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

67-2-7
By: _____
Deputy

1980
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,

Plaintiff,

vs.

RONALD D. CARLSON,
Watermaster, Water District
No. 1., State of Idaho,

Defendant.

Case No. 27583

DECREE

The above entitled matter having come on regularly to
be heard by the court, and the court having made and entered
its findings of fact and conclusions of law directing that decree
be entered accordingly, and good cause appearing therefore,

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND
DECREEED as follows:

I

That the water rights hereinafter decreed shall be
supplemental to the following list of decrees, each of which,
together with the findings of fact and conclusions of law upon
each of which is based, is binding upon the plaintiff herein:

- A. The Decree entered in the District Court of the
Sixth Judicial District of the State of Idaho,
in and for the County of Fremont, signed by
Judge J.M. Stevens, in the case entitled
Rexburg Irrigation Company, et al, plaintiffs,
vs. Teton Irrigation Company, et al, defendants,
filed December 19, 1910. (known as the "Rexburg
Decree").

- B. The Decree entered in the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Twin Falls, signed by Edward A. Walters, District Judge, in the case entitled Twin Falls Canal Company, plaintiffs, vs. Charles M. Foster, et al, defendant, dated and filed June 20, 1913. (known as the "Foster Decree").
- C. The Decree entered in the District Court of the United States for the District of Idaho, Eastern Division, and signed by Charles C. Cavanah, District Judge, in the case entitled Woodville Canal Company, plaintiff, vs. Clark & Edwards Canal and Irrigating Company, et al, defendants, dated and filed June 25, 1929. (known as the "Woodville Decree").
- D. The Decree entered in the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Fremont, signed by Willard C. Burton, District Judge, in the case entitled Aberdeen-Springfield Canal Company, et al, plaintiffs, vs. Henry Eagle, Watermaster, defendant, dated and filed March 12, 1969. (known as the "Supplemental Decree").

II

That the plaintiff, City of Idaho Falls, a municipal corporation, be, and it is, hereby awarded the following rights to the use of the public waters of the State of Idaho, in accordance with and subject to the provisions of Idaho Code §42-1405.

Said rights are described as follows:

01- 4002 <i>Central</i>	1. Amount: 388 cfs. Priority Date: February 5, 1915 Source: Snake River Nature of Use: Power Production Period of Use: January 1 - December 31 Point of Diversion: Southeast Quarter of the Southeast Quarter of Section 13, Township 2 North, Range 37 E.B.M. Place of Use: Southeast Quarter of the Northeast Quarter, Section 24, Township 2 North, Range 37 E.B.M.
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central

Priority Date: July 18, 1919
Source: Snake River
Nature of Use: Power Production
Period of Use: January 1 - December 31
Point of Diversion: Northeast Quarter of the
Northeast Quarter, Section 24,
Township 2 North, Range 37, E.B.M.
Place of Use: Southeast Quarter of the
Northeast Quarter of Section 24,
Township 2 North, Range 37 E.B.M.

01-0361 3. Amount: 485 cfs
Priority Date: October 5, 1923
Source: Snake River
Nature of Use: Power Production
Period of Use: January 1 - December 31
Point of Diversion: Northwest Quarter of the
Northwest Quarter of Section 19,
Township 2 North, Range 38 E.B.M.
Place of Use: Southeast Quarter of the
Northeast Quarter of Section 24,
Township 2 North, Range 37 E.B.M.

central

01-4003 4. Amount: 580 cfs
Priority Date: May 3, 1930
Source: Snake River
Nature of Use: Power Production
Period of Use: January 1 - December 31
Point of Diversion: Southeast Quarter of the
Southeast Quarter of Section 25,
Township 3 North, Range 37 E.B.M.
Place of Use: Northwest Quarter of the
Northeast Quarter of Section 36,
Township 3 North, Range 37 E.B.M.

upper

01-4001 5. Amount: 1240 cfs
Priority Date: October 5, 1940
Source: Snake River
Nature of Use: Power Production
Period of Use: January 1 - December 31
Point of Diversion: Southwest Quarter of the
Southwest Quarter of Section 25,
Township 2 North, Range 37 E.B.M.
Place of Use: Southwest Quarter of the
Southwest Quarter, Section 25,
Township 2 North, Range 37 E.B.M.

lower

11/13/2006

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

RIGHT NUMBER: 1-4003

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: 580.000 CFS

PRIORITY DATE: 05/03/1930

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

1/01 12/31

580.000 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 - Decreed

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

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

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

Claimant Contact Log

Date	Remarks	Agent initials
7-26-2004		Step

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 - 529-1449, 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 GPS File #- UPPER
1374064

GPSTag #- A0000226

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

GPSTag #- A0000227

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

GPSTag #- A0000228

Photos of Upper Plant in File A01-2047

PROFILED

SCANNED

NOV 22 2004

SCANNED

AUG 24 2001

State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

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
A01-0129
A01-0125
35-12560
01-00361

07-047
00-049
00-0001

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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: A01-04003
Date Received: 9/27/1989
Receipt No: E010375
Received By: Len

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: MAY 03, 1930

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	580.000		

7. Total Quantity Appropriated is:
580.000 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	

A01-04003 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:
01-02049, 02047, 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: DECREED
Case Number: 27583
Court : 7TH
Decree date: 9/03/1980

CITY OF IDAHO FALLS
Decree Plaintiff

vs

RONALD D. CARLSON
Decree 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/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 FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 01-4003Date Received 0010375

Receipt Number

RECEIVED
SEP 13 1989

A0104003

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAWDepartment of Water Resour
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) May 3, 1930

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

If applicable provide IDWR Water Right Number 01-4003
Court 7th District, Bonneville Case Number 27-583 Decree Date 09/03/1980
Plaintiff vs Defendant City of Idaho Falls v. Ronald D. Carlson

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 _____

Title and Organization Mayor, City of Idaho Falls Date _____

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

Subscribed and sworn (or affirmed) before me this _____ day
of August, 1989.

Notary Public _____
Residing at _____
My Commission Expires _____

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 _____
Address P.O. Box 50130, Idaho Falls, Idaho 83405
Date _____

Last Name City of Idaho Falls Ident. Number 01-4003

MICROFILMED

OCT 20 1992

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

If applicable provide IDWR Water Right Number 01-4003
Court 7th District, Bonneville Case Number 27-583 Decree Date 09/03/1980
Plaintiff vs Defendant City of Idaho Falls v. Ronald D. Carlson

16. Signature(s)

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Number of attachments 1

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

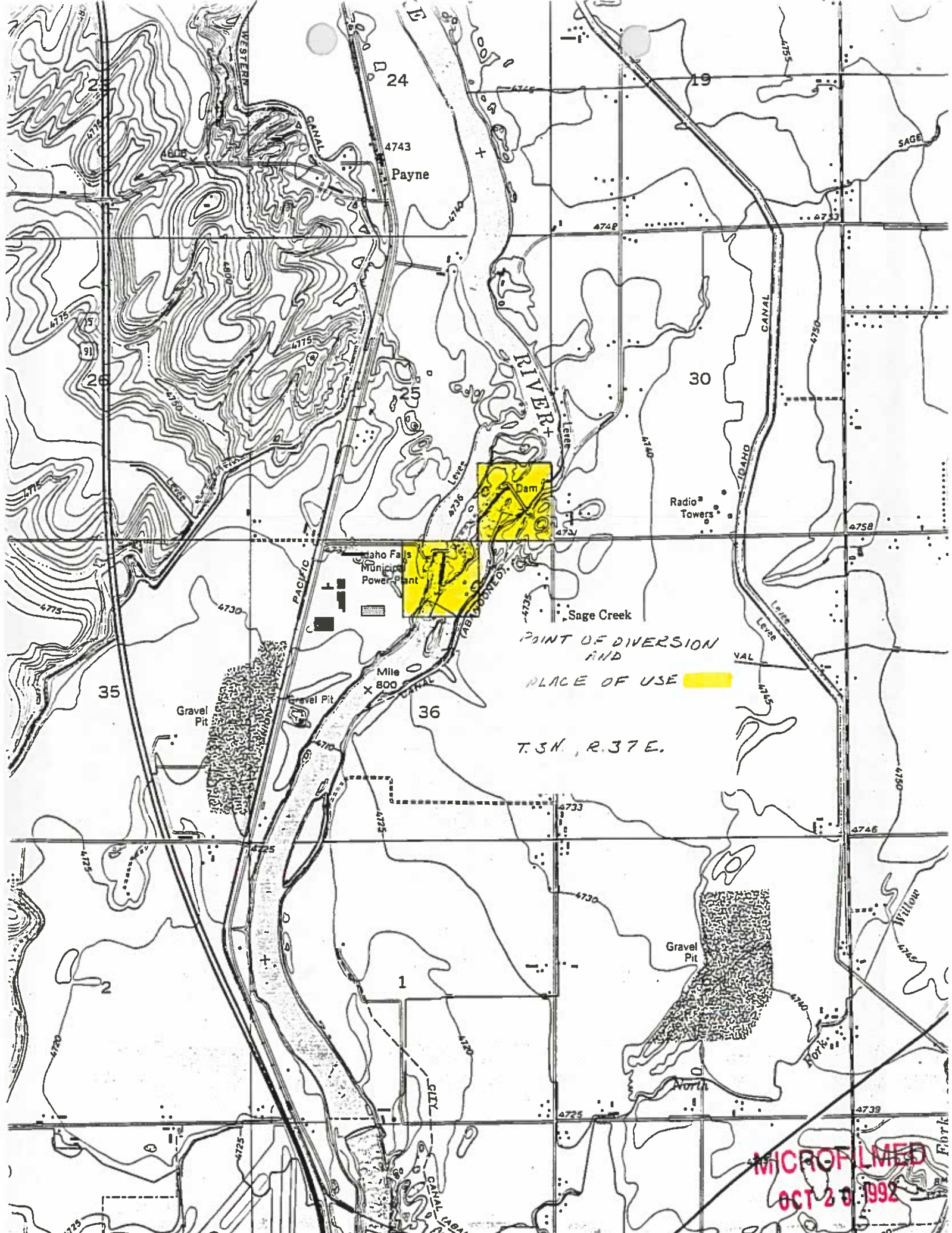
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Signature [Signature]
Address P.O. Box 50130, Idaho Falls, Idaho 83405
Date 09/12/89

Last Name City of Idaho Falls Ident. Number 01-4003

MICROFILMED
OCT 20 1992



MICROFILMED
OCT 20 1992