

09/22/2005

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

RIGHT NUMBER: 78-7013

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

SOURCE: RAPID RIVER

TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 18.600 CFS
4,464.000 AFY

PRIORITY DATE: 08/01/1969

POINT OF DIVERSION:

T23N R01E S5 NWNW Within IDAHO County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

FISH PROPAGATION

01/01 12/31

18.600 CFS

4,464.00 AFY

PLACE OF USE: FISH PROPAGATION Within IDAHO County

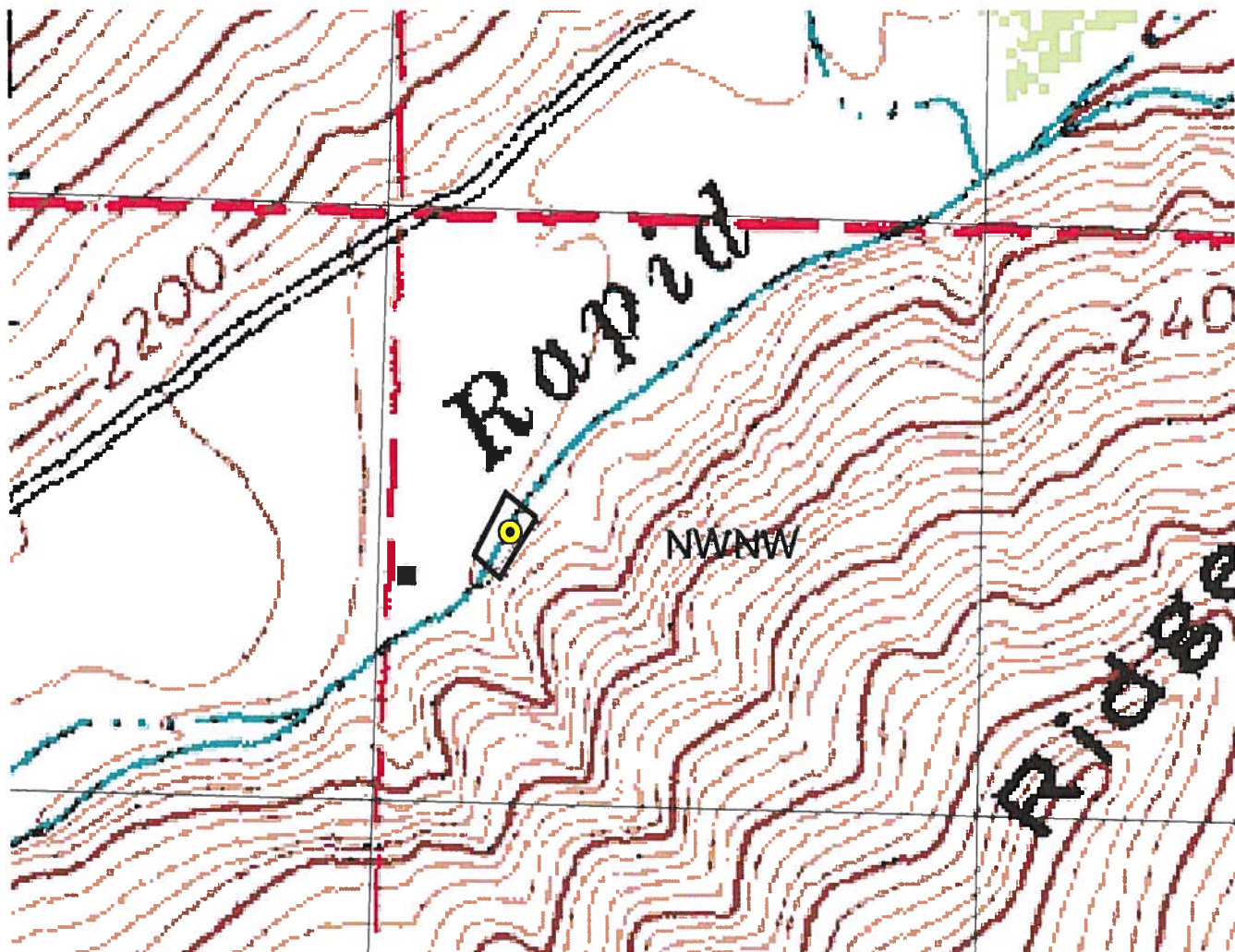
T23N R01E S05 NWNW

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

78-7013



0 300 600 Feet

Section 5
T23N R1E



● Point of Diversion

□ Place of Use

Map prepared on September 22, 2005
By Kenneth Knoblock
Idaho Department of Water Resources

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: A78-07013
Date Received: 11/02/1989
Receipt No: C012646
Received By:

Department of Water Resources
Western Regional Office

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

RECEIVED
MAY 08 1990

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

83707

2. Date of Priority: AUG 01, 1969

3. Source: RAPID RIVER

Trib. to: LITTLE SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
23N	01E	5		NW	NW		IDAHO

5. Description of diverting works:
5' X 50' WOODEN DIVERSION DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	18.600		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
OPERATION OF FISH LADDER AND TRAP

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
23N	01E	5	NW	NW		FISH	

11. Place of use in counties: IDAHO

A78-07013

Page 1

Date: 04/26/90

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OCT 06 1992

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

13. Other Water Rights Used:
78-02073, 78-02074

14. Remarks:

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Vice President, General Counsel of
Idaho Power Company, that I have signed the foregoing
Organization document in the space below as and Secretary of
Idaho Power Company and that the statements contained in the
Organization foregoing document are true and correct.

Rolt W. Stal
Signature of Authorized Agent
Vice President, General Counsel and
Secretary, Idaho Power Company

Title and Organization
May 3, 1990

Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 3rd day
of May 19 90

Sally J. Chambers
Notary Public

Seal

Residing at Boise, Idaho
My Commission Expires 12/31/92

17. Notice of Appearance:

Notice is hereby given that I, Thomas G Nelson will be
Print Name
acting as attorney at law on behalf of the claimant signing above, and that
all notices required by law to be mailed by the director to the claimant
signing above should be mailed to me at the address listed below.

Signature

Thomas G Nelson

Address

PO Box 2139 Boise, ID 83701

Date

4/30/90



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 27, 1990

RECEIVED

APR 10 1991

Department of Water Resources
Southern Region Office

Bruce M. Smith
Nelson, Rosholt, Robertson,
Tolman, and Tucker
P.O. Box 2139
Boise, Idaho 83701

RE: Idaho Power Company's SRBA claims A74-00490, A73-02168, A73-04041, A73-07006, A73-07051 and A73-07055 for water rights in Lemhi County, and amended claims A78-02074 and A78-07013 in Idaho County

Dear Bruce:

Enclosed are completed copies of the above-referenced claims. Please review these claims for accuracy. I have calculated the fees as follows:

<u>Claim No.</u>	<u>Flat Fee</u>	<u>Variable Fee</u>	<u>Total Fee</u>
A74-00490	EXEMPT		
A73-02168	50.00	100.00	150.00
A73-04041	50.00	5.00	55.00
A73-07006	50.00	400.00	450.00
A73-07051	50.00	100.00	150.00
A73-07055	50.00	400.00	450.00
A78-02074	No change in filing fee		
A78-07013	No change in filing fee		

The total filing fees are \$1255.00. If Idaho Power wishes to set up a payment plan, the initial payment of one-fifth the of the filing fees (\$251.00) should be sent with the claims.

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OCT 06 1992

Bruce M. Smith
April 27, 1990
Page 2

Please feel free to contact me if you have any questions.

Sincerely,



Carter Fritschle
Senior Water Resource Agent
Adjudication Bureau

CF:state
Enclosures:
Computer-generated Claims
Draft Copies of Claims

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OCT 06 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

Idaho Co.

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

October 19, 1989

Mr. Bruce M. Smith
Nelson, Rosholt, Robertson,
Tolman, and Tucker
P.O. Box 2139
Boise, Idaho 83701

RE: Idaho Power Company's SRBA claims A78-02073, A78-02074,
and A78-07013 for Rapid River fish hatchery

Dear Bruce:

Enclosed are the final copies of the above referenced claims. I am also enclosing the draft copies you sent with your letter dated October 17, 1989. Please review these claims for accuracy.

On claim A78-02073 I have supplied the amount of water as 0.25 C.F.S. for each of the purposes listed in Item 6. I am assuming the domestic purpose listed in Item 9 is in excess of 13,000 gallons per day, does not qualify as a domestic use defined by Idaho Code §42-1401A(5), and the variable fee should be charged at the rate of \$100.00 per C.F.S. If this is incorrect, please describe the nature of the domestic purpose for which this water is used.

In Item 5 of claim A78-02073 the description of the diversion works is "(4) Groundwater wells". In Item 14 the remark "2 P/D IN NENE, S12, T23N, R1W." was copied to your claim from the existing water right record. It appears that four (4) wells are now supplying the water for this water right, and you may wish to change the reference in remarks which indicates two (2) wells are supplying water for this water right.

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OCT 06 1992

I have calculated the filing fees as follows:

A78-02073: \$50.00 + \$25.00 (DOM.) + \$2.50 (FISH) = \$77.50

A78-02074: \$50.00 + \$280.00 (FISH) = \$330.00

A78-07013: \$50.00 + \$186.00 (FISH) = \$236.00

The late fees, unless an extension is granted, will be \$50.00 per claim.

Please feel free to contact me if you have any questions.

Sincerely,



Carter Fritschle
Senior Water Resource Agent
Adjudication Bureau

Enclosures:

Computer generated claims
Draft copies of claims

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OCT U 6 1992

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER

Chartered

ATTORNEYS AT LAW

1020 MAIN STREET

SUITE 400

P.O. BOX 2139

BOISE, IDAHO 83701-2139

TELEPHONE (208) 336-0700

FAX (208) 344-6034

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER
TERRY T. UHLING
TERRY R. McDANIEL
F. BRUCE COVINGTON
JERRY JENSEN
GARY D. SLETTE
CAROLYN M. MINDER
BRUCE M. SMITH
G. RICHARD BEVAN
BRAD M. PURDY
GARY L. QUIGLEY
TIM J. WILLIAMS

Twin Falls Office
142 3rd AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

October 17, 1989

RECEIVED
OCT 18 1989

Mr. Carter Fritchle
Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720
(1301 N. Orchard 83706)

Department of Water Resources

Dear Carter:

Please make the indicated changes and send a final to
sign and file. Thanks.

Sincerely,



Bruce M. Smith

BMS/dj
30781

Carter - Hope everything's going ok out your way.
BMS

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OCT 16 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

July 7, 1989

Mr. Bruce Smith
Nelson, Rosholt, Robertson,
Tolman & Tucker
P.O. Box 2139
Boise, ID 83701

RE: Notices to Claim to a Water Right in the Snake River Basin
numbers A78-07013, A78-02073, A78-02074

Dear Bruce:

Enclosed are draft copies of adjudication claims for Idaho Power's water rights at the Rapid River fish hatchery in Idaho County. Please review the claims and make the necessary corrections or additions. Note that Items 5 and 9 need to be completed.

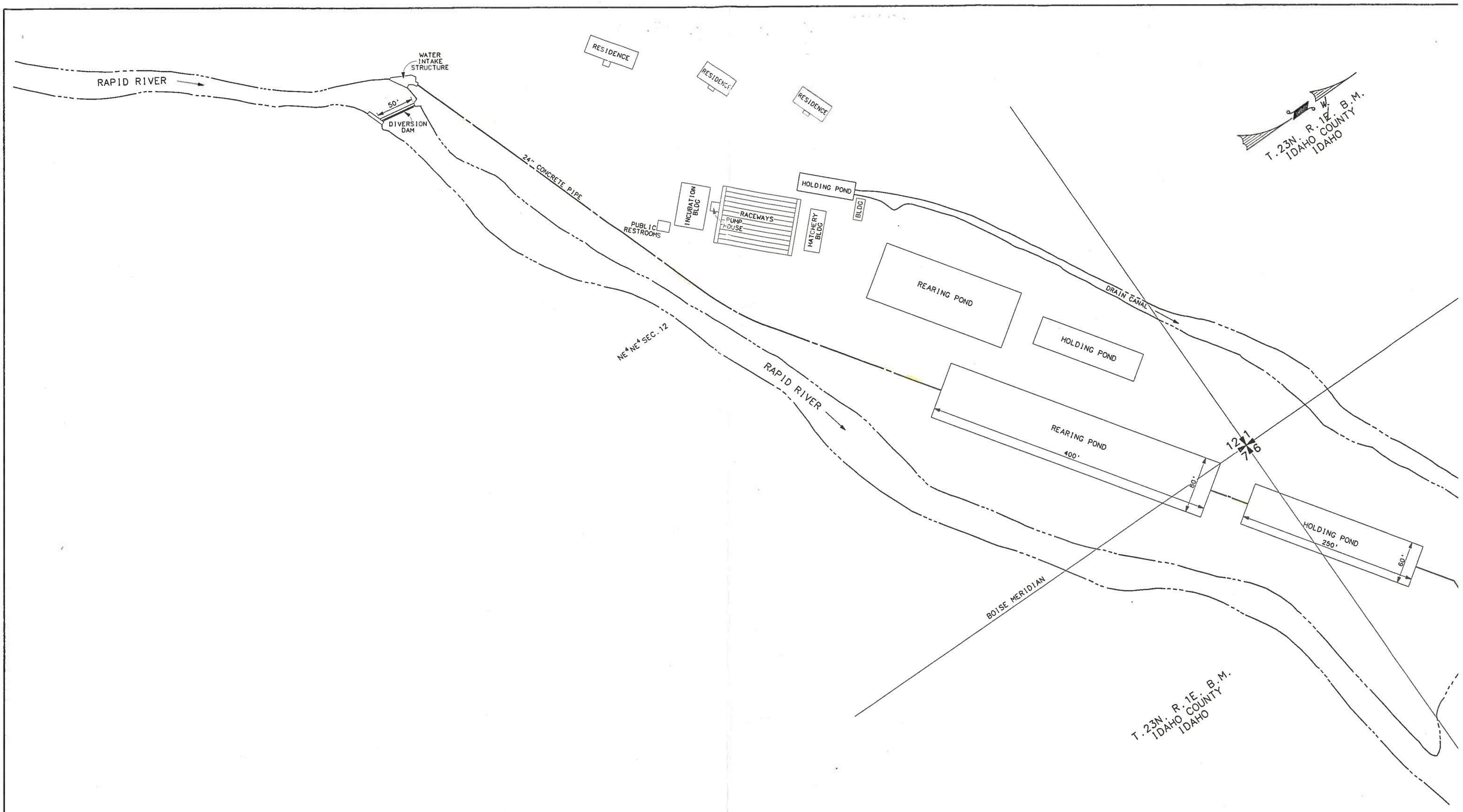
The corrected claims may be returned to this office to update the information. Please feel free to contact me if you have any questions or need assistance.

Sincerely,

Carter Fritschle
Senior Water Resource Agent
Adjudication Bureau

Enclosures
Draft claim forms

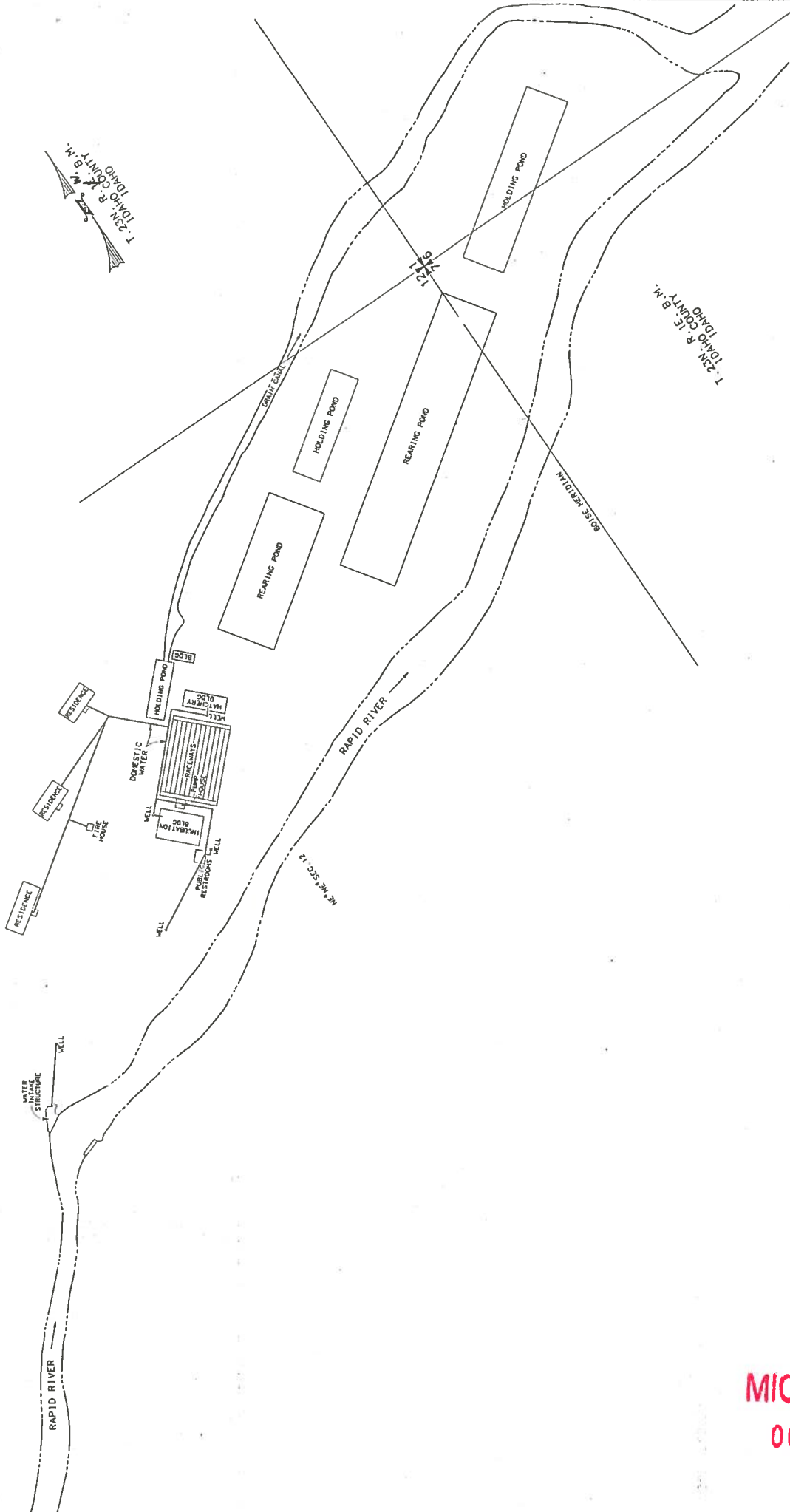
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OCT 06 1992



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OCT 06 1992

OCT 11 1989

RAPID RIVER HAT GENERAL LAYO			
WATER RIGHT A78-07013 FOR			
IDAHO POWER COMPANY		BOI	
SCALE: NONE		DATE: 10-	
DS. PA	APPROVED	# D- #	
DR. RJB	#	#	
CH. #	SHT. #	#	



**RAPID RIVER HATCHERY
GENERAL LAYOUT**
WATER RIGHT A78-02073 FOR 0.25CFS

IDAHO POWER COMPANY		BOISE, IDAHO	
SCALE: NONE		DATE: 10-10-89	
BY: PA	APPROVED	# D-####	#
BY: EJB		SHT. #	#
		CAG-0-112 WATER RT. 25CFS	

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OCT 06 1992

OCT 11 1989

James C. Tucker
Bruce M. Smith
ROSHOLT, ROBERTSON & TUCKER
P. O. Box 2139
Boise, Idaho 83702-2139
Telephone: (208) 336-0700
4743p/shs/1-2-92

Steven L. Herndon
Assistant General Counsel
Idaho Power Company
P. O. Box 70
Boise, Idaho 83707

- 383-2692

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

* * * * *

In Re the General Adjudication
of Rights to the Use of Water
from the Snake River Basin
Water System.

CASE NO: 39576

The State of Idaho, ex rel.
A. Kenneth Dunn in his official
capacity as director of the
Idaho Department of Water
Resources,

NOTICE OF
APPEARANCE

Petitioner,

vs.

The United States; the State
of Idaho; and all claimants
to the use of water from the
Snake River Basin Water System,

Defendants.

* * * * *

COMES NOW, IDAHO POWER COMPANY, by and through its
attorneys, Steven L. Herndon, Assistant General Counsel of

MICROFILMED
OCT 06 1992

1 IDAHO POWER COMPANY, and James C. Tucker and Bruce M. Smith of
2 the firm of ROSHOLT, ROBERTSON & TUCKER, and, pursuant to Order
3 of this Court entered December 17, 1991, enters its appearance
4 in the above-captioned case.

5 DATED this 2nd day of January, 1992.

6 ROSHOLT, ROBERTSON & TUCKER

7 *James A. Rosholt*
8 *for* JAMES C. TUCKER

9 CERTIFICATE OF MAILING

10 I hereby certify that on this 2nd day of January,
11 1992, I caused to be served a true copy of the foregoing NOTICE
12 OF APPEARANCE by the method indicated below, and addressed to
13 each of the following:

14 Larry Echohawk ☒ U.S. Mail, Postage Prepaid
15 Attorney General ☐ Hand Delivered
16 State of Idaho ☐ Overnight Mail
Statehouse, Room 210 ☐ Telecopy (Fax)
Boise, Idaho 83720

17 David Shaw ☒ U.S. Mail, Postage Prepaid
18 Adjudication Bureau Chief ☐ Hand Delivered
19 Idaho Department of Water ☐ Overnight Mail
Resources ☐ Telecopy (Fax)
1301 North Orchard
Statehouse Mail
20 Boise, Idaho 83720 (6 copies)

21 Peter C. Monson, Esq. ☒ U.S. Mail, Postage Prepaid
22 Assistant Attorney General ☐ Hand Delivered
23 U.S. Department of Justice ☐ Overnight Mail
Land and Natural Resources ☐ Telecopy (Fax)
Division
Indian Resources Section,
24 Rm. 6317
P. O. Box 44378
25 Washington, D.C. 20026-4378

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27
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OCT 06 1992

1 Don A. Olowinski
2 HAWLEY, TROXELL, ENNIS
3 & HAWLEY
4 P. O. Box 1617
5 Boise, Idaho 83701

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

for John A. Roschke
JAMES C. TUCKER

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OCT 06 1992

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Idaho Power CLAIM IDENT. NO. A78-0701

DATE RECEIVED 11-2-89 CK # _____ AMOUNT \$ 2012646

- | | YES | NO | Require Info |
|--|-------------------------------------|-------------------------------------|--------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered?
Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. | ☒ | ☐ | * |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☒ | ☐ | |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? | ☒ | ☐ | |
| Is the consumptive use correct? | ☒ | ☐ | |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | ☒ | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated? | ☒ | ☐ | |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | ☒ | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☒ | ☐ | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 19. Was this claim filed on time, or was an extension granted? | ☐ | ☒ | * |
| 20. Is the fee enclosed correct? | ☒ | ☐ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? | ☒ | ☐ | |
| 22. Should this claim be data entered? | ☒ | ☐ | |

Claim checked by: CA Date: 11-7-89

Claim must be returned to claimant: ☐ (Yes) ☐ (No)

Claimant must be notified of modifications: ☐ (Yes) ☐ (No)

Receipt Prepared by: _____ Date: _____
Claim data entered by: _____ Date: _____
Sent to claimant by: _____ Date: _____

Comments: Late fee of 50.00 paid

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OCT 06 1992

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: A78-07013
Date Received: 11-02-89
Receipt No: 002646
Received By:
CJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

83707

2. Date of Priority: AUG 01, 1969

3. Source: RAPID RIVER

Trib. to: LITTLE SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
23N	01W	12	NE	NE	NE		IDAHO

5. Description of diverting works:
5' X 50' WOODEN DIVERSION DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	18.600		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

FISH PROPAGATION: SEE REMARKS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
23N	01E	6	SW	SW		FISH	
		7	NW	NW		FISH	
	01W	12	NE	NE		FISH	

A78-07013

Page 1

Date: 10/18/89

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OCT 06 1992

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:
78-02073, 78-02074

14. Remarks:
NON-IRRIGATION USES: (CONT.)
1 - 80' X 400' REARING POND
1 - 60' X 250' HOLDING POND

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:

For Organizations:

I do solemnly swear or affirm that I am Vice President, General Counsel and Secretary of Idaho Power Company, that I have signed the foregoing Organization document in the space below as Vice President, General Counsel and Secretary of Idaho Power Company and that the statements contained in the foregoing document are true and correct.

[Signature]
Signature of Authorized Agent
Vice President, General Counsel
and Secretary
Idaho Power Company
Title and Organization
October 26, 1989
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 26th day
of October 19 89

Sally L. Chambers
Notary Public

Seal

Residing at _____

My Commission Expires _____

17. Notice of Appearance:

Notice is hereby given that I, Thomas G. Nelson will be
Print Name

acting as attorney at law on behalf of the claimant signing above, and that
all notices required by law to be mailed by the director to the claimant
signing above should be mailed to me at the address listed below.

Signature Thomas G. Nelson

Address PO Box 2134 Boise ID 83701

Date 10/24/89