS FOR 5 HOMES AND 1 CLUBHOUSE, EXTERNAL USE FOR A TOTAL  
OF 1/2 ACRE.

PLACE OF USE: DOMESTIC Within ADA County

T02S R01E S18 Lot 11 SESE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE  
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE  
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER  
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),  
IDAHO CODE.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

IN OFFICE BASED UPON  
Field Exam Date 9-9-94  
CINDY HODGES FX

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION FIELD REPORT

**Prior to Field Exam**

- ☐ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☐ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

**CLAIMANT INFORMATION – verify contact information is complete**

Claim No(s) A63-26621

Owner: \_\_\_\_\_ Phone No. \_\_\_\_\_

Current Address: \_\_\_\_\_

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER \_\_\_\_\_
- ☐ No change Address
- ☐ NEW ADDRESS \_\_\_\_\_
- ☐ How long owned property? \_\_\_\_\_

Accompanied by: \_\_\_\_\_

**PRIORITY DATE**

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: \_\_\_\_\_

(If priority date, based on your exam, seems questionable, explain below.)

DE MINIMUS CLAIM - PRIORITY DATE PROOF  
NOT REQUIRED.

Source: \_\_\_\_\_ Tributary to \_\_\_\_\_

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: \_\_\_\_\_

**POINT OF DIVERSION**

- ☐ No change
- ☐ POD found is different than claimed: \_\_\_\_\_
- ☐ If different, when did POD change? \_\_\_\_\_

CLARIFIED TO 10 ACRE TRACT

**DIVERSION AND DELIVERY SYSTEM**

Points of Diversion:

| ID # | Govt Lot # | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Method of Determination/Remarks<br>GPS ID |
|------|------------|-----|-----|-----|------|------|------|--------|-------------------------------------------|
|      | 11         | SW  | SE  | SE  | 18   | 25   | 1E   | ADA    | NAPP PHOTO                                |
|      |            |     |     |     |      |      |      |        |                                           |
|      |            |     |     |     |      |      |      |        |                                           |
|      |            |     |     |     |      |      |      |        |                                           |

Description of diverting works

WELL & Pump**OVERLAP REVIEW**Other water rights with the same point of diversion: NONE

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

**WATER USES**☒ No change☐ Different Uses

Use \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_ Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA

Use \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_ Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA

Use \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_ Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA

**TOTAL VOLUME – Groundwater only**☐ Incomplete on claim, the total is, Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA☒ Changes found, the new total is, Amount 0.11 CFS \_\_\_\_\_ AFA☐ More than 1" per Acre? Yes \_\_\_\_\_ (claimant must complete excess flow sheet)**NON-IRRIGATION USES:**☐ No change☒ Changes Exam found: Domestic # of homes 5 Stock # \_\_\_\_\_Types \_\_\_\_\_ Additional comments: 1 CLUBHOUSE**PLACE OF USE:**☒ No Change☐ Changes shown below:

| Place of Use |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|--------------|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| TWP          | RGE | SEC | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Overlap with other water rights: 63-11612

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

LIMIT COMBINED DIVERSION BECAUSE 63-11612 WAS  
A REPLACEMENT WELL FOR THIS CLAIM

Delivery System Narrative:

HOWEVER, these uses have changed the  
 POD & POW. THE OLD HOMES  
 WERE DEMOLISHED IN FALL OF 1993  
 PER CINDY'S EX AND THE POD CHANGED  
 IN 1991 - NONE OF THIS CAN BE  
 DEFINED AS AN ACCOMPLISHED TRANSFER.  
 THIS CLAIM IS BEING RECOMMENDED  
 FOR THE AMOUNT OF LIC CES AND  
 LIMITED TO COMBINED CS OF THE SAME.

SEE DRAFT  
 RECOMMENDATION  
 REPORT FOR  
 ADDITIONAL  
 COMMENTS FOR  
 CLARIFICATION  
 - IN FILE

A TRANSFER WILL NEED TO BE FILED IF  
 THEY WANT A 1928 DOP FOR S/HOMES & 1 Clubhouse

| Well or Diversion<br>Identification No<br>GPS ID | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or<br>Discharge size |
|--------------------------------------------------|------------|----|------------------|-----------|--------------------------------------|
|                                                  |            |    |                  |           |                                      |
|                                                  |            |    |                  |           |                                      |

FLOW MEASUREMENTS: THEORETICAL DISCHARGE FROM  
LIC. EXAM

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

SEE FILE FOR CINDY'S EX INFO INCLUDING  
LOCATION DIAGRAMS OF THE NEW WELL VS OLD  
WELL VS OLD POW AND NEW POW.

THE NUMBER OF HOMES RECOMMENDED IS BASED UPON  
WHAT NO. OF HOMES CINDY FOUND AFTER THE OLD  
HOMES WERE DEMOLISHED IN 1993.

DOMESTIC USE IS FOR 5 HOMES AND 1 Clubhouse,  
EXTERNAL USE FOR A TOTAL OF 1/2 ACRE.

SEE INTREPID PHOTO OF ORIGINAL WELL HOUSE  
ALSO SHOWN IS THE CLUB HOUSE.

**AFTER EXAM THE FILE SHOULD CONTAIN:**

- ☒ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: IN OFFICE BASED UPON Fx By Cindy Hodges  
9-9-94

FIELD EXAMINER: Ron Howerton

Ron Howerton  
Sr Water Agent

# **CONVERSATION MEMORANDUM**

**RE: Snake River Basin Adjudication Water Right No. A63-26621  
Notice of Error Reply**

July 19, 2005

I called #388-2181 at 3:22 p.m. Since John Simpson was unavailable, I left a message with the woman who answered the telephone; requesting that Mr. Simpson return my call.

As of this date, I have not received a return call from Mr. Simpson. Mr. Simpson incorrectly states in the *Notice of Error Reply* that irrigation was claimed and it was not. Since only \$25.00 was paid and irrigation was neither claimed nor licensed, the recommendation will remain for domestic purposes only.

Kimberly Brown  
Senior Water Resource Agent  
Western Region

06/02/2005

NOTICE 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: July 15, 2005

Water right number: 63-26621

IDAHO POWER CO

PO BOX 70

BOISE ID 83707

Telephone Number: (208)388-2181

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

## PURPOSE OF USE

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

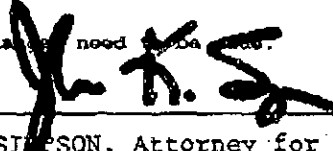
IRRIGATION USE SHOULD BE INCLUDED, AS CLAIMED

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

SHOULD BE RECOMMENDED AS CLAIMED. PLEASE CALL FOR A MEETING TO DISCUSS

I AGREE with this proposed recommendation: no change need made.

DATE: July 14, 2005

SIGNATURE: 

Please print your name: JOHN K. SIMPSON, Attorney for Idaho Power Company

Telephone 208-336-0700.  
IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

RECEIVED

JUL 19 2005

WATER RESOURCES  
WESTERN REGION

RECEIVED

JUL 15 2005

DEPARTMENT OF  
WATER RESOURCES

SCANNED

JUL 15 2005

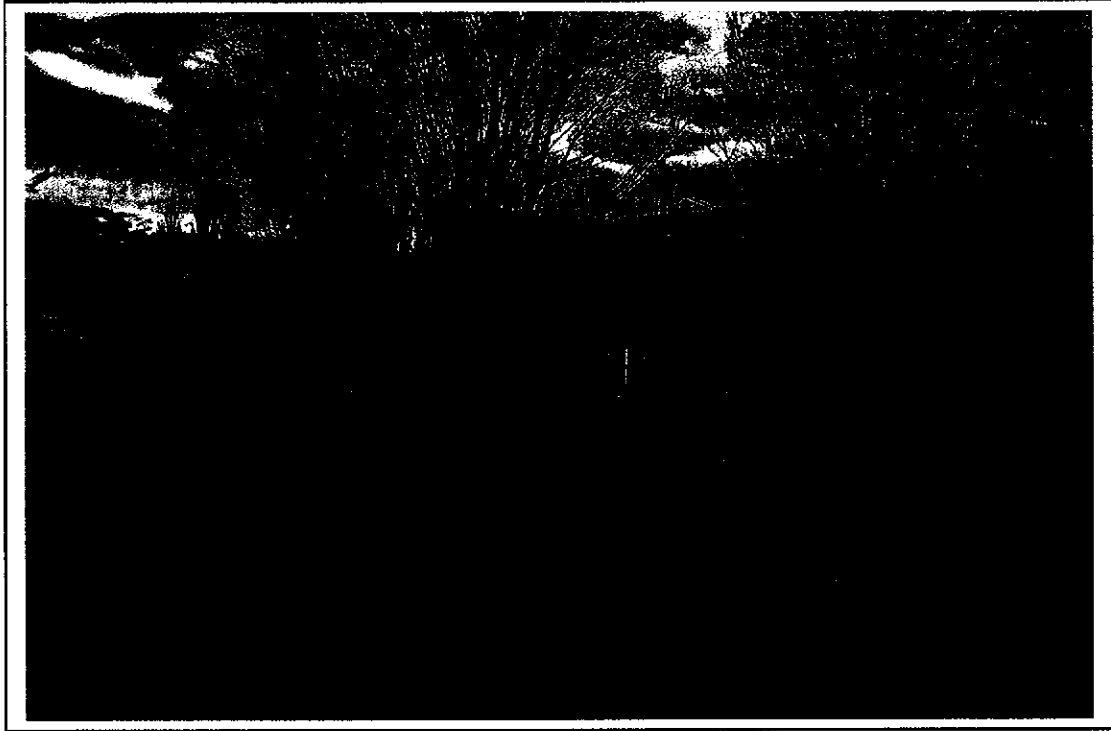


Photo 1. 63-26621 Intrepid Field Exam. Photo is by Intrepid. Well house is located in the SWSESE, lot 11, T02S, R01E, S18. Well house shown also the Clubhouse in background. View is to the North. Replacement well dug in 1991. This well is no longer used per Cindy Hodges FX 9/9/94. A transfer is needed to apply point of diversion changes and uses to the date of priority to new license well, right # 63-11612.

DIVERSION RATE DIVERSION VOLUME

11

**Stage:** BEN

**ADA County**

|   |       |     |
|---|-------|-----|
| E | SWSE  | --- |
| C | Lt AC | --- |
| - | ---   | --- |

10

10

shown

221318

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-26621 V1

WATER RIGHT NUMBER: 63-26621 V1

Owner Type                      Name and Address  
 Current Owner                      IDAHO POWER CO  
                                          PO BOX 70  
                                          BOISE, ID 83701-0070  
                                          (208)388-2300

Attorney                              IDAHO POWER CO  
                                          PO BOX 70  
                                          BOISE, ID 83701-0070  
                                          (208)388-2300

Attorney                              BARKER ROSHOLT & SIMPSON LLP  
                                          1221 W IDAHO STE 600  
                                          PO BOX 2139  
                                          BOISE, ID 83701-2139  
                                          (208)336-0700

**DRAFT**

Priority Date: 07/01/1928  
 Basis: Beneficial Use  
 Status: Active

Source                                              Tributary  
 GROUND WATER

| <u>Beneficial Use</u>   | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-------------------------|-----------------------|-----------------------|----------------------|
| DOMESTIC                | 01/01 to 12/31        | 0.110 CFS             |                      |
| <u>Total Diversion:</u> |                       | 0.110 CFS             |                      |

Location of Point(s) of Diversion

GROUND WATER                                      L11 SW1/4SE1/4SE1/4                      Sec. 18, Twp 02S, Rge 01E, B.M.  
 ADA County

Place of Use

DOMESTIC

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 02S | 01E | 18  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | X      |

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF

HISTORICAL BENEFICIAL USE.

Page 2

07/30/2002

3. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. Explanatory DOMESTIC USE IS FOR 5 HOMES AND 1 CLUBHOUSE, EXTERNAL USE FOR A TOTAL OF 1/2 ACRE.
2. Quantity USE OF THIS RIGHT WITH RIGHT NO. 63-11612 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.11 CFS.

Comments:

1. rhowerto 7/30/2002 LICENSE 63-11612

Comment: A FX WAS DONE BY CINDY HODGES 9-9-94 FOR NOW OVERLAPPING RIGHT 63-11612, SHE RECOMMENDED 5 DOMESTIC HOMES. THE LICENSED VOLUME COVERS INTERNAL AND EXTERNAL USES FOR 2.5 ACRES OF DOMESTIC LAWN AND GARDEN. THE HOMES ARE ALL OWNED BY IDAHO POWER.

2. rhowerto 7/30/2002 APPLICATION 63-12391

Comment: SHE RECOMMENDED THAT THIS SEPARATE APPLICATION BE FILED AND REQUESTED THE B/U CLAIM TO BE CONSIDERED ABANDONED AND SENT A LETTER WITH A WITHDRAWAL FORM. THE WITHDRAWAL REQUEST HAS NOT BEEN RECEIVED. THE APPLICATION IS STILL ON HOLD FOR ADDITIONAL USES.

3. rhowerto 7/30/2002 B/U CLAIM 63-26621

Comment: THIS CLAIM SHOWS HISTORICAL USE OF A DUG WELL. THIS CLAIM IS A \$25 DE MINIMUS USE CLAIM AND ITS USES AND EVIDENCE OF PRIORITY ARE NOT REQUIRED. IT CAN BE RECOMMENDED WITH THE 5 HOMES AND THE CLUBHOUSE.

4. rhowerto 7/30/2002 FUTURE TRANSFER

Comment: PER CINDYS FX SHE FOUND THAT THE NEW REPLACEMENT WELL WAS DRILLED IN 1991. THE CLAIMED SOURCE WAS GROUNDWATER. NO TRANSFER WAS FILED FOR THE 1928 CLAIM. SINCE THIS SOURCE EXISTED IN 1987 A TRANSFER WOULD NEED TO BE FILED IN THE FUTURE IF THEY WANT TO SHOW A 1928 DOP FOR ANY RECOMMENDATIONS OF THIS CLAIM 63-26621. THE RECOMMENDATIONS FOR THIS RIGHT WILL ONLY COVER INTERNAL USES FOR THE 5 HOMES SHE FOUND AND 1/2 ACRE OVER ALL IRRIGATION RELATED TO THE DOMESTIC USES. THE \$25 CLAIM CAN ONLY COVER DE MINIMUS INTERNAL USES AND 1/2 ACRE. Z7 & Z8 TOPO SHOWS HOMES IN THE SESE OF S18 AND LICENSE SHOWS THE HOMES IN THE NENE OF S19 BECAUSE ALL THE OLD HOMES WERE DEMOLISHED IN FALL OF 1993 PER CINDYS FX. SO ACCOMPLISHED TRANSFER WILL NOT WORK FOR THE HOMES. THE CLUB HOUSE HOWEVER IS STILL IN THE ORIGINAL LOCATION.

5. rhowerto 7/30/2002 CFS

Comment: CINDY DETERMINED THE FLOW OF THE NEW LICENSE 63-11612 TO BE 0.11 CFS AND COULD NOT MEASURE THE ABANDONED GROUNDWATER SOURCE, THUS I AM RECOMMENDING THE SAME CFS. VOLUME IS NOT REQUIRED FOR DE MINIMUS USES.

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-26621 V1

Dates and Other Information:

Decreed Date:  
 Enlargement Use Priority Date:  
 Enlargement Statute Priority Date:  
 Defendant:  
 Plaintiff:  
 Civil Case Number:  
 Judicial District:  
 Notice of Error Flag:  
 State or Federal: S  
 Owner Name Connector: OR  
 Water District Number:  
 Generic Max Rate Per Acre:  
 Generic Max Volume Per Acre:  
 Swan Falls Trust or Nontrust:  
 Swan Falls Dismissed:  
 DLE Act Number:  
 Carey Act Number:  
 Mitigation Plan: False

Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
| Summary        |                           |                 | 05/28/2002                | rhowerto        | Active        |
| Summary        |                           |                 | 05/28/2002                | rhowerto        | Active        |
| Priority Date  | 7/30/2002 1:51:52 PM      | rhowerto        |                           |                 | Active        |
| POD            | 7/30/2002 1:52:24 PM      | rhowerto        |                           |                 | Active        |
| Source         | 7/30/2002 1:52:50 PM      | rhowerto        |                           |                 | Active        |
| POU            | 7/30/2002 1:53:19 PM      | rhowerto        |                           |                 | Active        |
| Use            | 7/30/2002 1:53:41 PM      | rhowerto        |                           |                 | Active        |
| Season         | 7/30/2002 1:54:10 PM      | rhowerto        |                           |                 | Active        |
| Quantity       | 7/30/2002 1:54:42 PM      | rhowerto        |                           |                 | Active        |
| Summary        |                           |                 | 07/30/2002                | rhowerto        | Active        |

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u>                                                                                                                                                                                                                                                                                                                        |
|----------------|------------------------|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Contacts       | 7/30/2002 1:51:10 PM   | rhowerto        | (No) 1. Do you want to schedule an appointment?                                                                                                                                                                                                                                                                                        |
|                |                        |                 | Comment for 1: FX BY CINDY HODGES 9-9-94                                                                                                                                                                                                                                                                                               |
| POD            | 7/30/2002 1:52:24 PM   | rhowerto        | (No) 1. Is the basis of this claim a Decree or License?<br>(No) 2. Is the basis of this claim a Application or Permit?<br>(No) 6. Is there evidence that there has been a change in the POD?<br>(Yes) 9. Does the file contain all the necessary information to verify the POD?<br>(No) 10. Is a POD remark and/or condition required? |

## IDAHO DEPARTMENT OF WATER RESOURCES

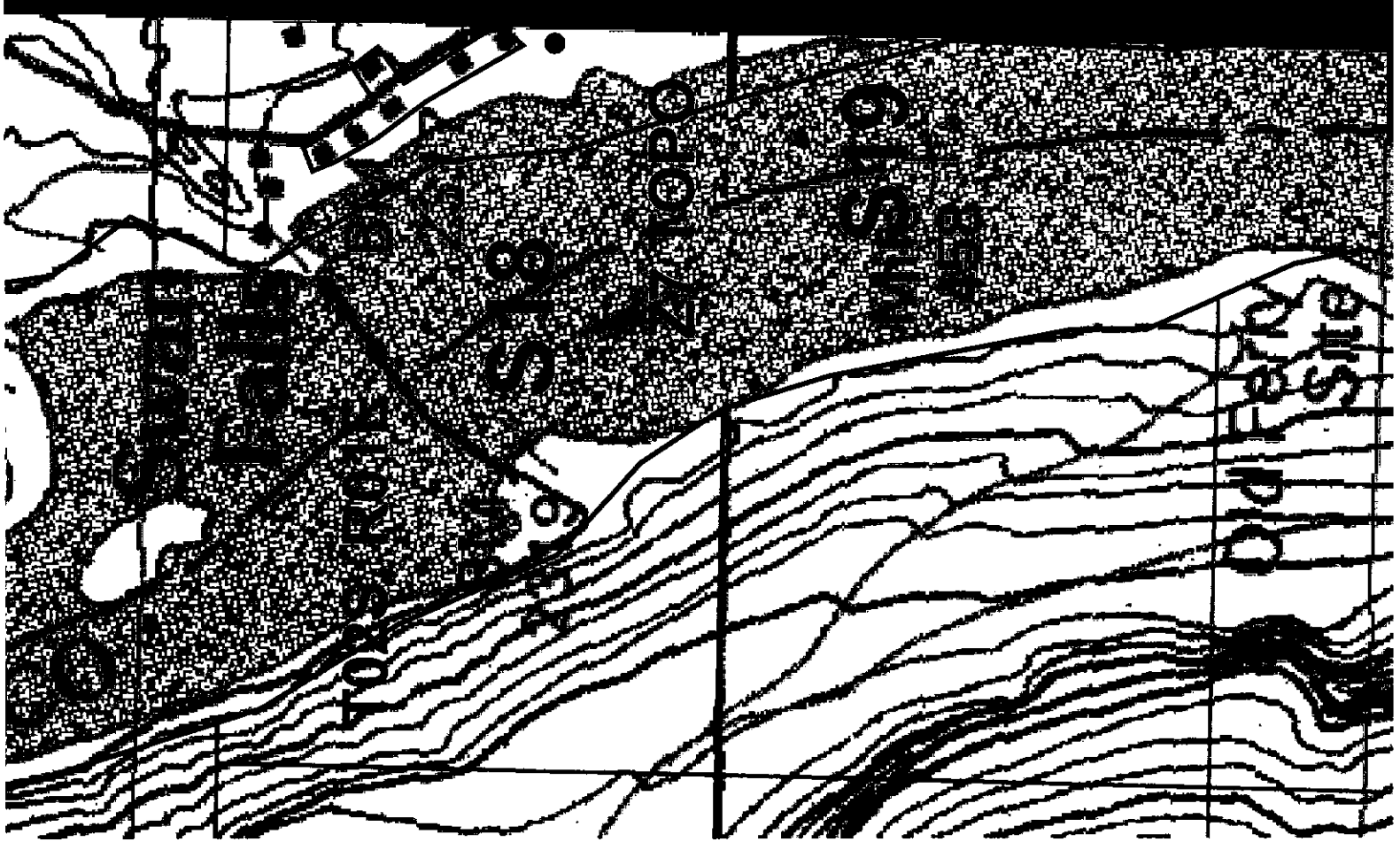
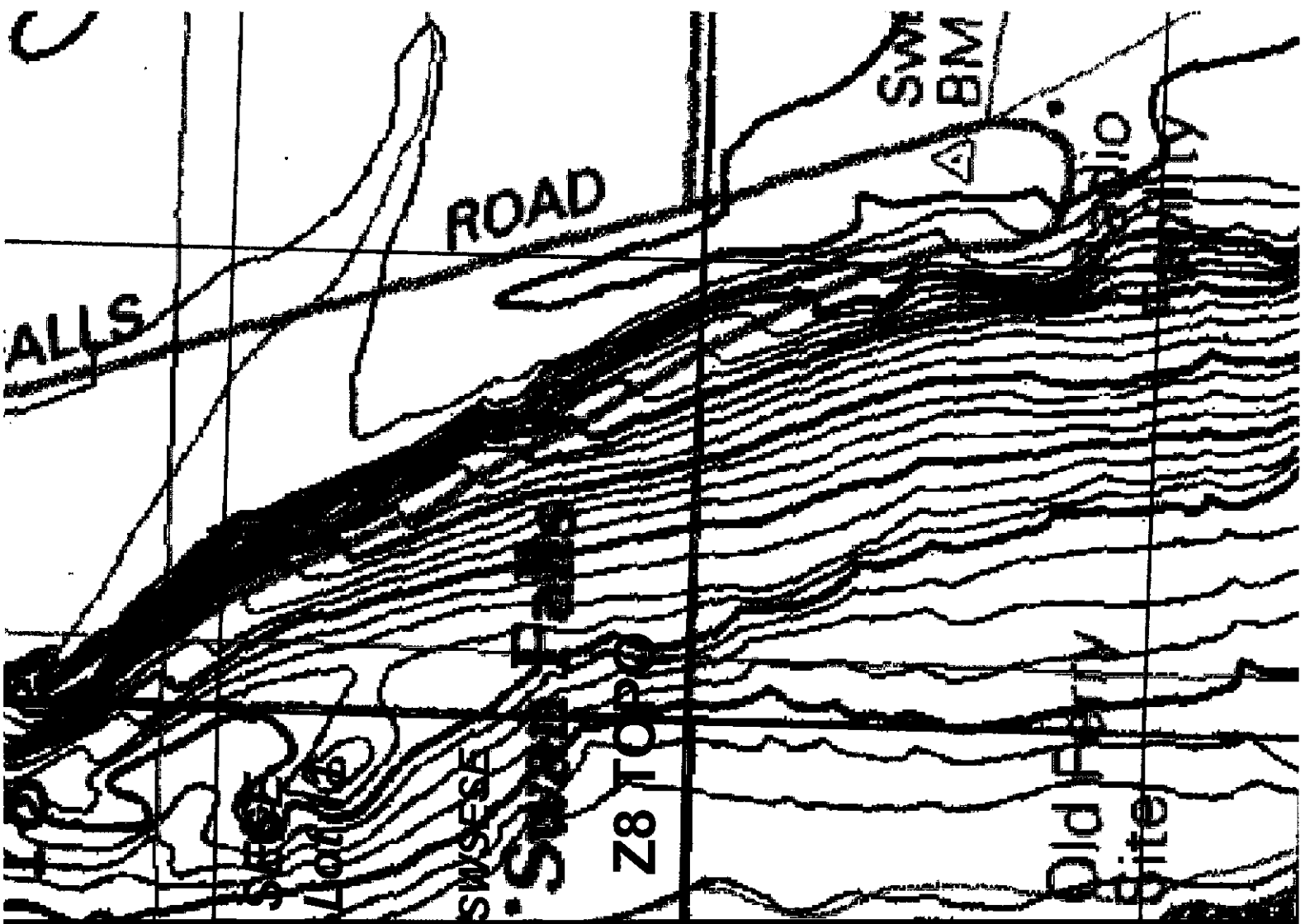
## Adjudication Recommendation Report 63-26621 V1

|               |                      |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------|----------------------|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Priority Date | 7/30/2002 1:51:52 PM | rhowerto | (No) 1. Should this water use have been included in a later court decree of the water rights from this source?<br>(No) 4. Is the basis of claim decree or license?<br>(No) 7. Is the basis of claim a Application or Permit?<br>(No) 8. Is the basis of claim a posted notice?<br>(No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use?<br>(Yes) 12. Does the claim file contain sufficient evidence of Priority Date?<br>(Yes) 15. Is the basis of claim coded correctly?<br>(No) 16. Is a Priority Date remark and/or condition required?<br>Description for Question 12/13 - N/A DE MINIMUS USE |
| Source        | 7/30/2002 1:52:50 PM | rhowerto | (No) 1. Is the basis of claim Decree or License?<br>(No) 2. Is the basis of claim an Application or Permit?<br>(No) 6. Is the basis of claim a Posted Notice?<br>(No) 7. Is there evidence that there has been a change in the source?<br>(Yes) 10. Does the file contain all the necessary information to verify the source?<br>(No) 11. Is a Source remark and/or condition required?<br>Description for Question 10 - FX                                                                                                                                                                                                                             |
| POU           | 7/30/2002 1:53:20 PM | rhowerto | (No) 1. Is the basis of this claim a Decree or License?<br>(Yes) 2b. Is the POU required?<br>(No) 3. Is the basis of claim a Application or Permit?<br>(No) 7. Is there evidence that there has been a change in the POU?<br>(Yes) 13. Does the file contain all the necessary information to verify the POU?<br>(No) 14. Is a POU remark and/or condition required?<br>Description for Question 13 - 1987 NAPP & FX                                                                                                                                                                                                                                    |
| Use           | 7/30/2002 1:53:42 PM | rhowerto | (No) 1. Is the basis of this claim a Decree or License?<br>(No) 2. Is the basis of this claim a Application or Permit?<br>(No) 6. Is there evidence that there has been a change in the Purpose of Use?<br>(Yes) 11. Does the file contain all the necessary information to verify the Water Use?<br>(No) 13. Is a Purpose of Use remark and/or condition required?<br>Description for Question 10,11,12 - FX                                                                                                                                                                                                                                           |

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-26621 V1

|          |                       |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------|-----------------------|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Season   | 7/30/2002 1:54:10 PM  | rhowerto | <p>(No) 1. Is the basis of claim Decree or License?</p> <p>(No) 2. Is the basis of claim a Application or Permit?</p> <p>(No) 6. Is there evidence that there has been a change in the Period of Use?</p> <p>(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?</p> <p>(No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined?</p> <p>(No) 15. Is irrigation claimed as a Purpose of Use?</p> <p>(No) 18. Is a Period of Use remark and/or condition required?</p> <p>Description for Question 15 - STANDARD</p> |
| POD      | 7/30/2002 1:54:42 PM  | rhowerto | <p>(No) 1. Is the basis of this claim a Decree or License?</p> <p>(No) 2. Is the basis of this claim a Application or Permit?</p> <p>(No) 6. Is the basis of claim a posted notice?</p> <p>(No) 7. Is a flow measurement required?</p> <p>(No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?</p> <p>(No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use?</p> <p>(Yes) 12. Is a Quantity remark or condition required?</p> <p>Description for Question 7 - N/A DE MINIMUS USES</p>                                                                |
| Summary  | 7/30/2002 3:20:32 PM  | rhowerto | <p>(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?</p> <p>(Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?</p> <p>(Yes) 5. Is an additional remark and/or condition required?</p>                                                                                                                                                                                                                                                                                                                                                                             |
| Contacts | 5/28/2002 8:56:05 AM  | rhowerto | <p>(No) 1. Do you want to schedule an appointment?</p> <p>Comment for 1: RECOMMENDED AS LICENSE 63-11612</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Summary  | 5/28/2002 9:09:07 AM  | rhowerto | <p>(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?</p> <p>(No) 3. Is the water being used for all of the purposes claimed and to the extent claimed?</p> <p>(No) 4. Is any portion of the claim be recommended?</p> <p>(Yes) 5. Is an additional remark and/or condition required?</p>                                                                                                                                                                                                                                                                                                                   |
| Summary  | 5/28/2002 12:44:00 PM | rhowerto | <p>(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?</p> <p>(No) 3. Is the water being used for all of the purposes claimed and to the extent claimed?</p> <p>(Yes) 4. Is any portion of the claim be recommended?</p>                                                                                                                                                                                                                                                                                                                                                                                     |



# IDAHO DEPARTMENT OF WATER RESOURCES

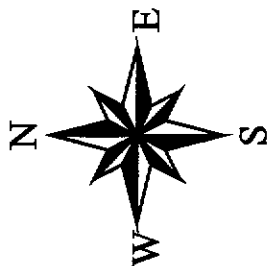
Claims: 63-26621

Date Prepared: 7-30-02

Prepared By: Ron Howerton



**T02S, R01E  
S18**



● Point of Diversion

Place of use

Section

Quarter/Quarter

|  |
|--|
|  |
|  |
|  |

0 0.1 0.2 0.3 0.4 0.5 0.6 0.7 0.8 Miles

1987 NAPP

Powerhouse Construction — ~1989 water moved to  
Homes " 1992 new P' house  
Old homes demolished fall 1993 (vacant)  
Restrooms OLD — demo'd 1991 (built 1974)  
NEW 1990  
No water service to old P' house

Jeff Osterman 383 2485  
(388)

Volume:

Powerhouse — ~~2~~ 3 employees/day 365 days/yr.  
Public restrooms (each) 3 toilets 2 sinks, drinking fountain  
Jeff → Avg use/day —

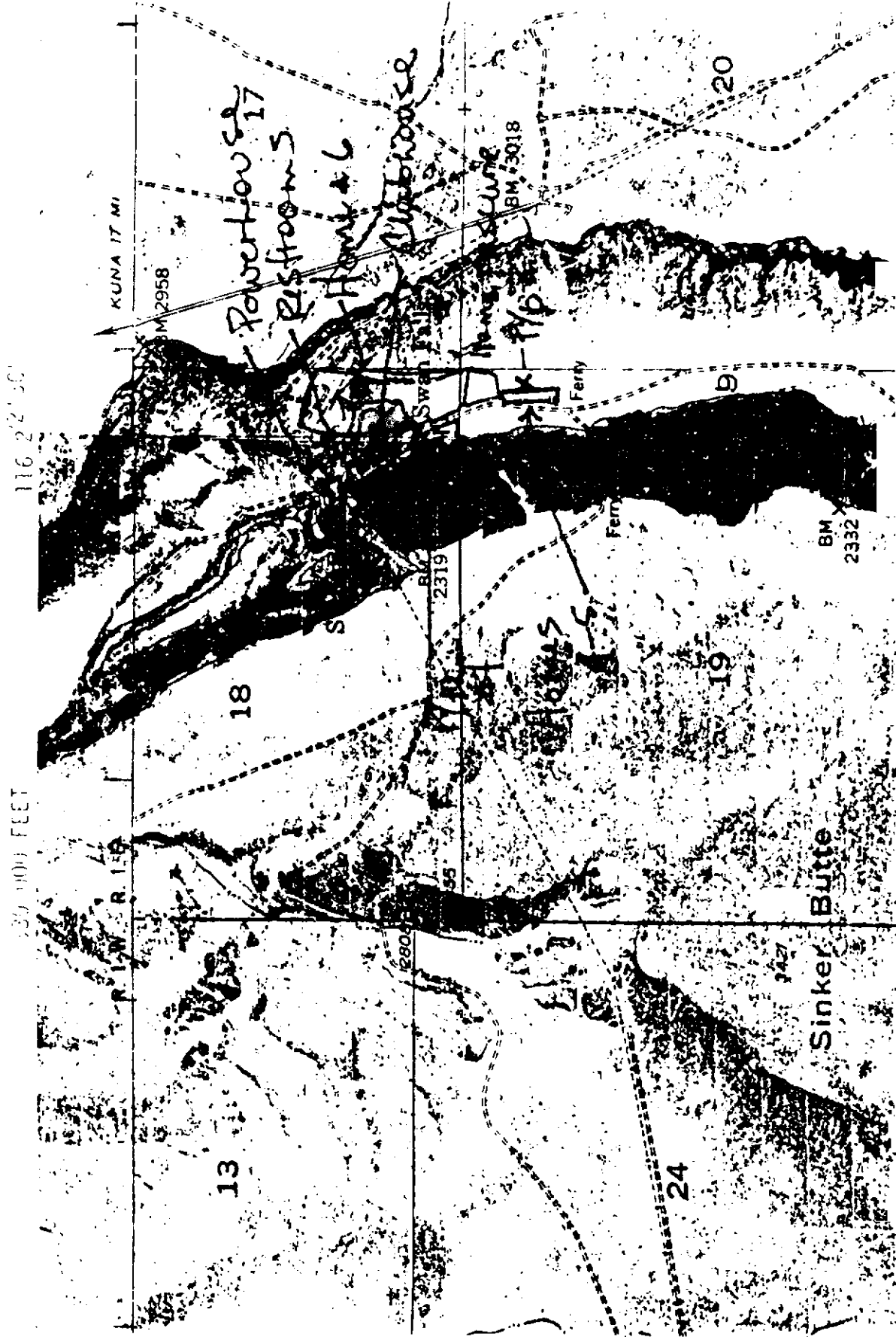
Clubhouse — restrooms but hardly any use  
minor day use, Summers  
Small Shop — would fall under employee use.

Treasure Valley Well — (Batch point)  
Cut off, capped, backfilled

RAW RIE

Z7

UNITED STATES  
SINKER BUTTE ORTHOPHOTOQUAD DEPARTMENT OF THE INTERIOR  
IDAHO GEOLOGICAL SURVEY





# IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 63



RIGHT ID 63 26621  
POD ID 251104  
Quad Sinker Butte  
Claim Type Large  
Easting 307159  
Northing 240672  
GPSID A0009211

## Diversion Description

WELL AND PUMP Wellhouse locked. Could not get access. Could not contact personel.

## Assumptions

## Invoice #

2000-055-01

Phase-0 (No Attention)  
Phase-I (Ready to Go to Field)  
Phase-II ( Site Visit - Data Missin)  
Phase-III (Complete w/issues)  
Phase-IV (Total Complete)

## Linked

## Photos

EPE (ft)

23 (LH)

Date (M/D/Y)

11/12/01

Time

8.04

Flow Rate (CFS)

## Open Channel Flow

☐ Complete one box from both Area and Calculation sections

### Cross Sectional Area

#### ☐ Circular Channel

- ☐ Less than half full  
☐ Half full  
☐ More than half full  
☐ Full

Diameter 0

Depth 0

#### ☐ Rectangular Channel

Width 0

Depth 0

## Flow Calculation

### ☐ Continuity

Velocity

0

#### ☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline 0

#### ☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe 0

Width of weir 0

#### ☐ Manning (If used, include photo of representative channel section)

Channel Slope

|                     |                           |      |
|---------------------|---------------------------|------|
| Channel Description | Concrete lined            | .016 |
|                     | Smooth earth              | .025 |
|                     | Earth                     | .033 |
|                     | Rough bed, weeds on sides | .04  |
|                     | Smooth natural stream     | .033 |
|                     | Rough natural stream      | .1   |

## Pumped System ☒

HP 0

Pressure Head (psi)

Elevation Head (ft) 20

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

## New Contact Information ☐

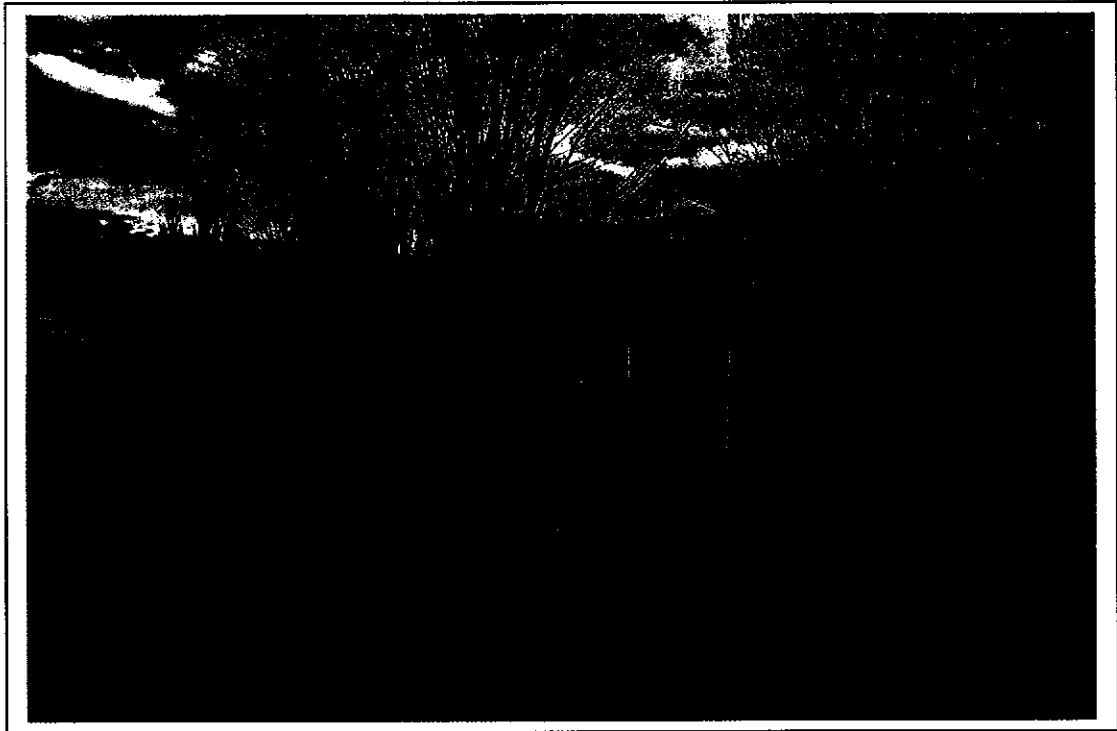
New Contact Comments

This Form and the associated query are the exclusive intellectual property of Intrepid Engineering Services, and may not be copied, modified, or distributed without the express written consent of Intrepid Engineering Serviv, Inc.



RIGHT ID

63 26621



State of Idaho  
Department of Water Resources

RECEIVED

AUG - 5 1997

# WATER RIGHT LICENSE

WATER RIGHT NO. 63-11612

WATER RESOURCES  
WESTERN REGION

Priority: December 9, 1991

Maximum Diversion Rate:

0.11 CFS

Maximum Diversion Volume:

6.0 AF

This is to certify, that IDAHO POWER CO

PO BOX 70

BOISE ID 83702

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 9, 1991; and has submitted Proof of Beneficial Use on March 16, 1992. An examination indicates that the works have a diversion capacity of 0.160 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
|-----------------------|----------------------|--------------------------|----------------------|

|          |                |          |        |
|----------|----------------|----------|--------|
| DOMESTIC | 01/01 to 12/31 | 0.11 CFS | 6.0 AF |
|----------|----------------|----------|--------|

LOCATION OF POINT(S) OF DIVERSION: Lot 1( NENE), Sec. 19, Township 02S, Range 01E  
ADA County

PLACE OF USE: DOMESTIC

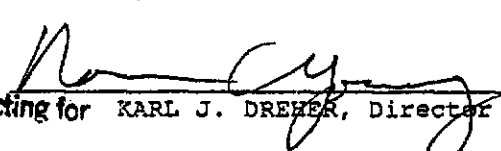
TWN RGE SEC

02S 01E 19 Lot 1(NENE)

## CONDITIONS OF APPROVAL AND REMARKS

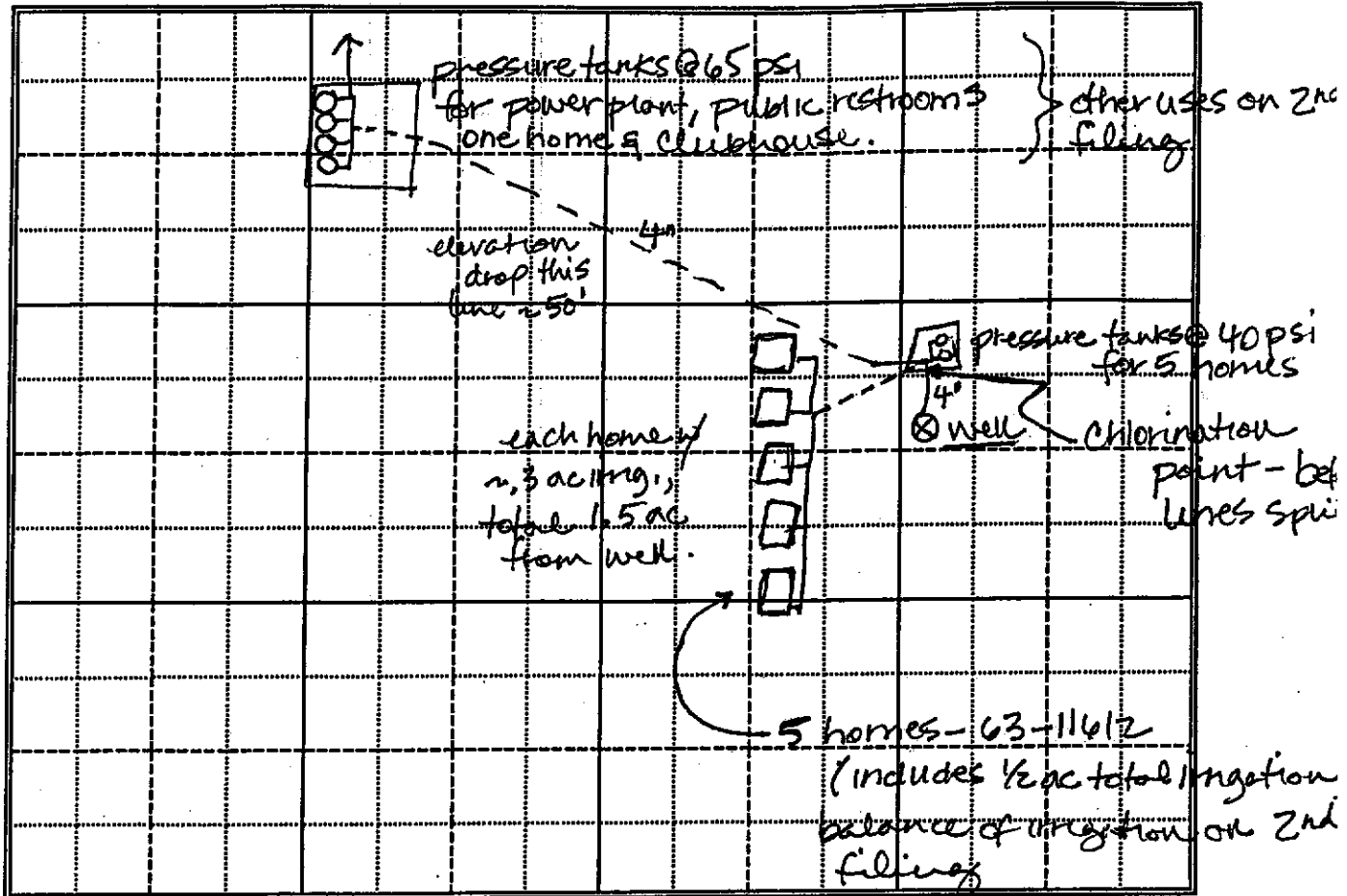
1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Domestic use is for 5 homes.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 1st day of August, 1997.

  
Acting for KARL J. DREHER, Director

[illegible]

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.d. as applicable.



Scale: 1" = \_\_\_\_\_

Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

Aerial Photo Attached  
(required for irrigation of 10+ acres)

Photo of Diversion and System Attached

4.

| Well or Diversion Identification No.* | Motor Make | Hp | Model Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------------------|------------|----|------------------------|-----------|-----------------------------------|
|                                       | Grundfos   | 5  | 60550-9                | Grundfos  | 230V 2"                           |
|                                       |            |    |                        |           |                                   |
|                                       |            |    |                        |           |                                   |

\*Code to correspond with No. on map and aerial photo

#### D. FLOW MEASUREMENTS

1.

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|------|-----------|------------|------|-------------|
|                       |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |

2. Measurements: None. Theoretical discharge.

## F. FLOW CALCULATIONS

\_\_\_\_\_ Additional Computation Sheets Attached

Measured Method:

HP equation

$$\frac{5 \times 8.8 \times 7}{75 + (50 \times 2.31)} = .16 \text{ cfs}$$

well log

## G. VOLUME CALCULATIONS

### 1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

### 2. Volume Calculations for Other Uses:

$$5 \text{ homes} \times .6 = 3 \text{ AF}$$

$$1/2 \text{ ac external use} = .6$$

## H. RECOMMENDATIONS

### 1. Recommended Amounts

| Beneficial Use | Period of Use |       | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
|----------------|---------------|-------|------------------------------|--------------------------|
|                | From          | To    |                              |                          |
| DOMESTIC       | 1/1           | 12/31 | .11                          | 3.6                      |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
| Totals:        |               |       |                              |                          |

### 2. Recommended Amendments

☒ Change P.D. as reflected above    ☐ Add P.D. as reflected above    ☐ None  
☒ Change P.U. as reflected above    ☐ Add P.U. as reflected above    ☐ Other

## I. AUTHENTICATION

Field Examiner's Name Cathy J. Hodges Date 10.31.95

Reviewer \_\_\_\_\_ Date \_\_\_\_\_

SEAL

E. NARRATIVE/REMARKS/COMMENTS

A <sup>deep</sup> well was installed @ Swan Falls Village in 1991. The well currently serves 6 homes, a clubhouse, public restrooms, & employee restroom/shop facilities at the reconstructed powerhouse.

Only 5 of the homes are covered under this permit. These homes were completed <sup>in</sup> 1992. A total of 1.5 acres irrigation occurs from the well around the 5 new homes;

<sup>(USE NOT SHOWN ON PERMIT.)</sup> Since they are all owned by Idaho Power, ~~only~~ 1/2 acre of irrigation may be inferred from this permit. → application noted in-house but permit was no so specific  
The balance of the found uses will be covered on a filing which was made in April 92 but ~~also~~ has not been advertised because of the overlap and the uncertainty of its necessity. I elected to do this field exam first to determine what uses, if any, should be shown on the 2nd application.

There is an overlap w/ claim A63-26621 for domestic use. However this claim has been found to be <sup>suspected</sup> invalid. (see attached memo) therefore all uses from the 1983 well will be covered under new appropriation filings.

There is also overlap w/ claim A02-00035, this for irrigation of the park area. This claim is also discussed in the attached memo.

P/D overlap w/ 02-2339: Irrigation right presently in water supply bank  
P/D & P/W are in Section 19. Amendment req'd.

Have conditions of permit approval been met? ☒ yes ☐ no

WR0749NP  
No. 63-12391

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 12/16/98  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                                                       | PRIORITY<br>DATE | WATER USE | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|----------------------------------------------------------------------|------------------|-----------|-----------------------|-------------------|---------------------|
| C                | IDAHO POWER COMPANY<br>PO BOX 70<br>BOISE ID 83707<br>(208) 383-2300 | 04/10/1992       | DOMESTIC  | 01/01 12/31           | 0.450 CFS         |                     |
| TOTAL DIVERSION: |                                                                      |                  |           |                       | 0.450 CFS         |                     |

Water Source: GROUNDWATER

Tributary to:

Stage: APPLICATION

Point(s) of Diversion: T02S R01E S19 Lot 01( NENE)

ADA County

Place of use Legal Description for: DOMESTIC

| NE  |     |    |   | NW |    |    |    | SW |    |    |    | SE |    |    |    |    |    |   |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|---|
| T   | R   | S  | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | : |
| 02S | 01E | 18 | : | :  | :  | :  | :  | :  | :  | :  | :  | :  | :  | :  | :  | :  | :  | : |
| 02S | 01E | 19 | : | :  | :  | :  | :  | :  | :  | :  | :  | :  | :  | :  | :  | :  | :  | : |

Pou County: ADA

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

02-02339 63-11612

|        |                 |            |                    |            |
|--------|-----------------|------------|--------------------|------------|
| Dates: | App. Received:  | 04/10/1992 | Priority Date:     | 04/10/1992 |
|        | Proof Due Date: |            | Proof Made Date:   |            |
|        | Exam Made Date: |            | Exam Sent to S.O.: |            |
|        | Licensed Date:  |            |                    |            |

Misc: Water District Number: Field Exam Fee:

Comments: Date: 04/09/1997 User-ID: CHODGES Subject: APPLICATION STATUS EXPLANATION

This application has remained non-data entered since its receipt in 1992 because of questions surrounding the development at Swan Falls Power Plant. Overlapping rights 63-11612 and A63-26621 show similar uses at the same location. A field exam was conducted in 1994 to verify the extent of the domestic uses at Swan Falls Village under the other rights and to determine the actual need for this application. The field exam has resulted in a license recommendation for 63-11612 and has raised questions regarding claim A63-26621. However, the applicant has not showed much interest in resolving the various issues. For those reasons and others, the application needed to be placed into the system so that a more procedural effort could be undertaken to either process the application, place it on hold, or void it due to lack of interest.

For more details, see 10-31-95 memo attached to application.

Date: 04/09/1997 User-ID: CHODGES Subject: APPLICATION INFO

Comments: Date: 04/09/1997 User-ID: CHODGES Subject: APPLICATION INFO  
Application states that domestic use is for 9 homes, 1 clubhouse,  
employee use at power plant and shop, and public restrooms. All  
uses are located at the Swan Falls complex.  
A B/U exam for overlapping right 63-11612 found the well in S19,  
and use under this right limited to one home, clubhouse, employee  
uses and public restrooms. Five new homes were recommended  
under 63-11612 and the rest have been demolished.  
The uses shown on the application have also been claimed under  
A63-26621. There are questions raised about the claim.  
From application: "This permit of a beneficial use claim filed in  
the Snake River Basin Adjudication, should that claim be approved  
by the Court and decreed, this application shall be withdrawn and  
any subsequent permit may be cancelled."

Date: 12/16/1998 User-ID: LGRAVES Subject: TELE CON  
Pete Newton with Idaho Power requested follow-up direction in  
regards to Cindy's field exam findings. He agreed to Cindy's  
source recommendations and requested the application p/d and p/u  
be changed to more accurately reflect Cindy's findings. His  
phone number is 388-2845.

Audit: 04/09/97 CHODGES 12/16/98 LGRAVES

RECEIVED  
APR 10 1992

RECEIVED

APR 10 1992

Ident. No. 63-12391

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

Department of Water Resources to appropriate the public waters of the State of Idaho

1. Name of applicant Idaho Power Company Phone (208) 383-2300

Post office address P. O. Box 70 Boise, Idaho 83707

2. Source of water supply Groundwater which is a tributary of \_\_\_\_\_

3. Location of point of diversion is NW 1/4 of SE 1/4 of NE 1/4, Govt. Lot 11  
Sec. 18/19 Township 2S Range 1E B.M. ADA County; additional  
points of diversion if any: \_\_\_\_\_

4. Water will be used for the following purposes:

Amount .45 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)  
(cfs or acre-feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) .45 and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. \_\_\_\_\_

b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet; total  
reservoir capacity \_\_\_\_\_ acre-feet; period of year when water will be diverted to storage:

\_\_\_\_\_ to \_\_\_\_\_ inclusive.

c. Existing Proposed well diameter is 14 inches; proposed depth of well is 120 feet.

d. Is ground water with a temperature of greater than 90°F being sought? NO

7. Time required for the completion of the works and application of the water to the proposed beneficial use is  
1 years (minimum 1 year).

\* per telecon with Pete Newton, Idpower. 12/16/98  
(info based on CH field exam findings)

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. \_\_\_\_\_
- b. Stockwatering; list number and kind of livestock. \_\_\_\_\_
- c. Municipal; show name of municipality. (ONE)
- d. Domestic; show number of households. 8 Households 1 Clubhouse, domestic employee use
- e. Other; describe fully. at power plant, use @ public restrooms

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|-----|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|     |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 2S  | 1E    | 18   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | D   |        |
|     | (add) | 19   | D   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Total number of acres to be irrigated \_\_\_\_\_

10. Describe any other water rights used for the same purposes as described above. None 63-11612

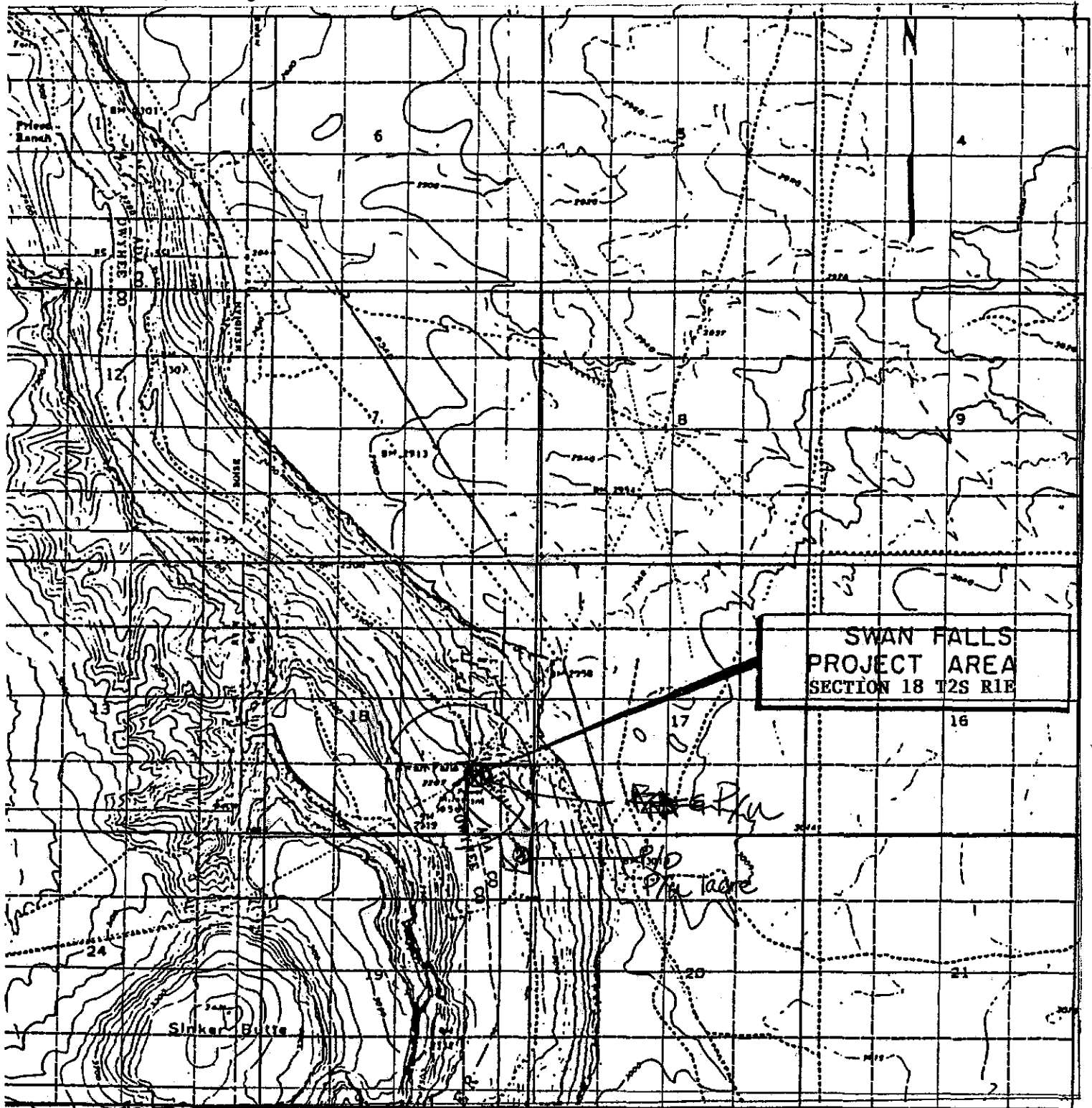
11. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. N/A

12. Remarks: Domestic use is for nine cottages and clubhouse located at Swan Falls;

Well in use since cottages constructed in 1928. This permit of a  
beneficial use claim filed in the Snake River Basin Adjudication, should  
that claim be approved by the Court and decreed, this application shall  
be withdrawn and any subsequent permit may be cancelled. (A63-26621 -

See attached memo.

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

*Robt W. Stahman*

Robt W. Stahman, (Applicant)  
Chief Legal Counsel

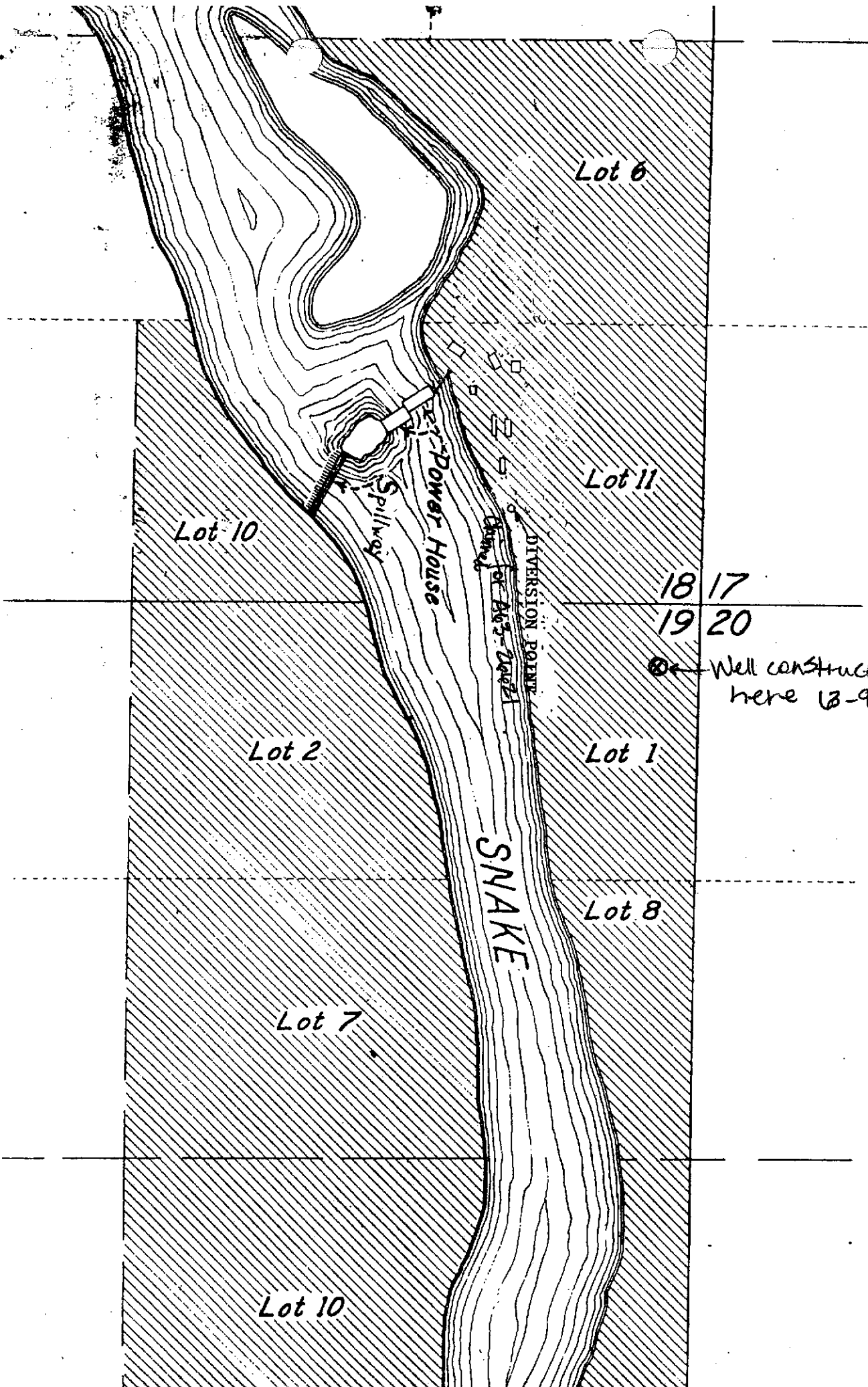
Received by JJ MM Date 4-10-92 Time 3:14pm Preliminary check by CJ4  
Fee \$ 45.00 Received by JJ # C023739 Date 4-10-92  
Publication prepared by \_\_\_\_\_ Date \_\_\_\_\_ Published in \_\_\_\_\_  
Publication approved \_\_\_\_\_ Date \_\_\_\_\_

### ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. \_\_\_\_\_, and said application is hereby \_\_\_\_\_.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before \_\_\_\_\_, 19\_\_\_\_.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:



Lot 6

Lot 11

Lot 10

18 17  
19 20

Well constructed  
here 13-91-Z-235

Lot 2

Lot 1

Snake

Lot 8

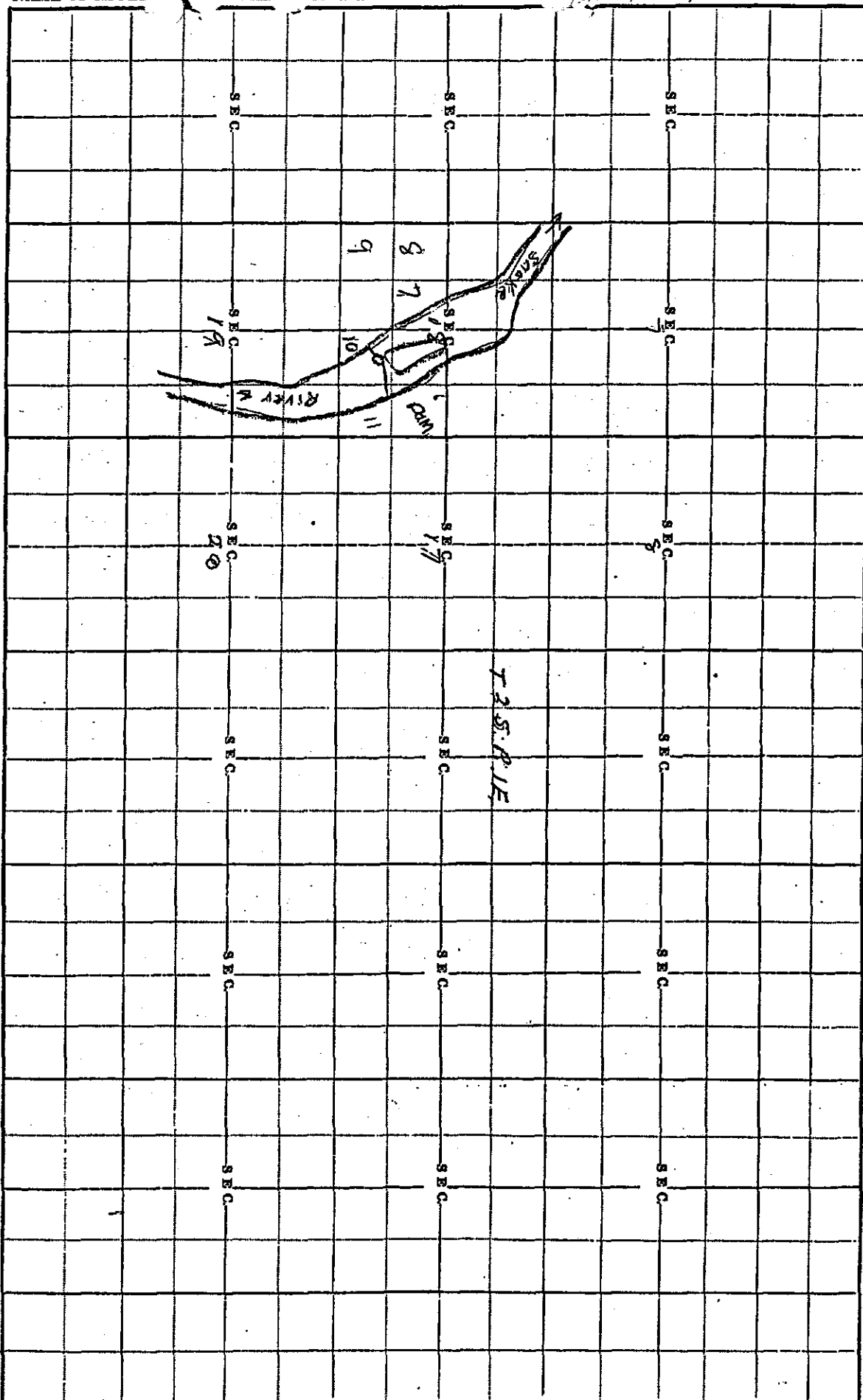
Lot 7

Lot 10

NAME OF APPLICANT

Idaho Power Co

14362



SCALE: 2 INCHES=1 MILE. DRAW PLAN IN INK.

14362

SD-1603-3

Idaho Department Of Water Resources  
Detail Receipt Summary Screen

Date: 05/29/02  
Time: 09:25:35

Rec/No - C023739 AR/No -  
From: - ROSHOLT, ROBERTSON AND TU

Receipt Type - CK Doc/No - 20452  
Remarks -

MOST CURRENT RECEIPT

Receipt Date: 04/10/1992

| Type Of Payment        | Fund | FD | PCA    | Obj  | Subsid | Fee   |
|------------------------|------|----|--------|------|--------|-------|
| APPLICATION FOR PERMIT | 1238 |    | 510199 | 6390 |        | 45.00 |
| ADJUDICATION FEE       | 9337 |    | 410162 | 6490 |        | 25.00 |

Total Due - 70.00

| WR/No    | WR Fee | WR/No | WR Fee | WR/No | WR Fee |
|----------|--------|-------|--------|-------|--------|
| A6326621 | 25.00  |       |        |       |        |

(Enter=Continue)

(GOLD7=Selection Screen)

(GOLD8=Cancel)

\$25 CLAIM Limits to 13,000 GPD



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190  
FAX (208) 334-2348

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

November 17, 1995

JEFF OSTERMAN  
IDAHO POWER COMPANY  
PO BOX 70  
BOISE ID 83707

RE: Swan Falls Village

Dear Jeff:

Per our telephone conversation of this morning, enclosed is information which should bring you up to speed on the status of domestic water rights for Swan Falls Village. Included are the following:

Copy of Permit 63-11612, priority 12/9/91, for domestic use for 5 homes from the deep well. I conducted the field examination for this permit in September 1994 and have recommended for licensing.

Copy of Application for Permit, received 4/10/1992 and not yet processed. My recommended modifications to this application prior to advertising are highlighted. This application will pick up all domestic or irrigation uses from the deep well which were found in the 1994 exam but which are not included on permit 63-11612.

Copy of a memorandum prepared by me which summarizes information I gathered during my field examination regarding historical water development and use at Swan Falls Village. The memo also provides discussion of the indicated abandonment of domestic use from the shallow well.

For your reference, also enclosed are copies of SRBA claims A63-26621, for domestic use and A02-00035, for irrigation from the Snake River, along with a claim withdrawal form. If you concur that abandonment of domestic use from the shallow well has occurred, the Department requests that Idaho Power withdraw claim A63-26621 at this time. SRBA claim A02-00035 will remain on file for future verification. The claim withdrawal form may be returned directly to this office.

Please review the memo and the proposed modifications to the 1992 application. I will need at least a verbal acknowledgement of the application amendments before advertising may be prepared. Feel free to call if you have additional questions.

Sincerely,

*Cindy Hodges*  
Cindy Hodges  
Sr. Water Resource Agent

Enclosures



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

July 7, 1995

A63-26621  
IDAHO POWER CO  
PO BOX 70

BOISE

ID 83707

Re: Claim No(s). A63-26621

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is NOT to be returned or re-filed. You have indicated when this claim was filed that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is under a legal requirement to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water. Any other claims you may have filed, that are not listed above, do not require evidence of priority be submitted at this time.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. Field exams to verify claims in this area are now being conducted by Department personnel. Please contact this office as soon as possible to schedule a field exam appointment convenient for you.

The required evidence supporting the priority date(s) must be submitted by September 1 1995, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter, or the enclosed pamphlet, please call the Western Region office shown above.

Adjudication Section  
Department of Water Resources  
Western Region Office

lh  
Enclosures

MEMORANDUM

October 31, 1995

TO: File 63-11612, A63-26621, A02-00035

FROM: Cindy Hodges

RE: Domestic Uses at Swan Falls Village

Domestic uses at Swan Falls Dam are claimed on A63-26621 for 9 cottages and a clubhouse. The source was listed as ground water, with a priority of 1928. A field exam for 63-11612 found that the 1928 "well" is actually a dug sump on the banks of the Snake River, adjacent to the pool behind Swan Falls Dam. According to power plant employees, this well had been used as a domestic source since the dam was first constructed. The sump measures 12' in diameter by 18' deep.

The Swan Falls power plant was reconstructed in 1989. A deep well was drilled in 1991 to replace the old domestic source. New public restrooms had been constructed at Swan Falls Park in 1990. Water supplies for the public restrooms, the cottages, clubhouse and restrooms/shop at the power plant were transferred to the new well. In 1992-3, 8 of the old employee cottages were demolished. Five new homes were built for power plant operators and connected to the deep well.

In December of 1991, application for permit 63-11612 was filed for domestic use from ground water in five homes, presumably the new operator homes. Proof was filed in March of 1992. In April of 1992, a second application for permit was filed for domestic use from ground water in 9 homes and a clubhouse. I received the second application for review. The filing appeared to be a duplicate filing, and I did not advertise it because I didn't have enough information to explain the overlaps. I tried for months to contact a representative at Idaho Power who might know enough about Swan Falls Village to explain the filings, but could locate no one, so I finally scheduled and conducted the exam for 63-11612 in September of 1994.

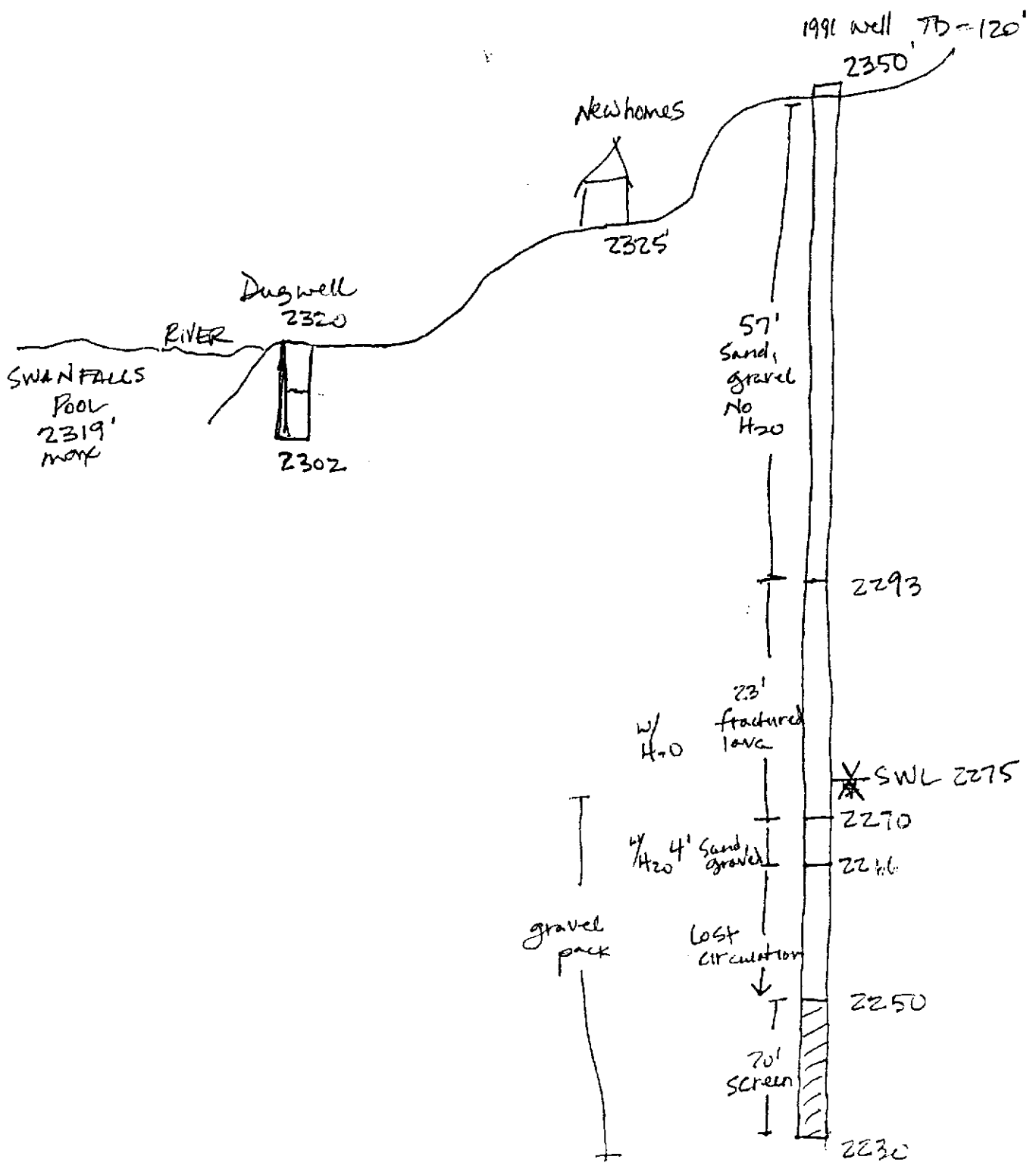
I had initially thought that the five new homes could be recognized under claim A63-22621, since the old cottages had been destroyed. I was not sure that either permit 63-11612 or the April 1992 application were even necessary. During the field exam, however, I discovered not only that all domestic uses had been switched to the 1991 deep well, but that irrigation from the Snake River under A02-00035 was being diverted from the old "well" which had been claimed under A63-26621. This point of diversion cannot be claimed as *both* a ground water and a surface water source.

To recommend either claim A63-22621 from ground water or claim A02-00035 from the Snake River, using as a basis the same point of diversion, would be to jeopardize one or both claims. To recommend A63-22621 showing an alternate point of diversion (and new place of use in Section 19) is not possible under the amnesty statutes, for the deep well was not constructed until 1991. Most importantly, a transfer for A63-22621 would have to address the potential that a change in source has occurred when the change was made from a shallow well to a deep well.

According to plant employees, water levels in the shallow well or sump near the dam pool are entirely dependent upon the surface elevation of the pool; while water appropriated in this manner is generally considered ground water, it is undisputedly ground water tributary to surface water, or vice versa. The deep well constructed in 1991 is 120 feet deep. Withdrawals of ground water from the deep well are occurring at a depth of about 60 deeper than those from the surface well (see attached diagram). It is much easier to conclude that the water pumped from the surface well for irrigation is actually Snake River water, than it is to conclude that flows from the deep and shallow wells may be hydraulically connected.

My decision is to recommend that domestic use under A63-22621 be considered abandoned. 63-11612 will be recommended for licensing for domestic use in five homes (with a total of  $\frac{1}{2}$  acre irrigation). There is now enough information to advertise the April 1992 application which has been on hold. This application will be necessary for the balance of uses which have been developed since 1991 or were formerly covered by claim A63-22621, namely, the one remaining cottage, the new restrooms, the clubhouse, domestic use at the power plant, and about 1 acre of irrigation around the new houses which is occurring from the deep well. Irrigation use under A02-00035 should not necessarily be implicated by the present diversion point at the shallow well if satisfactory evidence of priority is submitted and P/D location discrepancy can be addressed (claimed P/D is in SWSE Section 18; present P/D SESE).

50'



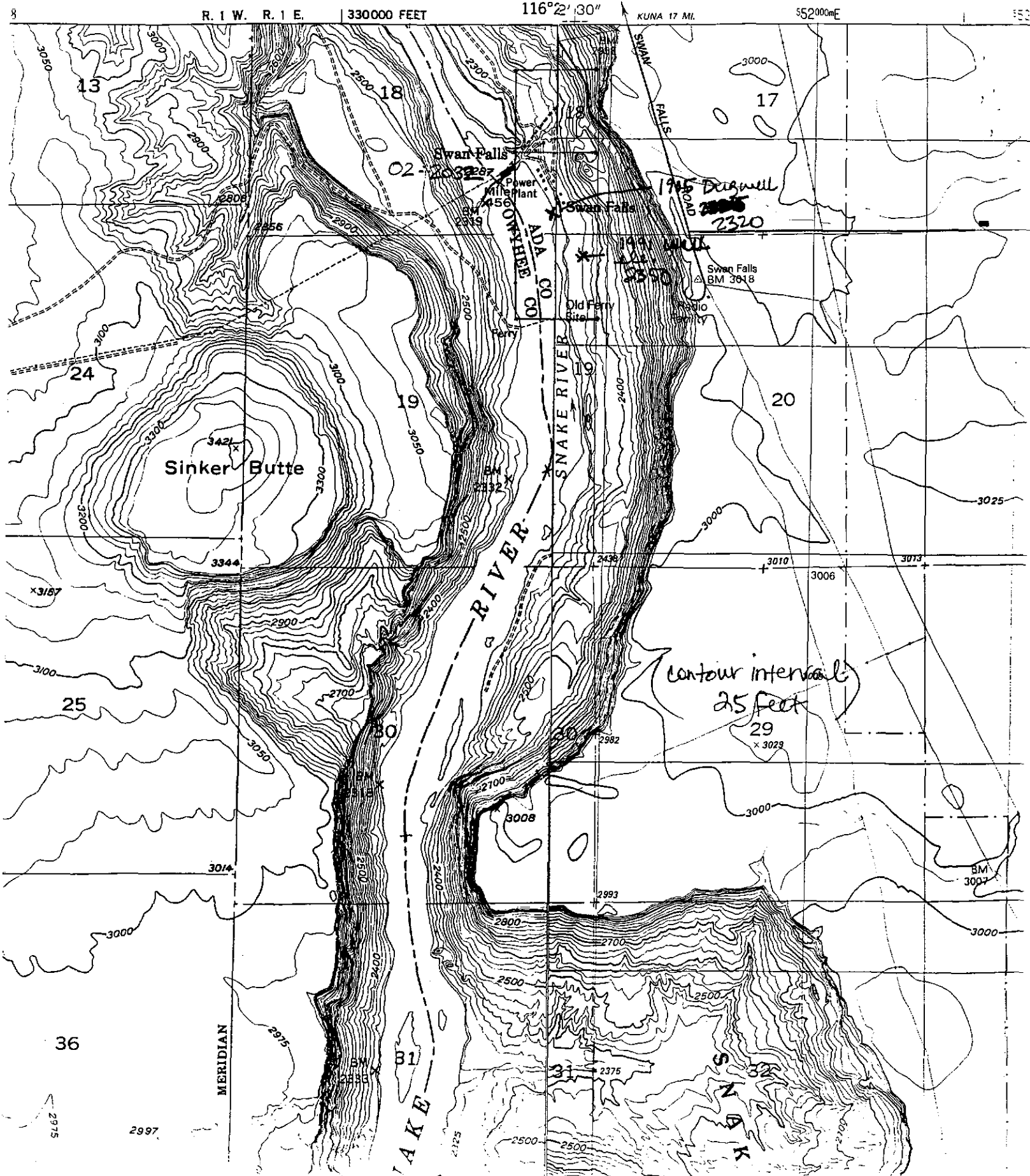
## 7.5 MINUTE SERIES (TOPOGRAPHIC)

UNITED STATES GEOLOGICAL SURVEY

116°22'30"

KUNA 17 MI.

552000mE



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August 28, 1995

Adjudication Section  
Department of Water Resources  
Western Region Office  
2735 Airport Way  
Boise, Idaho 83705-5082

RECEIVED  
AUG 29 1995  
WATER RESOURCES  
WESTERN REGION

RE: CLAIM NO. A63-26621

To Whom It May Concern:

This law firm represents Idaho Power Company on various matters, and in that capacity, we are in receipt of your letter dated July 7, 1995, requesting evidence of priority for the above-referenced claim.

Enclosed herewith, please find a 1919 file photo from Idaho Power Company's files, which shows the clubhouse and cottages in use at the company's Swan Falls site as early as that time.

If you require any additional information, please let us know.

Sincerely,



SHARON HART STRICKLAND  
Certified Legal Assistant

Encls.

08289501.shs

106

MAY 1968

VIEW FROM THE TOP OF THE DAM

SWAN FALLS HYDROELECTRIC DEVELOPMENT

CHICAGO POWER COMPANY

S-29-02

Don says since  
S2S for go ahead &  
recommend as DOMESTIC  
5 HOME & 1 CLUBHOUSE.  
Limit to 13,000 GPD, NO  
VOLUME use some idea of  
LIC of all CFS AS  
shown there. Remaps will  
show other right with  
same Plan not combined  
AS G3-1162.

S2S CLAIM - NO EVIDENCE  
OF PRIORITY NEEDED, TRANSFER  
AS NEEDED IF they want 1928  
from shallow well to Deep well

5 homes found on TX by GUNY  
Clubhouse could be added.