

11/13/2006

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

RIGHT NUMBER: 1-281

NAME AND ADDRESS: CITY OF IDAHO FALLS
C/O HOLDEN KIDWELL HAHN CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1,500.000 CFS

PRIORITY DATE: 12/29/1905

The appropriator shall exercise this right in a manner that recognizes the historic practice that the use of water for power generation is incidental to the rights of others to the use of water for other purposes. The appropriator shall not make a delivery call for hydropower generation except as against junior hydropower rights.

POINT OF DIVERSION:

T02N R37E S25 SWSW Within BONNEVILLE County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

POWER

1/01 12/31

1,500.000 CFS

PLACE OF USE:

POWER in BONNEVILLE County

T02N R37E S25

SWSW

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 - Decreed

This power facility is known locally as the "Lower" Plant.

4 to 10, block 4 of the Bartlett's Addition to South St. Anthony, Idaho; lots 1 to 16 of block 37 of the Townsite of South St. Anthony, Idaho.

North Fork Reservoir Company.

To the North Fork Reservoir Company of the waters of Henry's Lake and its tributaries to the amount of 79,350 acre-feet per annum for storage, and of the waters of Dry Creek to the amount of 4,000 acre-feet per annum for storage, all to be stored in its reservoir at Henry's Lake, Idaho, with a priority date of May 15th, 1917.

Land: Lands lying in Township six, seven and eight, North of Ranges

William B. Reyburn, Aug. 27, 1910, 3.2 sec. feet.

William B. Reyburn, Oct. 5, 1912, 1.5 sec. feet.

William Kooch, Sept. 15, 1913, 5.0 sec. feet.

Fannie B. Preufert, Sept. 30, 1916, 1.1 sec. feet.

Snake River and its tributaries for power purposes.

Utah Power and Light Company.

North Fork Reservoir Co. Point of Diversion: A point in lot six of section 20, Township 16 North, Range 43 E. B. M., that bears South 38° 33' W. 2775 feet from the quarter corner common to Sections twenty-three and twenty-six above Township and Range, in the outlet of Henry's Lake; the lands to be irrigated are more particularly designated as being the identical lands which are now being irrigated by the following named canals which are stockholders in the North Fork Reservoir Company, to-wit: St. Anthony Union Canal Company, Salem Union Canal Company, Independent Canal Company, Last Chance Canal Company, Consolidated Farmers Canal Company, and the Tgin Irrigating Company, and being the same land to which water was decreed by and has since been used upon, under the terms of the decree referred to herein as the Rexburg decree.

Further ordered, adjudged and decreed that there be and there is hereby awarded to the defendant and cross complainant, Utah Power and Light Company, the right to use the waters of Snake River and its tributaries for power purposes at the respective places and in the respective quantities with respective dates of priorities as follows, to-wit:

1,000 cubic feet per second, priority date July 16, 1912, under State of Idaho license No. 9242, at its Ashton plant located in Section 28, Township 6 North, Range 42 East Boise Base and Meridian.

600 cubic feet per second, with priority date November 1st, 1915, under State of Idaho license No. 11921, at its Ashton plant hereinbefore described.

1,000 cubic feet per second, with priority date March 7th, 1924, under State of Idaho license No. 16006, at its Ashton plant hereinbefore described.

700 cubic feet per second, with priority date December 20th, 1913, under State of Idaho license No. 10009, for use at its St. Anthony power plant located in Section 1, Township 7 North, Range 40 East Boise Base and Meridian.

1,500 cubic feet per second, with priority date of December 20th, 1913, under State of Idaho license No. 445, for use at its Idaho Falls plant, located in Section 26, Township 2 North, Range 37 East Boise Base and Meridian. (Lower Plant)

100 cubic feet per second, with priority date of September 7th, 1915, under State of Idaho license No. 11600 for use at its Shelley power plant located in Section 34, Township 2 North, Range 37 East Boise Base and Meridian.

1,500 cubic feet per second, with priority date November 14th, 1924, under that certain appropriation made November 14th, 1924, and under the water permit and license to be issued thereunder of the State of Idaho

26 never issued - Am

designated by application N 1925, by the center of which corner on the Range 37 East plant, and re south 55° 31' boundary line and Meridian.

All of the terms of

To the and his successor herebefore or contracts with United States Reservoir under date of deed to the sors in office to be one mile for storage second-foot graph two of priority of M decreed in the

Further parties who interest in and in that us to the da and binding same extent been included Decree had parties to all of the said parties.

Further hereby awarded and of the a priority of the defendant cubic feet p Milner Dam the waters of Side Canal gated by the

Further several parties which is hereby affirmed by hereby made by declared therein dec under the

1 272
21-0160

21-0161
21-0162
21-0163
21-0164

1 277-

1 278

1 279

1 280

1 281

1 282

1 283

(Gom Plant)

MICROFILMED

MAY 13 1996

City of Idaho Falls
Claim no. A01-40, et al
(Power Production)

Claimant Contact Log

Date	Remarks	Agent initials
7-26-2004		Wup

I met with Steve Elliot of the City of Idaho Falls who works for the Electric Division. We visited 3 power plant sites that are particular to 16 Adjudication claims. The sites are the "UPPER Plant" north of Idaho Falls, The "City plant" which is located in town south of the Broadway bridge & the "Lower plant" just west of the intersection of Sunnyside Rd & South Yellowstone Highway. (Steve Elliot phone - 509-1449, cell 390-8764)

The Gem State Hydroplant was not included as it appears to be a post-1987 project.

1/ Upper Plant - GPS data: 2657508 1374064
GPS File# - UPPER
GPSTag# - A0000226

2/ City Plant - GPS data: 2658126 1367255
GPS File# - CITY
GPSTag# - A0000227

3/ Lower Plant - GPS data: 2656791 1364684
GPS File# - LOWER
GPSTag# - A0000228

"Lower Plant photo in file A01-281"

PROFILED
SCANNED

NOV 10 2004



City of Idaho Falls - Lower Power Plant

PROFILED
SCANNED

NOV 10 2004



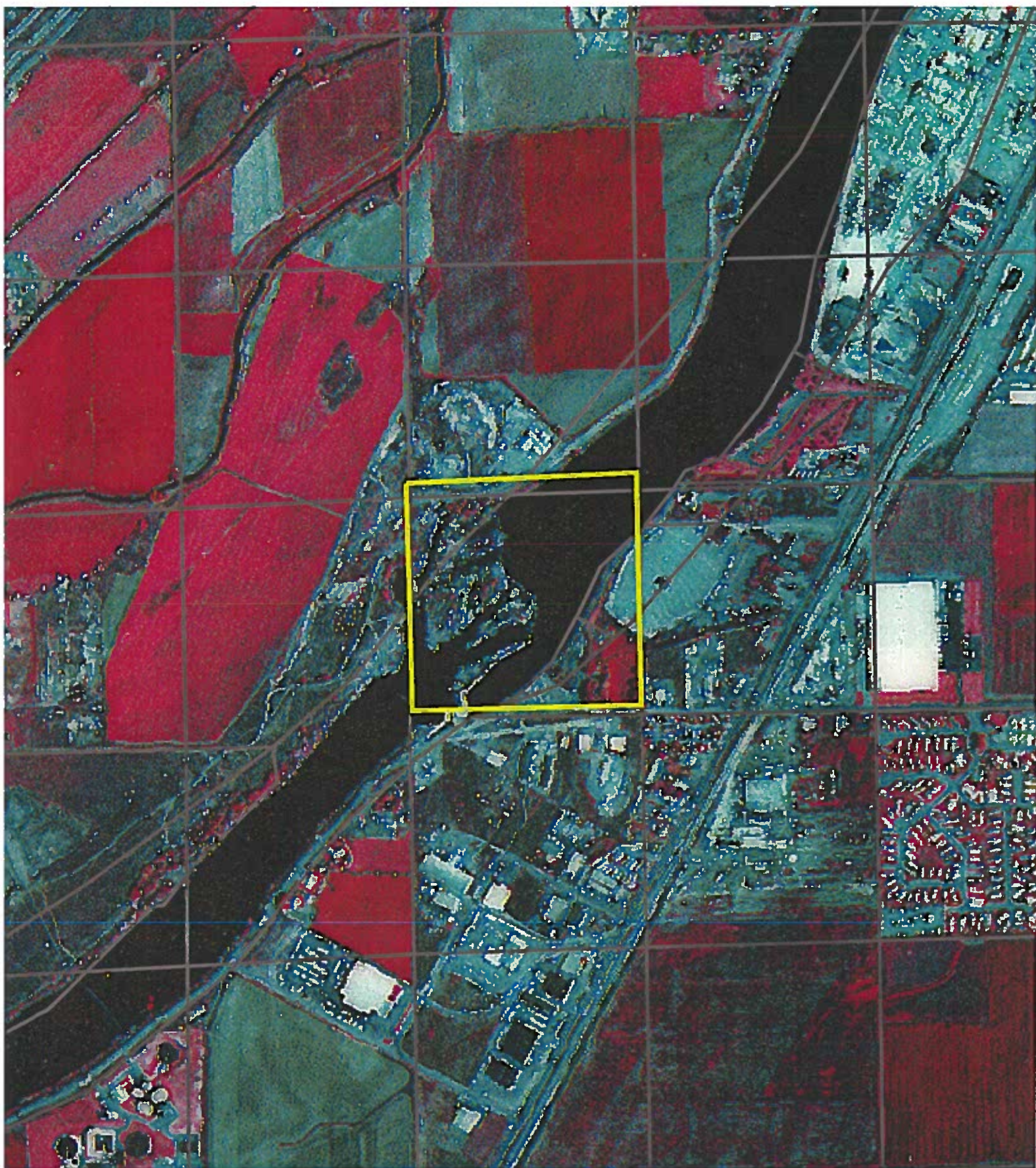
GPS
TAG

City of Idaho Falls - Lower Power Plant

PROFILED
SCANNED

NOV 10 2004

T2N R37E S25



SCANNED

AUG 22 2001

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: A01-00281
Date Received: 9/27/1989
Receipt No: E010375
Received By: Charles E. Sel

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CITY OF IDAHO FALLS 208-523-0620
Address: %HOLDEN, KIDWELL, HAHN & CRAPO
P.O. BOX 50130
IDAHO FALLS, ID 83405

2. Date of Priority: DEC 29, 1905

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
02N	37E	25	SW	SW			BONNEVILLE

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
POWER	01/01	12/31	1500.000		

7. Total Quantity Appropriated is:
1500.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
POWER GENERATION FOR THE CITY OF IDAHO FALLS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	37E	25	SW	SW		POWER	

11. Place of use in counties: BONNEVILLE

A01-00281

Page 1

Date: 09/27/89

MICROFILMED
OCT 19 1992

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

13. Other Water Rights Used:
01-04001, 07014 & 07025

14. Remarks:
ITEM 5--KNOWN AS CITY OF IDAHO FALLS "LOWER" POWER PLANT INCLUDING
DAM AND BULB TURBINE GENERATOR--11,010KW RATING.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

WOODVILLE CANAL
Decree Plaintiff

vs

CLARK AND EDWARDS CANAL ET. AL
Decree Defendant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEMCIVIL CASE NUMBER: 39576
Ident. Number 01-0281
Date Received 6010375
Receipt Number _____

A0100281

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAWRECEIVED
SEP 13 1989Department of Water Resources
Eastern District Office

1. Name of Claimant(s) City of Idaho Falls Phone (208) 523-0620
% Holden, Kidwell, Hahn & Crapo
Mailing Address P.O. Box 50130, Idaho Falls, Idaho Zip 83405
2. Date of Priority (Only (1) per claim) February 29, 1905
3. Source of water supply (a) Snake River
which is tributary to (b) Columbia River
- 4.a. Location of existing
point of diversion is: Township 2N. Range 37E. Section 25 ,
1/4 of SW 1/4 of SW, Govt. Lot, B.M., County of Bonneville
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. _____
City of Idaho Falls "Lower" power plant including dam and bulb
turbine generator--11,010 kw nameplate rating.

MICROFILMED

OCT 19 1992

6. Water is claimed for the following purposes:

(Both dates are inclusive) (cfs) (acre feet)

For Power Generation purposes from 01/01 to 12/31 amount 1500 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1500 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is non-consumptive 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 generation for the City of Idaho Falls.

10. 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 use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

TWP:RNG:SEC:	NE1/4	:	NW1/4	:	SW1/4	:	SE1/4	:TLS
:	:NE 'NW 'SW 'SE	:	:NE 'NW 'SW 'SE	:	:NE 'NW 'SW 'SE	:	:NE 'NW 'SW 'SE	:
2N :37E:25	:	:	:	:	:	:	P	:
:	:	:	:	:	:	:	:	:
:	:	:	:	:	:	:	:	:
:	:	:	:	:	:	:	:	:
:	:	:	:	:	:	:	:	:
:	:	:	:	:	:	:	:	:
:	:	:	:	:	:	:	:	:

Total number of acres irrigated N/A

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

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.

01-4001, 01-7014, and 01-7025. or None ()

14. Remarks:

Last Name City of Idaho Falls Ident No. 01-0281

MICROFILMED

OCT 19 1992

15. Basis of Claim (Check one) Beneficial Use ☐ Posted Notice ☐
Permit ☐ Decree ☒ License ☐

If applicable provide IDWR Water Right Number 01-2081
Court 6th District, Fremont Case Number _____ Decree Date 12/12/1910
Plaintiff vs Defendant Rexburg Irr. Co., et al. v. Teton Irr. Canal Co., et al.

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 1

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 Mayor of City of Idaho Falls, that I have signed the
Title Organization

foregoing document in the space below as Mayor
Title

of City of Idaho Falls and that the statements contained in the
Organization

foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization Mayor, City of Idaho Falls Date 09/12/89

State of Idaho/or _____)
) SS.
County of Bonneville)

Subscribed and sworn (or affirmed) before me this 12th day
of September, 1989.

Notary Public [Signature]
Residing at Idaho Falls, Idaho
My Commission Expires 11/10/92

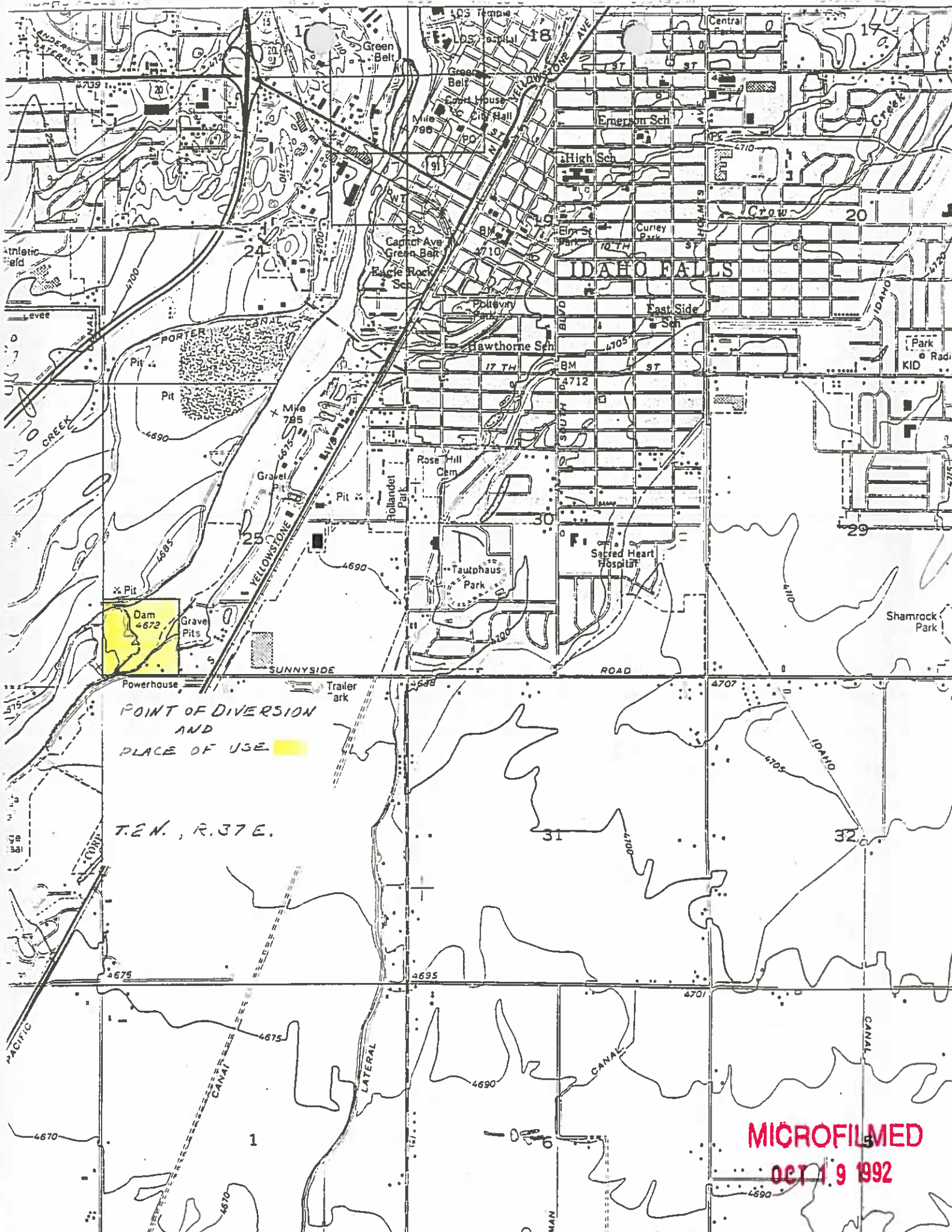
17. Notice of Appearance:

Notice is hereby given that I, Kent W. Foster 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 Robert N. Felt
Address P.O. Box 50130, Idaho Falls, Idaho 83405
Date 09/12/89

MICROFILMED
OCT 19 1992

Last Name City of Idaho Falls Ident. Number 01-2081



MICROFILMED
OCT 19 1992