

PAGE 14 PRINT002/TX2 PROOF REPORT FOR SRCOR. SDS18. COR29. SRDSC. CHADJ. DSADJ. DS07. SRC07

WATER RIGHT NUMBER 02-2064 ✓

OWNER LAST NAME - IDAHO POWER CO.
ADDRESS LINE 1 - P.O. BOX 70
ADDRESS LINE 2 -
ADDRESS LINE 3 -
SOURCE - SNAKE RIVER
CITY - BOISE
STATE - ID ZIP CODE - 83707
TRIBUTARY OF - COLUMBIA RIVER
PRIORITY - 09-04-1947
COUNTY - GOODING
TOTAL DIV. RATE - 12000.0000 -CFS
STATUS -
TOTAL DIV. VOLUME - .00 AFA TRFR/AMEND -
WATER DIST. - 02 DLE/CAREY ACT -
RIGHT BASIS - E
DIVERSION POINT - NESE 07 065 12E LOT 05 REDIV -
SESE 07 065 12E LOT 10 REDIV -
FROM - 01-01 TO - 12-31 USE - POWER
USE DIV. RATE - 12000.0000 CFS
USE DIV. VOLUME - .00 AFA
PLACE OF USE - TWIN 065 RNG 12E SEC 07 TRACT NESE LOT 05 AC TRACT SESE LOT 10 AC
DATE -
TOTAL ACRES 0
DEGREE NAME -
REMARKS - BLISS POWER PLANT. P/D ALSO IN ELMORE CNTY. MAXIMUM POOL = 2654
M.S.L. WITH 5 FT. PONDAGE REGULATION. MINIMUM RELEASE FOR THIS
RT. & 02-2065 = 2500 CFS.
NON IRRIG USE -
OTHER RIGHTS FOR SAME USE -
PROOF DUE - PERMIT/DENIED -
HERRING - OLD NO. -
PROOF MADE - FLD EXAM - COND. OF APPROVAL -
DIVERSION MEANS - CONCRETE DAM & POWERHOUSE.

RECEIVED

APR 11 2006

DEPARTMENT OF
WATER RESOURCES

April 11, 2006

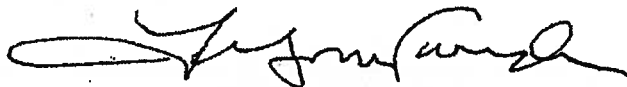
Karl Dreher, Director
Idaho Department of Water Resources
322 E Front Street
P.O. Box 83720
Boise, ID 83720-0098

Re: Water Right Permit Nos. 01-7054, 37-7842, and Water Right Licenses
enumerated in the Swan Falls Water Right Agreement, dated October 25, 1984
and ratified by Idaho Code § 42-203B(5)

Dear Director Dreher:

The State of Idaho and Idaho Power Company have entered into the attached Stipulation dated April 11, 2006, which recognizes that the hydropower water rights listed in the Swan Falls Agreement are subordinate to Water Right Permit Nos. 01-7054 and 37-7842. We request that this Stipulation be filed in each of the relevant water right files and that you take such action as is necessary to reflect the Stipulation in each of the enumerated water rights.

Sincerely,



LAWRENCE G. WASDEN,
Attorney General
State of Idaho



JAMES C. TUCKER
Attorney for Idaho Power Company

Attachment

STIPULATION

The Idaho Power Company and the State of Idaho ("State") hereby stipulate and agree, by and through their respective undersigned counsel, as follows:

- 1) Stipulation Regarding Water Right Permit Nos. 01-7054 and 37-7842: Recognizing that Water Right Permit Nos. 01-7054 and 37-7842 are subject to the Swan Falls Settlement –
 - a) The Company agrees that its water rights are subordinated to water rights nos. 01-7054 and 37-7842 pursuant to the terms of the Swan Falls Agreement and will neither contest nor otherwise oppose the exercise of those water rights on the basis of priority, the Swan Falls Agreement, or I.C. §§ 42-234, 42-4201 and 42-4201A. The Company further agrees that those water rights may be exercised in a manner consistent with state law.
 - b) The parties agree that all provisions of the Swan Falls Agreement and the implementing legislation shall continue to apply to Water Right Permit Nos. 01-7054 and 37-7842, including I.C. §§ 61-539 and 61-540 for the benefit of Idaho Power Company.
 - c) The parties further agree that in the event that the Idaho Water Resource Board (IWRB) seeks to have said permits licensed or decreed, that the Company will not file a protest or objection in such proceedings, but that the State, in recognition of its obligations under the Swan Falls Agreement and state law, through the Idaho Department of Water Resources (IDWR), will appropriately investigate such permits to ensure that they meet applicable requirements and that the licensed or decreed water rights fully comply with state law.
- 2) Further Proceedings Relating to the Swan Falls Agreement. The parties agree that in the event that there are disagreements or disputes between the parties as to the interpretation or application of the Swan Falls Agreement that they will endeavor to resolve those disagreements through informal discussions and negotiation. In the event that the parties are unable to resolve

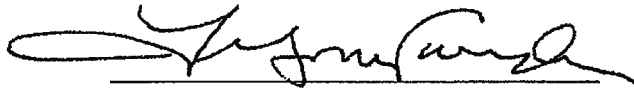
any such disagreements to their mutual satisfaction, either party, after notice to the other, may file a petition for declaratory relief with a court of appropriate jurisdiction to have the disagreement resolved and the Swan Falls Agreement interpreted and neither this Stipulation nor I.C. §§ 42-234, 42-4201, or 42-4201A shall act as a bar to the filing of such action.

- 3) Request for Recognition of the Stipulation. The parties agree to submit this Stipulation in all administrative and judicial proceedings involving the recognition of Water Right Permit Nos. 01-7054 and 37-7842 and to jointly present affidavits and such other evidence as may be required for the recognition of the Stipulation.
- 4) Defense of Stipulation. The parties agree to jointly support and defend the terms of the Stipulation against any and all objections or other challenges that may arise against the terms of the Stipulation in any administrative or judicial proceeding.
- 5) Stipulation Does Not Affect Statutory or Regulatory Authority. The parties agree that nothing in this Stipulation shall be construed or interpreted to affect the authority of the State as provided by constitution, statute or regulation. Nor shall this Stipulation be construed or interpreted to affect the rights of any person not a party to the Stipulation.
- 6) Stipulation Not to be Used Against Parties. Except as provided herein, neither party by entry into this Stipulation waives any legal position or arguments it may have regarding any legal disputes that may exist between the parties. Nothing in this Stipulation shall be construed as an admission against interest or tendered or used as evidence to support or oppose any party's claims or objections in any administrative or judicial proceeding, other than those seeking approval of the Stipulation, for interpretation, enforcement or administration of this Stipulation or for a purpose contemplated by Idaho Rule of Evidence 408.

- 7) Stipulation is Binding. The terms of this Stipulation shall bind and inure to the benefit of the respective successors of the parties.
- 8) Mutual Covenants of Authority. The parties represent and acknowledge that each of the undersigned is authorized to execute this Stipulation on behalf of the party they represent.
- 9) Non-Severability. The provisions of this Stipulation are not severable.
- 10) Triplicate Originals. This Stipulation is executed in triplicate. Each of the three Stipulations with an original signature of each party shall be an original.

The parties have executed this Stipulation on the date following their respective signatures.

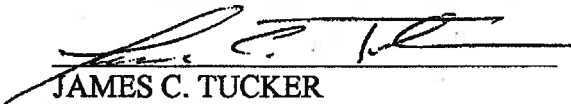
FOR THE STATE OF IDAHO, including THE IDAHO WATER RESOURCE BOARD:



LAWRENCE G. WASDEN,
Attorney General
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449
(208) 334-4126

Date: 4/11/06

FOR IDAHO POWER COMPANY:



JAMES C. TUCKER
Idaho Power Company
P.O. Box 70
Boise, ID 83707
(208) 388-2112

Date: 4/11/06

IN THE DISTRICT COURT OF THE Fourth JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF Ada

IN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF
Snake River from base of Milner
Dam to Oregon ~~DRAINAGE BASIN~~
Border.

NOTICE OF CLAIM
TO A
WATER RIGHT

<u>02-2064</u>	
I.D. No.	Map No.
\$ <u>10</u>	<u>18883</u>
Fee Paid	Receipt No.

Notice is hereby given that Idaho Power Company
(Name of Claimant)

P O Box 70, Boise, Idaho 83707 Telephone No. 383-2878
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) 09/04/47 1947

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Snake River
tributary to COLUMBIA RIVER

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
Quantity 12000.0000 cfs Use for power generation Period of Use From Jan 1 To Dec 31
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

(4) 12000.0000 cfs TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)

(5) A) Point of Diversion: Give location of point where water is diverted from its source NE 1/4 SE 1/4
Sec. 7, Twp. 6S, Rge. 12 E, B.M., Elmore and Gooding Gooding County
Additional Points: (SESE) Lot 10, S. 7, T. 6S, R. 12E SCI: 2720(1) 560.1 BOTH POINTS

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
concrete dam and powerhouse with flood control works

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
															<u>L. 5</u>			<u>L. 10</u>	
															<u>X</u>			<u>X</u>	

Total no. of acres none

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: power generation

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization: no

(8) Remarks: Bliss Power Plant. P/D ALSO IN ELMORE CNTY. MAXIMUM POOL = 2654 H.S.C. WITH 5 FT. PONDAGE REGULATION. MAXIMUM RELEASE FOR THIS RT. # 02-2065 = 2500 CFS.

(9) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case.

☒ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No. Water Right No 02-2064 and Old No 20223

KEYPUNCHED

5-4-82 ajw SC 11/2/84

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

(Date)

State of Idaho Organization

County of Ada Seal

On this 27th day of April, in the year 1981 before me
a notary public, personally appeared James H. Cordie

known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he) she, they, corporation, partnership or Idaho Power Company executed the same.

My commission expires 10.25.83 Notary Public residing at Boise, Idaho

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADAMS

IN THE MATTER OF THE GENERAL DETERMINATION OF RIGHTS TO THE USE OF
Snake River from base of Milner Dam to Oregon Border.
DRAINAGE BASIN.

NOTICE OF CLAIM
TO A
WATER RIGHT

02-2064	
I.D. No.	Map No.
\$ 10	78883
Fee Paid	Receipt No.

Notice is hereby given that Idaho Power Company
(Name of Claimant)
P O Box 70 Boise, Idaho 83707 Telephone No. 383-2878
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:
(1) Date of priority: (When was the water first applied to a beneficial use, or priority date of decreed, licensed or permit right) 09/04/47

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Snake River
tributary to _____

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
Quantity 12000.0000 cfs Use for power generation Period of Use From Jan 1 To Dec 31
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)
Quantity _____ Use _____ Period of Use From _____ To _____
(CFS, GPD, AF) (Domestic, irrigation, stock, etc.) (Mo., Day) (Mo., Day)
(Both dates inclusive)

(4) 12000.0000 cfs TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)

(5) A) Point of Diversion: Give location of point where water is diverted from its source _____ ¼ _____ ¼
Sec. 7, Twp. 6S, Rge. 12 E, B.M., Elmore and Gooding County
Additional Points: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. concrete dam and powerhouse with flood control works

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total no. of acres none

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: power generation

NOTE: Include here the type and number of stock watered: _____

(7) If you are claiming water as a member of an organization, list name of organization: no

(8) Remarks Bliss Power Plant

(9) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case. _____
☒ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No. Water Right No 02-2064 and Old No 20223

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

(Date) _____ (Signature of Claimant) _____
State of Idaho Organization IDAHO POWER COMPANY
County of Ada ss. Seal James H Condit
(Signature of Authorized Agent)
On this 27th day of April, in the year 1981 before me
a notary public, personally appeared James H Condit
known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or _____) executed the same.
My commission expires 10-25-83 Notary Public residing at Boise, Idaho

State of Idaho
Department of Water Resources

ADJUDICATION CLAIM ANALYSIS SHEET

Review by *Q*

Date 4/28/82

Right No. 02-2064

Claimant IDAHO POWER

Recommendation differs from claim: ☒ Yes ☐ No ☐ Disallow
(Document any differences)

Claim Details Verified Against:

Check (X or ✓) those searched. Circle records used for recommendation.
Include copies or memos where applicable to explain findings.

- ☒ License
- ☐ Previous Statutory Claim.
- ☐ Permits, valid or lapsed. Number(s) if different than above _____
- ☐ Decree. Name & date _____
- ☐ Conveyance Loss Calculations. See printout included.
- ☐ Title abstract. ☐ In file. Or, Name & location _____
- ☐ County records. ☐ In file. Or, Name & location _____
- ☐ Affidavits. ☐ In file.
- ☐ Posted Notices, Water Locations Notices. ☐ In file.
- ☐ Deed Records. ☐ In file. Or, Name & location _____
- ☐ Patent Records. ☐ In file. Or, Name & location _____
- _____
- ☐ Metzker Maps. Identify _____
- ☐ A.S.C.S. Records. Year & Photograph No. _____
- ☐ Irrigation Company/District Records. ☐ In file. Or Name & location _____
- ☐ Historical Books. Name(s) & location _____
- _____
- ☐ Interview(s). Attach conversation memorandum.
- ☐ Other _____
- ☐ _____

Field Exam Made: ☒ Yes ☐ No Date _____

☐ Adj. Report in file ☒ Beneficial Use Report in License (S.O.) File

Measurement _____ cfs. Amount recommended _____ cfs.

Type of measuring device: _____ Meter No. _____

Condition _____ Date _____ Time _____

Adjudication Photo(s) Used: Name or No. TICESKA , _____, _____

Field Photographs Taken ☐ Yes ☒ No

Memorandum in file ☒ Yes ☒ No

Remarks REMARKS ADDED IN RECOMMENDING CLAIM.

TO: 02-2064

FROM: J. Noyes

DATE: January 23, 1985

REP Supporting Data in State Office Files Idaho Power Co. 02-2064

Engineering Report

Very poorly done - sketch map of sorts

3/19/50 84000 kw hd 71.8

6/25/50 86200 kw hd 72.8

Expanding above data

$$Q = \frac{8.8 \times 86200}{72.8 \times .746} = \frac{758560}{54.3} = 13,969.8 \text{ cfs}$$

Condition placed on license - Engineer didn't sign the report - only

penciled notes on report

Proof - Beneficial Use

1. Myron Swendsen Civil Eng. Boise

Plant records inspected show actual use of 16000 cfs May 12, 1950

2. B.C. Russell, Gen. Supr. Idaho Power Co.

March 9, 1950 excess of 16000 cfs 80000 KW

3. Henry Senger, Civil Eng. Boise

16000 cfs 80000 KW

The above proof reports are for 02-2064 and 20-2065

Condition on License

State of Idaho
License and Certificate of Water Right

Water License No. 20223

Amount 12,000 second feet

Water District No.

Priority September 4, 1947

THIS IS TO CERTIFY that IDAHO POWER COMPANY
of Boise, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated September 4, 1947; that Permit No. 20223
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
12,000 second feet, was issued thereunder on September 29, 1950, showing that said works
were completed on the 8th day of May, 1950; and that on the 8th
day of May, 1950.

IDAHO POWER COMPANY

of Boise, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Snake
River, a tributary of Columbia River, for the purpose of generation of electric power
under Use Permit No. 20223 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
8 of Licenses at page 4624, on the 29th day of September, 1950;
The right hereby confirmed dates from September 4, 1947;
The Point of Diversion is located in Lots 5 and 10

~~in the xxxxxxxx xxxxxxxx~~ Sec. 7, Twp. 6 S., R. 12 E., B. M. Elmore & Gooding County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 12,000 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
The place of use of said water is in Lots 5 and 10, Section 7, Township 6 South, Range 12 East, E. M.			Maximum pool regulation- 2,654 M.S.L. with 5 foot pondage regulation. Minimum release for License 20223 and License 20262- 2,500 cubic feet per second.		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

7th day of September, 1950.

MARK R. KULP
State Reclamation Engineer

(SEAL)

2 2064

State of Idaho
License and Certificate of Water Right

Water License No. _____

Priority _____

Amount _____

THIS IS TO CERTIFY that

_____ made application for a permit to appropriate the public waters of the State of Idaho, dated _____, 19____; that Permit No. _____ was issued under said application; that Certificate of Completion of works, with a carrying capacity of _____ second feet, was issued thereunder on _____, 19____ showing that said works were completed on the _____ day of _____, 19____ and that on the _____ day of _____, 19____

of _____, State of _____, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of a right to the use of the waters of _____ a tributary of _____ for the purpose of _____ under Use Permit No. _____ of the _____, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in _____ of the _____, at page _____, on the _____ day of _____, 19____.

The right hereby confirmed dates from _____, 19____.

The Point of Diversion is located

in the _____ T₄, Sec. _____, Tp. _____, R. _____, S. _____, County _____.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed _____ cubic feet per second.

Description and location of use.

BLISS

Concrete dam and powerhouse provide reservoir and head for electrical power generation at approximately 55% load factor. Normal maximum reservoir elevation at dam, 2,654 feet, with 5-foot draw-down to provide pondage and regulation for fluctuations in system power demands. Minimum discharge flow, 2,500 cfs.

LAMBE SAUNCE

Concrete dam and powerhouse provide reservoir and head for electrical power generation at approximately 40% load factor. Normal maximum reservoir elevation at dam, 2,798 feet, with 6-foot draw-down to provide pondage and regulation for fluctuations in system power demands. Minimum discharge flow, 1,000 cfs.

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use set forth hereon, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho.

This _____ day of _____

19____

Commissioner of Reclamation

02-2064