

11/13/2006

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

RIGHT NUMBER: 1-7023

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: 1,240.000 CFS

PRIORITY DATE: 02/15/1979

The water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

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

1,240.000 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.

Use of water under this license shall not cause unreasonable fluctuations in the flows of the Snake River which impair the ability of prior right holders to divert their water.

Use of water under this right shall be non-consumptive.

The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after the date of expiration of license 2842 issued by the Federal Energy Regulatory Commission. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

This right is subject to all prior water rights and may be forfeited by five years of non-use.

Use of water under this water right will be regulated by the watermaster of State Water District No. 01.

Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law.

This water right is appurtenant to the described place of use.

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

Claimant Contact Log

Date	Remarks	Agent initials
7-26-2004		Blup

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 Grun State Hydro plant 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 # - A0006227

3/ Lower Plant - GPS data: 2656791 1364084

GPS File # - LOWER

GPSTag # - A0000228

Photos of Upper Plant in File A01-2047

PROFILED

SCANNED

NOV 22 2004

RECEIVED

NOV 13 1997

Department of Water Resources
Eastern Region

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 01-07023

Eastern
Upper Plant

Priority: February 15, 1979

Maximum Diversion Rate:

1240.00 CFS

This is to certify, that CITY OF IDAHO FALLS

C/O M GENDRON

PO BOX 50220

IDAHO FALLS ID 83405

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 15, 1979; and has submitted Proof of Beneficial Use on February 18, 1983. An examination indicates that the works have a diversion capacity of 6000.000 cfs of water from:

SNAKE RIVER

tributary to COLUMBIA RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
POWER	01/01 to 12/31	1240.00 CFS	

LOCATION OF POINT(S) OF DIVERSION: Lot 7(NWNE), Sec. 36, Township 03N, Range 37E
BONNEVILLE County

PLACE OF USE: POWER

TWN RGE SEC

03N 37E 36 Lot 7(NWNE)

CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
2. ✓ This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. ✓ Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. ✓ The water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this license.
5. ✓ Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
6. ✓ Use of water under this right shall be non-consumptive.

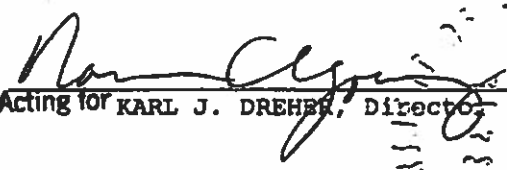
State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

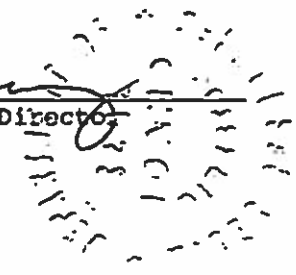
WATER RIGHT NO. 01-07023

CONDITIONS OF APPROVAL AND REMARKS

7. ✓ Use of water under this license shall not cause unreasonable fluctuations in the flows of the Snake River which impair the ability of prior right holders to divert their water.
8. ✓ The diversion and use of water under this license is subject to review by the Director after the date of expiration of license 2842 issued by the Federal Energy Regulatory Commission. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.
9. ✓ This power facility is known locally as the "Upper" Plant.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 27th day of NOVEMBER, 1997.


Acting for KARL J. DREHER, Director



MICROFILMED

DEC 04 1997



State of Idaho

AUG 24 2001

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

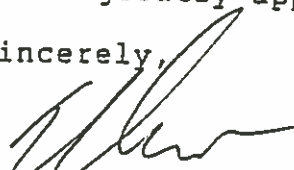
Gentlemen:

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

A01-00041
125-01398
35-12568
01-00360
361

02047
02047
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OCT 20 1992

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: A01-07023
Date Received: 9/27/1989
Receipt No: E010375
Received By: Codes & E

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 15, 1979

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	1240.000		

7. Total Quantity Appropriated is:
1240.000 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	

A01-07023

Page 1

Date: 09/27/89

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OCT 20 1992

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, 04003, 07013 & 02047

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: PERMIT

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 01-7023

Date Received EO10375

Receipt Number

RECEIVED
SEP 13 1989

A0107023

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAWDepartment 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 15, 1979

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 1240 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1240 (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

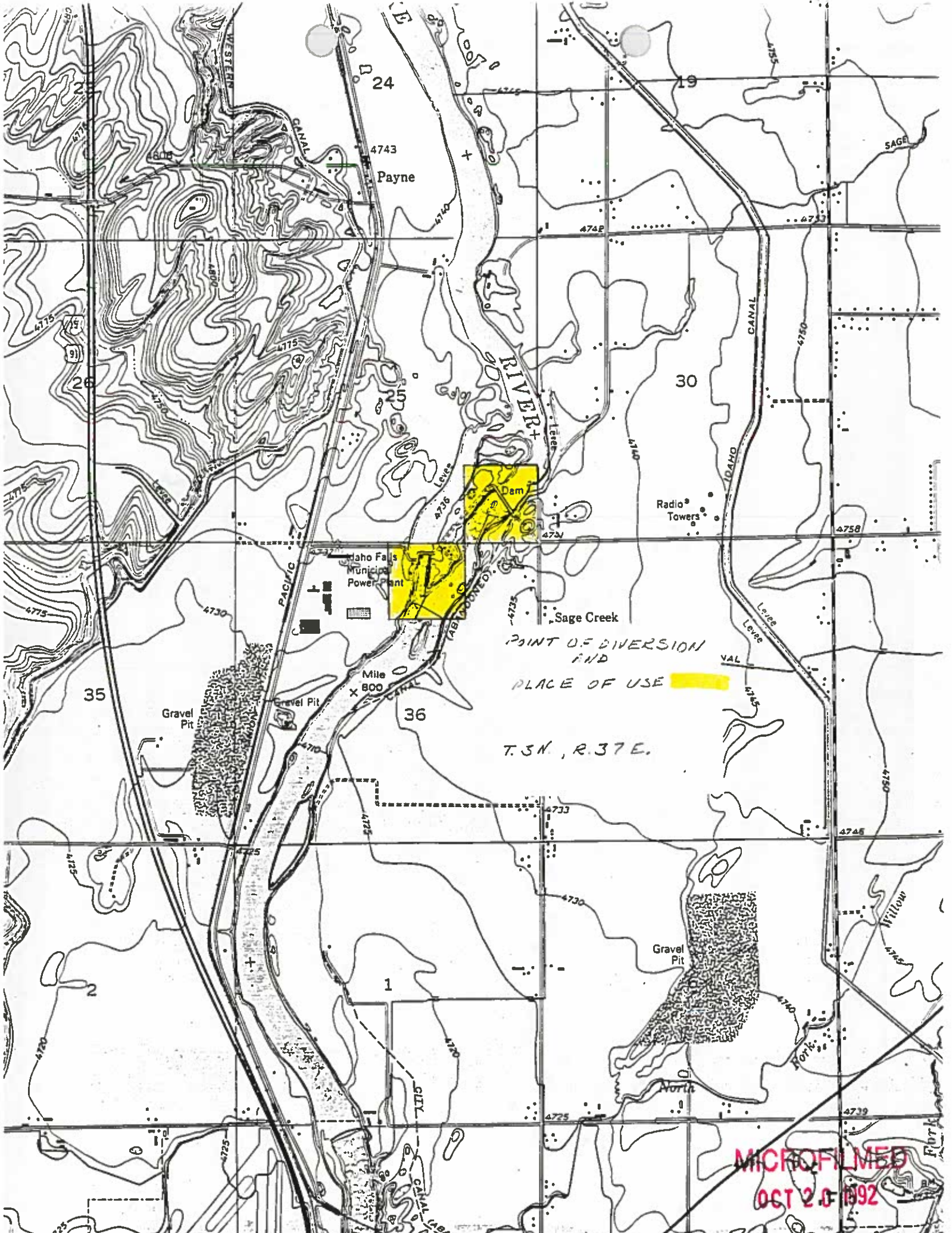
12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
01-2047, 01-2049, 01-4003 and 01-7013. or None ()

14. Remarks:

Last Name City of Idaho Falls Ident No. 01-7023

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OCT 20 1992



POINT OF DIVERSION
AND
PLACE OF USE

T.3N., R.37E.

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OCT 25 1992

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

If applicable provide IDWR Water Right Number 01-7023
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 [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 [Signature]
Address P.O. Box 50130, Idaho Falls, Idaho 83405
Date 09/12/89

Last Name City of Idaho Falls Ident. Number 01-7023

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OCT 20 1992