

11/13/2006

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

RIGHT NUMBER: 1-2049

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: 1,080.000 CFS

PRIORITY DATE: 02/14/1936

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:

T03N R37E S36 NWNE Within BONNEVILLE County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

POWER

01/01 12/31

1,080.000 CFS

PLACE OF USE:

POWER in BONNEVILLE County

T03N R37E S36

NWNE

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

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

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 1-2049

WATER RIGHT NUMBER: 1-2049

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CITY OF IDAHO FALLS PO BOX 50220 ATTN: DAVE RICHARDS IDAHO FALLS, ID 83405-0220 (208)529-1471

Priority Date: 02/14/1936

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
POWER	/ to /	1,080.000 CFS	

Total Diversion: 1,080.000 CFSLocation of Point(s) of Diversion

SNAKE RIVER	L7 (NW1/4NE1/4)	Sec. 36, Twp 03N, Rge 37E, B.M.
BONNEVILLE County		

Place of Use

POWER

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N	37E	36		X															
				L 7															

Conditions of Approval:

1. AMT. OF 1,500 CFS AS STATED IN LIC. REDUCED TO 1,080 CFS.

Remarks:Comments:Dates and Other Information:

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

Claimant Contact Log

Date	Remarks	Agent initials
7-26-2004		Bluf

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 Green State Hydro plant was not included as it appears to be a post-1987 project.

1/ Upper Plant - GPS data: 2657508 GPS Rk# - UPPER
1374064

GPSTag# - A0000226

2/ City Plant - GPS data: 2658126 GPS Rk# - CITY
1367255

GPSTag# - A0000227

3/ Lower Plant - GPS data: 2656791 GPS Rk# - LOWER
1364684

GPSTag# - A0000228

Photos of Upper Plant in File A01-2047

PROFILED

SCANNED

NOV 22 2004



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

SCANNED

AUG 24 2001

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

RECEIVED

MAR 1 - 1990

Department of Water Resources
Eastern District Office

February 22, 1990

Idaho Falls Water Dept.
P. O. Box 220
308 C Street
Idaho Falls, ID 83401

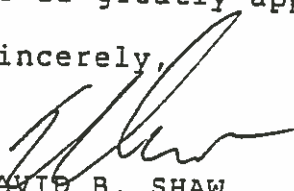
Gentlemen:

Our records show you have filed your adjudication claim(s) in the Snake River Basin Adjudication. Our records do not, however, include a clear map of your service area. Would it be possible for us to get a map of your customer service area for your municipal water system, both to supplement the record of your claim(s) and for use as described below?

In our review and investigation phase of the Snake River Basin Adjudication, the map would be helpful for us to have this information in verifying individual claims to water rights for domestic purposes. We will be happy to discuss with you the most convenient way for you to provide this information to us. I can be reached at 327-7931 or you may contact my assistant, Anita Warntjes at 327-7986.

Your assistance in this matter is greatly appreciated.

Sincerely,


DAVID B. SHAW
Adjudication Bureau Chief

DBS:alw

A01-00001
A25-01598
35-12560
01-00361

02041
02041
04001

A01-00003
04003
01019
01019
01025

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OCT 19 1992

401-02049

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MAY 5 1994

Kent W. Foster of
HOLDEN, KIDWELL, HAHN & CRAPO
P.O. Box 129
Idaho Falls, Idaho 83401
Telephone: 523-0620

Department of Water Resources
Eastern District Office

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

CITY OF IDAHO FALLS,	)	
a municipal corporation,	)	Case No. 27583
	)	
Plaintiff,	)	STIPULATION
	)	
vs.	)	
	)	
RONALD D. CARLSON,	)	
Watermaster, Water District	)	
No. 1, State of Idaho,	)	
	)	
Defendant.	)	

The plaintiff herein, City of Idaho Falls, a municipal corporation, by and through Kent W. Foster, a member of the law firm of Holden, Kidwell, Hahn & Crapo, its attorneys of record, and the defendant, Ronald D. Carlson, Watermaster, Water District No. 1., State of Idaho, by and through Josephine P. Beeman, Deputy Attorney General for the State of Idaho, his attorney of record, hereby stipulate and agree as follows:

I

That upon application of the plaintiff through its attorneys of record, the Court may hear this matter without further notice.

II

That each of the allegations of plaintiff's Complaint on file herein are true and correct, and that the prayer for relief of said Complaint should be granted.

III

That if the licensed water rights described in the attached documents are included in a future adjudication, the rates of diversion will be corrected as follows:

License No.	Rate of Diversion	
	<u>License Shows:</u>	<u>Should be:</u>
01-2014	600 cfs	485 cfs
01-2047	500 cfs	500 cfs (no change)
01-2049	1500 cfs	1080 cfs

SCANNED

AUG 24 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: A01-02049
Date Received: 9/27/1989
Receipt No: E010375
Received By: Cole Sd

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: FEB 14, 1936

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
03N	37E	25	SE	SE			BONNEVILLE
		36	NW	NE			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 GENERALTION FOR CITY OF IDAHO FALLS. RATED AT 8014 KW

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	37E	36	NW	NE		POWER	

A01-02049

Page 1

Date: 09/27/89

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11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:
01-02047, 04003, 07013 & 07023

14. Remarks:
ITEM 5-KNOWN AS CITY OF IDAHO FALLS "UPPER" POWER PLANT
INCLUDING DAMS AND BULB TURBINE GENERATOR--8,010 KW NAMEPLATE
RATING.

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 Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

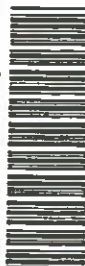
My Commission Expires _____

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 01-2049
Date Received EO10375
Receipt Number

A0102049



NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

SEP 13 1989

Department of Water Resource
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 14, 1936

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 3N. Range 37E. Section 36 ,
1/4 of NW 1/4 of NE, Govt. Lot, B.M., County of Bonneville

Additional points of diversion if any: SE1/4 SE1/4, S.25, T.3N, R.37E

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 "Upper" power plant including dams and bulb turbine generator--8,010 kw nameplate rating.

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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	:
3N :37E:36	: ' P ' ' ' :	:	: ' ' ' ' :	:	: ' ' ' ' :	:	: ' ' ' ' :	:
:	: ' ' ' ' :	:	: ' ' ' ' :	:	: ' ' ' ' :	:	: ' ' ' ' :	:
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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.

01-2047, 01-4003, 01-7013 and 01-7023. or None ()

14. Remarks:

Last Name City of Idaho Falls Ident No. 01-2049

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

If applicable provide IDWR Water Right Number 01-2049
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 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 Thomas Campbell

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

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

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

Notary Public Kent W. Foster
Residing at Idaho Falls, Idaho
My Commission Expires 11/10/92

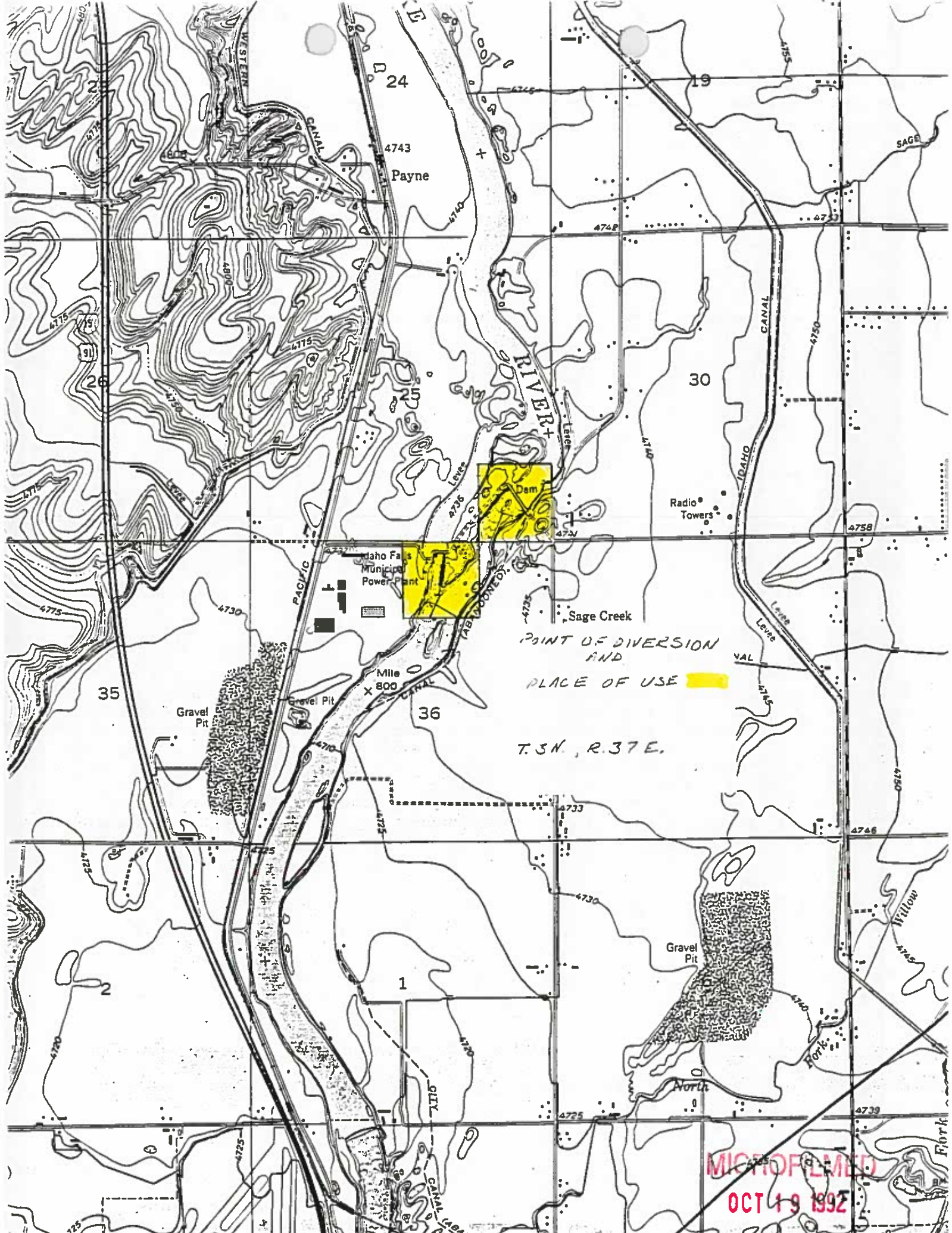
17. Notice of Appearance:

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 Kent W. Foster
Address P.O. Box 50130, Idaho Falls, Idaho 83405
Date 09/12/89

Last Name City of Idaho Falls Ident. Number 01-2049

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IV

That on examination into this matter, the Court may enter its findings of fact and conclusions of law in the form attached hereto.

V

That upon the entry of its findings of fact and conclusions of law herein, the Court may enter its Decree in the form attached hereto.

DATED this 29th day of August, 1980.

HOLDEN, KIDWELL, HAHN & CRAPO
Attorneys for the Plaintiff,
City of Idaho Falls,

By: *Keith W. Foster*

Keith W. Foster
A Member of the Firm

DAVID H. LEROY
Attorney General, State of Idaho

By: *Josephine P. Beeman* 25 August 1980

Josephine P. Beeman
Deputy Attorney General
Department of Water Resources
Attorney for Ronald D. Carlson,
Watermaster, Water District No. 1
State of Idaho

STATE OF IDAHO)
County of Bonneville) ss

I hereby certify that this Instrument is a full, true, and correct copy of the original thereof, on file in my office.

Dated Sept 17, 1980

RONALD LONGMORE
Clerk of the District Court and
Ex-Officio Recorder

By: *Keith Howard*

Deputy