

Idaho Department of Water Resources



Claim Number: 2-10135
Legal: T06S, R12E, S7
Reviewed By: SJR 11/1/05



-  Point of Diversion
-  Place of Use
-  Sections
-  Quarter Quarter Lines

11/01/2005

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

RIGHT NUMBER: 2-10135

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1,100.000 CFS

PRIORITY DATE: 03/09/1950

POINT OF DIVERSION:

T06S R12E S7 NESE Lot 5 Within GOODING County

T06S R12E S7 NESE Lot 10 Within ELMORE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

POWER

01/01 12/31

1,100.000 CFS

PLACE OF USE: POWER Within GOODING County

T06S R12E S07 Lot 5 SESE

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

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

1. Right Nos. 02-0100, 02-2001A, 02-2001B, 02-2032, 02-2036, 02-2056, 02-2057, 02-2059, 02-2060, 02-2064, 02-2065, 02-4000, 02-4001, 02-10135, 36-2013, 36-2018, 36-2026, 37-2128, 37-2471, 37-2472, 37-20709, and 37-20710 entitle the Company to unsubordinated average daily flows of 3900 c.f.s. from April 1 to October 31, and 5600 c.f.s. from November 1 to March 31, both to be measured at the Murphy U.S.G.S. gauging station immediately below Swan Falls. These flows are not subject to depletion by junior water right holders. (Exceptions to the Company's unsubordinated average daily flows are listed below in paragraphs 2 through 5.) The Murphy gauging station is located at latitude 43° 17' 31", Longitude 116° 25' 12", in T01S, R01W, S35, NWNESE, Boise Meridian, Ada County Hydrologic Unit 17050103, on the right bank 4.2 miles downstream from Swan Falls Power plant, 7.5 miles NE of Murphy, at river mile 453.5.
2. Right Nos. 02-0100, 02-2001A, 02-2001B, 02-2032, 02-2036, 02-2056, 02-2057, 02-2059, 02-2060, 02-2064, 02-2065, 02-4000, 02-4001, 02-10135, 36-2013, 36-2018, 36-2026, 37-2128, 37-2471, 37-2472, 37-20709, and 37-20710, when used in combination in amounts specified above shall be subordinate to subsequent beneficial upstream uses upon approval of such uses by the Idaho Department of Water Resources in accordance with State law unless the depletion violates the flows set forth in paragraph 1. Average daily flow, as used herein, shall be based upon actual flow conditions; thus, any fluctuations resulting from the operation of Company facilities shall not be considered in the calculation of the minimum daily stream flows set forth herein.
3. The rights listed in paragraphs 1 and 2 above are subordinate to the water rights of those persons dismissed from Idaho Power Co. v State of Idaho, Case No. 81375 (Fourth Judicial Dist. Feb. 16, 1990) pursuant to the contract executed between the State and Company implementing the terms of I.C. §§ 61-539 and 61-540.
4. The rights listed in paragraphs 1 and 2 above are subordinate to those water rights with a priority date prior to October 1, 1984.
5. The portion of Right Nos. 02-0100, 02-2001A, 02-2001B, 02-2032, 02-2036, 02-2056, 02-2057, 02-2059, 02-2060, 02-2064, 02-2065, 02-4000, 02-4001, 02-10135, 36-2013, 36-2018, 36-2026, 37-2128, 37-2471, 37-2472, 37-20709, and 37-20710, in excess of the amounts set forth in paragraph 1 are held in trust by the state of Idaho, by and through the governor, for the use and benefit of the users of water for power purposes and of the people of the state of Idaho as provided for in the contract entered into by the governor and the Idaho Power Company on October 25, 1985 and ratified by the Idaho Legislature by Idaho Code § 42-203B(5).

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 - Beneficial Use

Water Right 2-10135

11/01/2005

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

BLISS POWER PLANT

11/09/2005

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

RIGHT NUMBER: 2-10135
NAME AND ADDRESS: IDAHO POWER CO
PO BOX 70
BOISE ID 83707

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1,100.000 CFS

PRIORITY DATE: 03/09/1950

POINT OF DIVERSION:

T06S R12E S7 NESE Lot 5 Within GOODING County
T06S R12E S7 NESE Lot 10 Within ELMORE County

BLM -
✓

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

POWER

01/01 12/31

1,100.000 CFS

PLACE OF USE:

POWER Within GOODING County

T06S R12E S07 Lot 5 SESE

NESE

lot 5 tract dont agree, lot 5 = NESE (BLM)
SESE = lot 10 (✓)

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

1. Right Nos. 02-0100, 02-2001A, 02-2001B, 02-2032, 02-2036, 02-2056, 02-2057, 02-2059, 02-2060, 02-2064, 02-2065, 02-4000, 02-4001, 02-10135, 36-2013, 36-2018, 36-2026, 37-2128, 37-2471, 37-2472, 37-20709, and 37-20710 entitle the Company to unsubordinated average daily flows of 3900 c.f.s. from April 1 to October 31, and 5600 c.f.s. from November 1 to March 31, both to be measured at the Murphy U.S.G.S. gauging station immediately below Swan Falls. These flows are not subject to depletion by junior water right holders. (Exceptions to the Company's unsubordinated average daily flows are listed below in paragraphs 2 through 5.) The Murphy gauging station is located at latitude 43° 17' 31", Longitude 116° 25' 12", in T01S, R01W, S35, NWNESE, Boise Meridian, Ada County Hydrologic Unit 17050103, on the right bank 4.2 miles downstream from Swan Falls Power plant, 7.5 miles NE of Murphy, at river mile 453.5.

2. Right Nos. 02-0100, 02-2001A, 02-2001B, 02-2032, 02-2036, 02-2056, 02-2057, 02-2059, 02-2060, 02-2064, 02-2065, 02-4000, 02-4001, 02-10135, 36-2013, 36-2018, 36-2026, 37-2128, 37-2471, 37-2472, 37-20709, and 37-20710, when used in combination in amounts specified above shall be subordinate to subsequent beneficial upstream uses upon approval of such uses by the Idaho Department of Water Resources in accordance with State law unless the depletion violates the flows set forth in paragraph 1. Average daily flow, as used herein, shall be based upon actual flow conditions; thus, any fluctuations resulting from the operation of Company facilities shall not be considered in the calculation of the minimum daily stream flows set forth herein.

3. The rights listed in paragraphs 1 and 2 above are subordinate to the water rights of those persons dismissed from Idaho Power Co. v State of Idaho, Case No. 81375 (Fourth Judicial Dist. Feb. 16, 1990) pursuant to the contract executed between the State and Company implementing the terms of I.C. §§ 61-539 and 61-540.

4. The rights listed in paragraphs 1 and 2 above are subordinate to those water rights with a priority date prior to October 1, 1984.

5. The portion of Right Nos. 02-0100, 02-2001A, 02-2001B, 02-2032, 02-2036, 02-2056, 02-2057, 02-2059, 02-2060, 02-2064, 02-2065, 02-4000, 02-4001, 02-10135, 36-2013, 36-2018, 36-2026, 37-2128, 37-2471, 37-2472, 37-20709, and 37-20710, in excess of the amounts set forth in paragraph 1 are held in trust by the state of Idaho, by and through the governor, for the use and benefit of the users of water for power purposes and of the people of the state of Idaho as provided for in the contract entered into by the governor and the Idaho Power Company on October 25, 1985 and ratified by the Idaho Legislature by Idaho Code § 42-203B(5).

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 - Beneficial Use

BLISS POWER PLANT

R

Bliss Power Plant Idaho Power Claims

2-2064	9/4/47	12,000	- license
2-2065	12/11/47	3,000	- license
2-10135	9/4/47	3,500	- claim
	priority	Q	

2-2064 - permit 20223 ← Application received 9/4/1947 - 12/11/1947 → 2-2065 - permit 20262
Proof of Completion of Works 5/8/1950 - 5/8/1950
Certificate of Completion of Works 9/29/1950 - 9/29/1950

Deposition, Myron Swendsen (5/15/1950) - witness - BU
"At least 16,000 cfs; on May 12, 1950" (estimate)

"Plant records inspected show actual use of 16,000 cfs."

"On May 12, 1950 I witnessed beneficial use of 16,100 cfs of water, producing 82,800 kw of electric power."

Deposition, B. C. Russell (5/8/1950) - Holder - works

"full use of all 3 generators of Bliss power plant first made on March 9, 1950. An excess of 16,000 cfs has been turned into works and used, producing 89,000 kw of power."

Deposition, B. C. Russell (5/8/1950) - BU

"No other water right for Bliss power plant, except use right dating from March 9, 1950, for water used and required for full operation over and above 15,000 cfs covered by permits 20223 and 20262. Additional water required and actually used, in excess of 1,000 cfs."

PERMIT NO.s 20223 and 20262

Proof of Completion of Works

DEPOSITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. B C Russell, General Superintendent, Idaho Power Company

1220 Idaho Street, Boise, Idaho.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. Idaho Power Company, 1220 Idaho Street, Boise, Idaho. Affiant is General Superintendent and a Director of said Company.

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. 15,000 cfs; 12,000 cfs under Permit No 20223, issued December 3, 1947, and 3,000 cfs under Permit No 20262, issued January 29, 1948; waters of Snake River, in Lots 5 and 10, Sec 7, T 6 S, R 12 E, B M.

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. Electric power generation.

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. Yes; full use of all 3 generators of Bliss power plant first made on March 9, 1950. In excess of 16,000 cfs has been turned into works and used, producing 80,000 kw of power.

Ques. 6. State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans. Yes.

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans. Not applicable.

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. Concrete dam, 141 feet high (from bottom of canyon crevice); length at top, 604 feet; length at bottom, approximately 350 feet. Concrete power plant in dam; steel floodgates will handle 95,000 cfs. Three turbo-generator units, 25,000 kw rated capacity each. Actual total generating capacity: 80,000 kw at approximately 70' head. Total cost of works: \$ 12,395,500. (Sign here.) B. C. Russell

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, in Boise,

County of Ada, State of Idaho, on this 8th day of May, A. D. 1950.

Notary Public.

My Commission expires

20223

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO.s 20223 and 20262

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Myron Swendsen, 58, Civil Engineer.

410 South Capital Boulevard, Boise, Idaho.

Ques. 2. Are you acquainted with Idaho Power Company, the holder of Permit No.s 20223 and 20262? How long have you known him and where does he reside?

Ans. Yes, more than 25 years.

Ques. 3. Have you read or heard read said Permit No.s 20223 and 20262, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Snake River at Idaho Power Company Bliss dam and power plant in Lots 5 and 10, Section 7, Township 6 South, Range 12 East, B M. Works consist of concrete dam and power house across river; spillway has five tainter gates with approximately 95,000 cfs capacity.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. At least 16,000 cfs; on May 12, 1950. Plant records inspected show actual use of 16,000 cfs.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water is used for generation of electric power at Idaho Power Company Bliss power plant.

20223

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. Power plant consists of 3 vertical turbo-generator units of 25,000 kw rated capacity each, with total actual capacity of 80,000 kw. Water is stored in reservoir during light load periods, and released at full plant capacity as needed in system peak load periods. Maximum reservoir fluctuation about 5 feet; minimum release, approximately 2,500 cfs.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Not applicable.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. On May 12, 1950, I witnessed beneficial use of 16,100 cfs of water, producing 82,800 kw of electric power at Bliss plant.

(Signed)

Myron Sundheim
C2 Dec 153

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Boise, County of Ada, State of Idaho, on this 15th day of May, A. D. 1950.

My commission expires

JH Petersen
Notary Public residing at Boise, Idaho
My commission expires July 26, 1952.

Notary Public.

20223

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit Nos. 20223 and 20262

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. B. C. Russell, General Superintendent, Idaho Power Company
1220 Idaho Street, Boise, Idaho.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Idaho Power Company, 1220 Idaho St. Boise, Idaho. Affiant is General Superintendent and a Director of said Company.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. No 20223, dated December 3, 1947; priority September 4, 1947.
No 20262, dated January 29, 1948; priority December 11, 1947.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Snake River - in Lots 5 and 10, Sec 7, T 6 S, R 12 E, B M, approximately N 11° 14' W
4,646 feet from East quarter corner of Sec. 18, above Township and Range, B M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Concrete dam and power plant across Snake River, with 5 tainter gates to discharge
95,000 cfs, 3 - vertical units, 25,000 kw rated capacity each, capable of utilizing
16,000 cfs and producing 80,000 kw. Reservoir to be fluctuated up to approximately
5 feet in top elevation daily, for regulation of power production in accordance with
load requirements.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water is used for generation of electrical energy for distribution for light,
heat, power and other public utility purposes throughout southern Idaho, eastern
Oregon, and northern Nevada. Place of use: Bliss power plant.

Ques. 7. If for other than for irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. Hydroelectric power generation. Have generated 107,200 electrical horsepower
(80,000 kilowatts) at the Bliss power plant.

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. 16,000 cubic feet per second

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. Not applicable

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Since March 9, 1950, date of first operation of third generating unit at Bliss power plant. Water has been used up to 16,000 cfs with an output of 80,000 kw. Elevation of reservoir is fluctuated approximately 5 feet daily, water being stored during light load hours for release during system peak load hours and as needed to meet system load requirements. Minimum release during storage hours, approximately 2,500 cfs.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. No other water right for Bliss power plant, except use right dating from March 9, 1950, for water used and required for full operation, over and above the 15,000 cfs covered by Permits 20223 and 20262. Additional water required and actually used, in excess of 1,000 cfs.

(Sign)

B. C. Russell

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Boise, County of Ada, State of Idaho, on this 8th day of May, A. D. 1950.

J. H. Peterson

Notary Public,

Residing at Boise, Idaho.

(NOTARIAL SEAL)

My commission expires July 20, 1953.

20223

IDAHO POWER COMPANY
BOISE, IDAHO

20262

May 15, 1950

Department of Reclamation
State Capitol Building
Boise, Idaho

Attention Mr Mark R Kulp

Dear Mr Kulp:

Pursuant to notice by publication heretofore given, concerning which it is my understanding that you already have on file the affidavits of publication of said notice in the Mountain Home News, in Elmore County, and also in The Gooding Leader, in Gooding County, proof of completion of works and of application of water to beneficial use, under Permits Nos 20223 and 20262 (Bliss power plant), has now been made, and I am transmitting the same herewith in the form of affidavits of holder and of two independent witnesses, all three being registered engineers, with respect to both the proof of completion of works and use.

As the record will show, the two permits referred to above are for 12,000 and 3,000 cfs of the waters of Snake River. You will note that the enclosed proof of application of water to beneficial use shows the utilization of 16,100 cfs of water through the plant on May 12, 1950, the day upon which the inspection of the plant was made by the two independent engineers, for the actual generation of power in the amount of 82,800 kilowatts. While licenses obtained under the above permits cannot exceed the amount of water filed on, namely, 15,000 cfs, the filing of the Swendsen and Senger affidavits in your office will constitute a record of a use right for the additional 1,100 cfs of water involved and the actual application to beneficial use of 16,100 cfs of the waters of Snake River at and through the Bliss plant on said date.

I believe that this completes the proceedings prerequisite to the obtaining of licenses with respect to the above-numbered permits, but if there is anything further which you require, please advise.

Very truly yours,

(Sgd.) A. C. Inman

A C Inman
Secretary

ACI:mb
Encl
cc: T E Roach/B C Russell/Central Files

Proofs filed with 20223

20262

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: A02-10135
Date Received: 10/23/1996
Receipt No: S019633
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: IDAHO POWER COMANY 208-383-2300
Address: PO BOX 70
BOISE ID 83702

2. Date of Priority: SEP 4, 1947

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	12E	7	SE	SE	SE	10	ELMORE

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
POWER	01/01	12/31	3500.000		

7. Total Quantity Appropriated is:
3500.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
POWER

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	12E	7	SE	SE	10	POWER	

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:
02-02064, 02-02065

14. Remarks:

ID POWER HAS FILED THE ABOVE-REFERENCED ADJ CLAIMS FOR THE BLISS DAM POWER PLANT. THE COMPANY IS IN THE PROCESS OF REVIEWING IDWR AND COMPANY RECORDS TO DETERMINE WHETHER, IN LIGHT OF RECENT DECISIONS IN THE SRBA COURT, THE FILING OF ADDITIONAL CLAIMS OR AMENDMENT OF THE ABOVE-LISTED CLAIMS MAY BE NECESSARY TO PROTECT THE COMPANY'S WATER RIGHTS AT THE BLISS DAM POWER PLANT.

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

~~A01-10385~~ A02-10135

Date Received

Receipt Number

5019633 A02

RECEIVED

OCT 23 1996

NOTICE OF CLAIM

TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW

Department of Water Resources

Southern Region

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 837022. Date of Priority (Only one (1) per claim) 9-4-19473. Source of water supply (a) SNAKE RIVER
which is tributary to (b) COLUMBIA RIVER4. a. Location of existing point of diversion is: Township 6S Range 12E Section 7,
1/4 of SE 1/4 of SE 1/4, Govt. Lot, 10 B.M., County of Elmore

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. Bliss Dam

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Power purposes from 1/1 to 12/31 amount 3,500 or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3,500 (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.) Power

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	

Total number of acres irrigated N/A

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

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.
02-02064; 02-02065 or None ()

14. Remarks: Idaho Power Company has filed the above-referenced adjudication claims for the Bliss Dam power plant. The Company is in the process of reviewing IDWR and Company records to determine whether, in light of recent decisions in the SRBA Court, the filing of additional claims or amendment of the above-listed claims may be necessary to protect the Company's water rights at the Bliss Dam power plant.

Last Name Idaho Power Company Ident No. _____

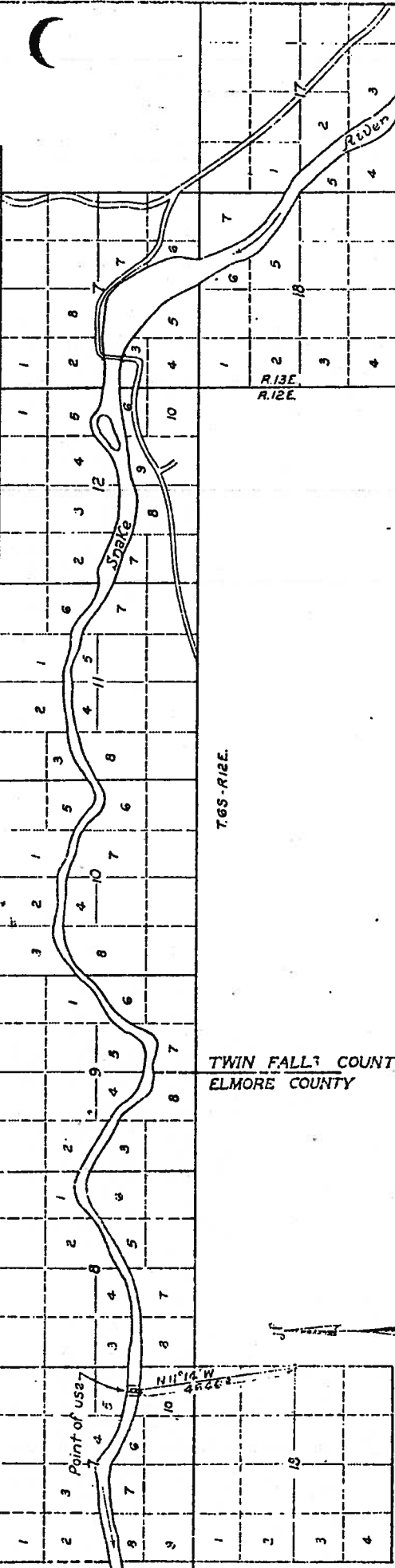
Copies: White -State, Yellow-Claimant

(SEE ATTACHED)

[illegible]

GOODING COUNTY

BLISS



TWIN FALLS COUNTY
ELMORE COUNTY

T.6S. R.12E.

R.13E.
R.12E.

I, B.C. RUSSELL, OF BOISE, IDAHO, AN ENGINEER LICENSED BY THE
STATE OF IDAHO, DO HEREBY CERTIFY THAT THIS MAP WAS MADE
FROM AN ACTUAL SURVEY MADE UNDER MY DIRECTION AND
CORRECTLY SHOWS THE POSITION OF WORKS THEREON.



B.C. Russell
ENGINEER

Survey No. 20282

APPROVED
AUG 14 1948
B.C. RUSSELL

MAP TO ACCOMPANY APPLICATION
FOR WATER PERMIT
UNDER SECT. 41-202, IDAHO CODE-ANNO -1932
BLISS PROJECT
IDAHO POWER COMPANY
BOISE IDAHO
SCALE: 2 IN = 1 MILE
AUG - 1947

B-7049

15. Basis of Claim (check one) Beneficial Use X 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 _____ Attorney _____
Title _____
of _____ Idaho Power Company _____, that I have signed the foregoing
Organization _____
document in the space below as _____ Attorney _____ of _____ Idaho Power Company _____
Title _____ Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Attorney, Idaho Power Company _____ Date 10-18-96

State of Idaho/or _____)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 18th day of October 19 96

SEAL

Notary Public Sharon Hart Strickland

Residing at Hooding

My Commission Expires 12-17-97

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 James C. Tucker

Address P.O. Box 1906, Twin Falls, ID 83303-1906

Date 10-18-96

Last Name Idaho Power Company Ident. Number _____

Copies White-State, Yellow-Claimant

LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

Idaho Power Company, an Idaho corporation, hereby nominates and appoints James C. Tucker of the law firm of Rosholt, Robertson & Tucker, with offices in Boise, Idaho, and Twin Falls, Idaho, as attorney-in-fact with full authority to act for and on behalf of Idaho Power Company, to authorize, prepare, and/or sign any and all documents, claim forms, amendments, or any other document or instrument required or necessary to protect the interest of Idaho Power Company related to its water rights, including, but not limited to, any and all documents necessary to be filed in the Snake River Basin Adjudication.

Idaho Power Company's agent is hereby authorized to sign, seal, and deliver, as its act and deed, those said instruments of writing that may be necessary or proper to carry into execution and effect all claims relating to Idaho Power Company's water rights as above-mentioned. Further, Idaho Power Company hereby declares that each and every agreement, receipt, or payment which shall be by its said agent given, made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had been signed, sealed, and delivered by Idaho Power Company in its own proper representative; and Idaho Power Company hereby undertakes at all times to ratify whatsoever its said agent shall lawfully do or cause to be done in or concerning the said premises by virtue of these presents.

IN WITNESS WHEREOF, Idaho Power Company has hereunto executed this Limited Power of Attorney this 14th day of August, 1992.

IDAHO POWER COMPANY

By: [Signature]

ATTEST:

By: [Signature]

Secretary

STATE OF IDAHO)
) ss.
County of Ada)

On this 14th day of August, 1992, before me, a Notary Public, in and for said County and State, personally appeared J. LaMont Keon and Robert W. Stahman, known or identified to me to be the Vice-President and Secretary, respectively, of the Idaho Power Company, the corporation that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Sally A. Chambers
NOTARY PUBLIC FOR IDAHO
Residing at: Boise
My commission expires: 12.31.92

LIMITED POWER OF ATTORNEY

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IDAHO POWER COMPANY

By: [Signature]

ATTEST:

By:

[Signature]
Secretary

RECEIVED

OCT 23 1996

Department of Water Resources
Boise, Idaho

STATE OF IDAHO)

) SS.

County of Ada

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Sally A. Chambers

NOTARY / PUBLIC FOR IDAHO

Residing at: Boise

My commission expires: 12.31.92

ROSHOLT, ROBERTSON & TUCKER

**Chartered
ATTORNEYS AT LAW**

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
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1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

October 23, 1996

Idaho Department of Water Resources
1301 North Orchard
Statehouse Mail
Boise, ID 83720

HAND DELIVERED TO SOUTHERN REGION
IDAHO DEPARTMENT OF WATER RESOURCES
TWIN FALLS, IDAHO

ATTN: Karl Dreher, Director
Dave Tuthill, Adjudication Bureau Chief

Gentlemen:

Please find enclosed the following water right application and adjudication claims which we have presented for filing on this date on behalf of the Idaho Power Company:

- 01-07128 1) Application for Permit - 7,850 cfs for power purposes @ American Falls;
- A01-02017 2) Notice of Claim - 1,400 cfs for power purposes @ American Falls;
- A01-10382 3) Notice of Claim - 6,000 cfs for power purposes @ American Falls;
- A01-10383 4) Notice of Claim - 2,000 cfs for power purposes @ American Falls;
- A01-10384 5) Notice of Claim - 136 cfs for power purposes @ American Falls; and
- A02-10135 6) Notice of Claim - 3,500 cfs for power purposes @ Bliss power plant.

These filings are being made to supplement previous filings by the Company based upon the results of hydraulic capacity tests completed by the Company at various power facilities. These capacity tests were initiated in an effort to verify the previous SRBA claims filed by the Company. Tests at all of the Company's facilities have not been completed and further amended or supplementary filings may be forthcoming.

OCT 23 1996

IDAHO DEPARTMENT OF WATER RESOURCES
TWIN FALLS, IDAHO

The filings at American Falls are further complicated, and in many respects necessitated, by the history of the development of the American Falls Reservoir and the adjudication filings for that facility made by the United States. Our review of pertinent records indicates that prior to the construction of the first American Falls Dam in 1927, the Company owned and operated three small power plants at American Falls, the West Side, Island, and East Side Plants. The diversion structure at the East Side Plant was capable of diverting 6,000 cfs in 1920. Permit No. 4168 was licensed in 1920 for 1,400 cfs, and Permit No. 14067 in 1924 for 4,600 cfs to make up the difference. In 1921, the Company filed an application to appropriate an additional 1,200 cfs for power purposes (Permit No. 15201/01-2041), along with an application for a permit to store 300,000 AF of water at the American Falls site. (Permit No. R-273/01-2065.) In each case, permits were subsequently issued to the Company.

About that same time, the Bureau of Reclamation became interested in the American Falls area as a reservoir site for the Minidoka Project. On June 15, 1923, the United States and the Company entered into a contract by which the United States acquired a portion of the Company's land and the water rights for the development of the American Falls site (The actual deed is dated April 13, 1926). This included the West Side and Island power plants. The Company retained the East Side Plant. The 1923 contract provided, among other things, that the Company was to acquire 45,000 AF of primary storage and 255,000 AF of "secondary storage" along with the right to use the water discharged from the dam for power production in the East Side Plant. The East Side power plant was not connected to the dam, so it made no use of the extra head created by the impoundment.

With the construction of the American Falls Dam in 1927, the capacity at the East Side Plant was increased to 9,000 cfs, and the corresponding the water rights consisted of the following:

1. 253 cfs With a priority date of July 15, 1901, transferred from the West Side Plant to the East Side Plant on June 17, 1929, by transfer No. 464;
2. 611 cfs With a priority date of August 1, 1901, transferred from the Island Plant to the East Side Plant on May 4, 1929, by transfer No. 463;
3. 1,400 cfs Permit No. 4168, with a priority date of September 3, 1908, licensed in 1920 to American Falls Power Company, No. 01-02017;

4.	4,600 cfs	Permit No. 14067, with a priority dated of March 8, 1919, licensed in 1924, No. 01-02032;
5.	2,000 cfs	Permit No. 16635, with a priority dated of October 15, 1926, licensed in 1971, No. 01-02046;
	8,864 cfs	TOTAL

The Company has previously filed adjudication claims on two of the licensed rights, Nos. 4 and 5 above (Water Right Nos. 01-02032 and 01-02046). Adjudication claims for Nos. 1 and 2 (the 1901 rights), No. 3 (No. 01-02017) along with a beneficial use claim for the 136 cfs necessary to bring the total water rights at the facility to 9,000 cfs are part of the current filing.¹

Permit Nos. 01-2041 and 01-2065, the permits issued to the Company for the 1200 cfs flow right and 300,000 AF storage right, respectively, were never licensed. In 1971, the Department of Water Administration (DWA) gave to the Company notice of its intention to cancel each of those permits for non-development. The Company opposed the cancellation based on provisions in the 1923 Contract, contending that the Company reserved its water rights at the American Falls site. The 1923 Contract, immediately following the provision transferring the Company's water rights to the U.S., provided:

But it is expressly agreed and understood that the water rights and rights to the use of water which it is herein agreed that the Company shall have are reserved out of its existing appropriations and rights as independent rights under its own filings and appropriations and of the dates of priority to which the Company is entitled under such appropriations and are not to be considered as mere contract rights under contract with the United States. (1923 Contract, para 9(d), at p. 11)

Despite that language, the DWA decided that both permits should be canceled. In his written decision, the then director, R. Keith Higginson, stated:

After reviewing the files of the Department and the answer of the Idaho Power Company, the Director finds that the rights established by the Idaho Power Company, by reason of Permit Nos. 01-2041 and 01-2065, have been merged with rights granted the United States of America and that by

¹ You will note that the filings for the rights listed as Nos. 1 & 2 claim are for 6,000 cfs and 2,000 cfs, respectively. Although the Company only transferred the amounts listed above (253 and 611 cfs) to the East Side Plant, the balance of each right is included in the respective claim based on Judge Hurlbutt's recent decision in Basin-Wide # 10.

reason of contracts and agreements entered into between the Company and the United States of America, Bureau of Reclamation, *those rights are held in trust for use by the Company under the water rights of the United States at American Falls Reservoir.*

The Director further finds that since *the Company's rights to water at American Falls Dam and Reservoir are already covered by reason of licenses issued to the United States of America, under Permit Nos. R-269 and 4168² and contracts between the Company and the United States of America*, that Permit Nos. 01-2041 and 01-2065 are duplicate and should be canceled. The Company has failed to submit proof that it has constructed the necessary works to divert the water and apply it to beneficial use. (emphasis added)

In 1972, storage behind the American Falls Dam was restricted for safety reasons. This led to a non-governmental replacement program whereby the Company guaranteed bonds issued by the American Falls Reservoir District (AFRD) for reconstruction of the Dam in exchange for the right to connect its power plant directly to the Dam and use the water released from the Dam to generate power. On March 31, 1976 a contract (the "Government Contract") was entered into between AFRD and the United States. In that contract the United States acknowledged the existence of a "falling water contract" between AFRD and the Company and agreed that the Company could use the water released from the Dam, subject to the other provisions of the contract, for power generation purposes. (Government Contract, Art 18, p. 6) The Government Contract, and the use of the falling water, was authorized by the American Falls Enabling Act of December 28, 1973 (P.L. 93-206, 87 Stat. 904). Pursuant to the Government Contract and the Act, the AFRD, as the constructing agency, and the Company entered into a Falling Water Contract which authorized the Company to utilize the water discharged from the Dam in accordance with the Government Contract. (Falling Water Contract, Sec. 3.1, p. 13.) Also on March 31, 1976, the United States, AFRD and the Company entered into a Placeholder Contract which provided:

Nothing herein shall in any way alter or change the present proportion of the storage rights of the spaceholder, and this Placeholder Contract and the American Falls Replacement Dam Program constitute a reaffirmation by the United States of the rights of the spaceholder under the Existing Placeholder Contract, except as modified by this Placeholder Contract as authorized in the Act of December 28, 1973, and the Government Contract. The provisions of

². Permit No. 4168 for 1400 cfs was licensed to American Falls Power Company in 1920 and is one of the SRBA claims being contemporaneously filed by the Company. R-269 is current license #01-02064, held by the U.S., for 1.8 MAF of storage for irrigation and power purposes. The U.S. has filed an adjudication claim for this water right but did not include power as a purpose of use. See SRBA clm. # A01-02064.

the Existing Spaceholder Contract shall in all respects remain in full force and effect except that the provisions of this Spaceholder Contract with respect to the Replacement Dam, including but not limited to the operation and maintenance thereof and the distribution of water therefrom, shall prevail over the provisions of the Existing Spaceholder Contract wherever and to whatever extent the provisions of the Existing Spaceholder Contract are in conflict with the provisions of this Spaceholder Contract. (Spaceholder Contract, sec., 19, p. 6) [the 1923 Contract is identified as the "Existing Spaceholder Contract" in Part 1, sec. 18]

The spaceholder acknowledges that the water storage rights evidenced by permits, licenses and court decrees for the Existing Dam are held in the name of the United States and by this Spaceholder Contract the water rights are reaffirmed and neither the United States, the Constructing Agency, nor the spaceholders are required to make additional filings for the Replacement Dam. (Spaceholder Contract, sec. 49, p. 23)

Despite the decision by the DWA in 1971 that the "Company's rights to water at American Falls Dam and Reservoir are already covered by reason of licenses issued to the United States of America . . .", questions remain as to whether additional SRBA filings by the Company are necessary to protect the Company's power rights at American Falls. Notwithstanding the 1971 decision, the contracts entered into in conjunction with the 1976 Dam Replacement Project reaffirmed the 1923 Contract and granted the Company the right to use water released from the Replacement Dam for purposes of power generation. While our review indicates that the United States holds various water rights at American Falls, only two have stated uses which include power generation. These are Water Rights Nos. 01-02064 (previously Permit No. R-269) and Water Right No. 01-04052, for a 1.8 MAF and 115,000 AF, respectively. Interestingly, the adjudication claim filed by the United States on the oldest power right, A01-02064, does not include power as a stated use. The later priority right, No. A01-04052, for 115,000 AF, does include power and contains the following under the remarks section: "Water furnished to private company for power generation." The amount of storage claimed under this right is significantly less than the 300,000 AF (45,000 primary and 255,000 secondary) of storage rights held by the Company under contract. Additionally, the U.S. has not claimed any flow rights for power purposes.

All of this further confuses and complicates the filings concerning American Falls. We are hopeful that with filing of the referenced claims that these issues can be addressed and resolved in the appropriate forum.

Finally, we are also enclosing the necessary fees for the referenced filings. The Company has previously paid the variable water use fees pursuant to I.C. § 42-1414(1)(b)(ii) and, as such, the enclosed fees for the adjudication claims are remitted under subsection

(1)(a) of that section. The filing fees for the water right application for American Falls are being conditionally paid. If it is determined that the water that is the subject of that application is not required, either based on the enclosed adjudication claims or the contract rights held by the Company, we would expect a remittance of the enclosed fees. In that regard, perhaps it would be appropriate to delay the processing of that application until the issues raised by the adjudication claims filed by both the Company and the U.S. at American Falls are resolved.

We will happy to discuss issues relating to any of the enclosed filings with you at your convenience.

Very truly yours,

A handwritten signature in black ink, appearing to read "James C. Tucker", with a stylized flourish at the end.

JAMES C. TUCKER

Encls.

jct.96\idwrltr.amf

11/09/2005

RECEIVED
DEC 02 2005
DEPARTMENT OF
WATER RESOURCES

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: December 2, 2005

Water right number: 2-10135

IDAHO POWER CO

PO BOX 70

BOISE ID 83707

Telephone Number: (208) 388-2781

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

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

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

3. Give a brief explanation as to why you disagree with these portions:
Claimant will provide evidence to support the claimed quantity and priority date. Paragraphs 1-5 references are inconsistent with the Swan Falls Agreement, and were the subject of discussion at a meeting between Idaho Power Company and IDWR regarding Malad power rights. Should IDWR desire further discussion, please contact counsel for IPC.*
I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12/1/2005

SIGNATURE:

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

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

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

SCANNED

DEC 5 2005