

03/07/2005

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

RIGHT NUMBER: 37-4012
NAME AND ADDRESS: IDAHO POWER CO
PO BOX 70
BOISE ID 83707
SOURCE: SPRING TRIBUTARY: SNAKE RIVER
QUANTITY: 0.200 CFS
The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
PRIORITY DATE: 06/01/1933
POINT OF DIVERSION:

T06S R12E S12 NESENE Lot 5 Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.170 CFS
STOCKWATER	01/01 12/31	0.030 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T06S R12E S12 Lot 5 SENE 2.9 T06S R13E S07 Lot 2 SWNW 5.4

STOCKWATER same as IRRIGATION

8.3 ACRES TOTAL

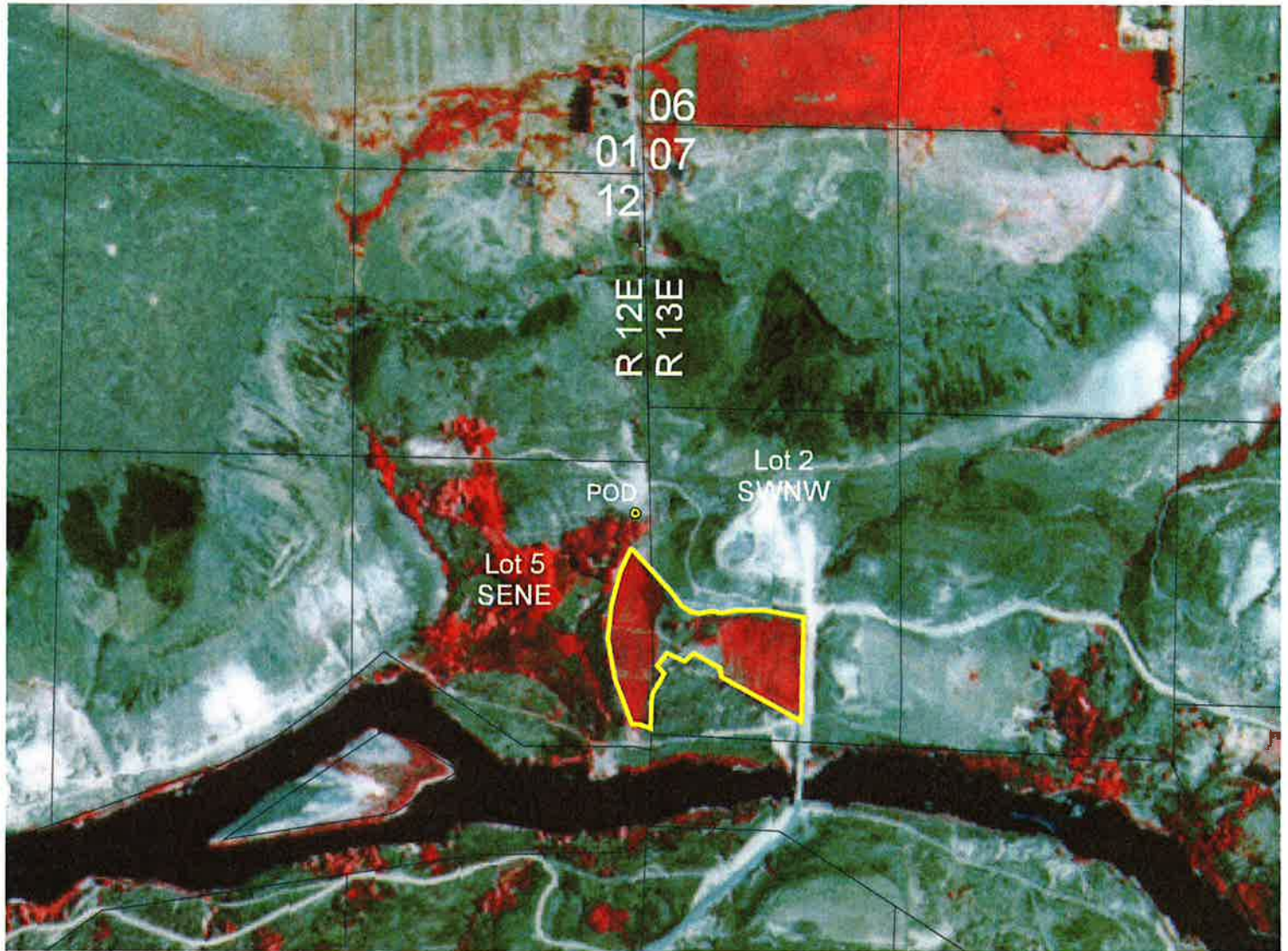
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

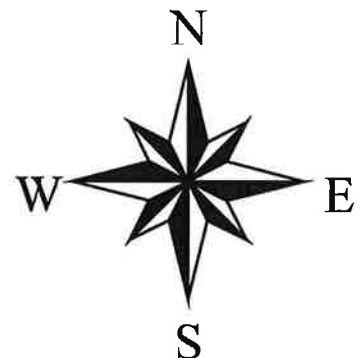
37-4012



600 0 600 1200 1800 2400 Feet

T06S R12E S12
T06S R13E S07

Map prepared by: Carter Fritschle
Date prepared: 03/07/05
1987-1988 NAPP photography
Idaho Department of Water Resources



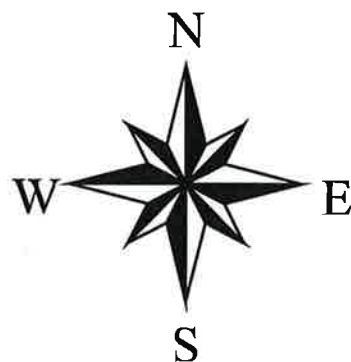
37-4012



900 0 900 1800 2700 3600 4500 Feet

T06S R12E S12
T06S R13E S07

Aerial photo: 2004 NAIP
Map prepared: 03/07/05



SNAKE RIVER



HYDRO POWER

IDAHO POWER COMPANY

BOX 70 BOISE, IDAHO 83707

April 21, 1971

R Keith Higginson, Director
State of Idaho
Department of Water Administration
Statehouse
Boise, Idaho 83707

Re: 37-4012

Dear Mr Higginson:

Enclosed is copy of letter which we wish to
file with the above numbered claim to water right in
accordance with my conversation with Steve Allred.

Very truly yours,

Gale C Farley
Gale C Farley
Agent

GCF:bp

Encl

37 4012

We, the children of Fred and Edith Colvin, so solemnly swear that the water from all the springs above the property now farmed by Horace Lipe has been used for irrigation on the farming ground since approximately 1918. At this time our parents purchased the adjoining land, and farmed it and the dam sight land as well, building the first house upon the property. To our knowledge, the water has been used continuously since that time.

John Calvin Thompson
Grace Calvin Thompson
Laura Colvin McArthur

This letter obtained by L. P. Russell, LP Co, 4/17/71.
J

Identification #

Claim No.

Map No.

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Idaho Power Company
 post office address P O Box 70, Boise, Idaho 83707
2. The point of diversion is in Lot 5 ~~XXXXXXX~~ Section 12 Township 6 South
 Range 12 East B.M. located on 2 springs
 (name of source)
 tributary to Snake River in Gooding County.
3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.
 - a. Date of priority claimed:

<u>Since 1933</u>	amount: <u>Approx 1</u> c.f.s. or _____ acre feet	
	amount: _____ c.f.s. or _____ acre feet	
	amount: <u>Approx 1</u> c.f.s. or _____ acre feet	
Total claimed _____ c.f.s. or _____ acre feet.		
 - b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use <u>Irrigation</u>	period of use from <u>April 1</u> to <u>Nov 1</u>	(both dates inclusive)
use <u>Stock Watering</u> ^(20 head)	period of use from <u>Jan 1</u> to <u>Dec 31</u>	(both dates inclusive)
use <u>" "</u> ^(130 head)	period of use from <u>Jan 1</u> to <u>April 1</u>	(both dates inclusive)
use _____	period of use from _____ to _____	(both dates inclusive).
4. Description of diverting works:
 - a. Surface water diversion dam and/or headgate: material is composed of _____
 _____; length is _____ feet; height is _____ feet;
 width at bottom is _____ feet; with at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known Water from 2 springs
flows down side of canyon in natural channel and is collected
in open, earthen ditches and directed to cultivated fields for
irrigation purposes.
 - b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
 capacity of pump is _____ g.p.m.; name and address of well driller is _____

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

c. Conveying works: length of ditch to place of use is 1,000 feet; width of ditch at top is $1\frac{1}{2}$ feet; width of bottom of ditch is 1 feet; depth of water is 10 ~~feet~~ ^{inches}; grade of ditch per 1000 feet is 2 feet; material through which ditch passes is earth and rock; maximum length of pipe line to first place of use is -- feet; diameter of pipe line is -- inches; type of pipe --; grade of pipe per 1000 feet is --. Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible None

d. If water is stored: name of reservoir Not Applicable ;
total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;
year construction commenced _____ ; year completed _____ ; date first used _____
period of storage is from _____ to _____ ; is reservoir drained each year _____ ;
is reservoir on or off stream _____ explain _____

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built_____, if so, give dates and describe_____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Total number of acres to be irrigated 18

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____
None

b. Do you get water through a ditch owned by several users? No If yes, give the name of the ditch
_____. The other users and their respective
interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered 20 head of cattle
Jan 1 - Dec 31; 130 head cattle Jan 1 - April 1

7. Where water is used for domestic or municipal purposes give number of families served None
name of town supplied None

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities --

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
The water from these springs has been used continuously for
irrigation of the lands described since 1933.

State of Idaho

County of Ada

ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the
foregoing claim to a water right, together with all attached information, and that the matters and facts therein are
true to the best of the affiants knowledge.

IDAHO POWER COMPANY

By L. B. Bailey

Claimant VICE PRESIDENT

Sworn to before me this 24th day of February, 1971.

Mary J. Martin
Notary Public

Residing at Boise, Idaho

My commission expires April 1, 1972

For Department Use Only

Received by D. H. H. Date 2-26-71

Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

Prelim. check by D. H. H. Date 2-26-71

Fee received by D. H. H. Date 2-26 # 5487 Fee \$ 10.00

Approved for publication by _____

Published in Gooding County Dates 3-18 & 3-25, 1971

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: A37-04012

Date Received: 6/4/91

Receipt No: C020689

Received By: J. Carlson

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
JUN 03 1991

Department of Water Resources

1. Name: IDAHO POWER CO.
Address: P.O. BOX 70
BOISE, ID

83707

2. Date of Priority: JUN 1, 1933

3. Source: SPRINGS

Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	12E	12	SE	NE		5	GOODING

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.000		
STOCKWATER	01/01	12/31	0.030		

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

A.F.A.

8. Total consumptive use is 54.0 Acre Feet Per Annum.

9. Non-irrigation uses:

STOCKWATER, CATTLE: 20 HEAD YEAR-ROUND, 130 HEAD FROM 1-1 TO 4-1

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06S	13E	7	SW	NW	2	IRR	18.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
----------	-------	---------	------------	-----	-----	-------

					Section Acres	18.0
--	--	--	--	--	---------------	------

					Total Acres	18.0
--	--	--	--	--	-------------	------

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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 Organizations:

I do solemnly swear or affirm that I am Vice President, Secretary and General Counsel of Idaho Power Company, that I have signed the foregoing Organization document in the space below as Vice President, Secretary and General Counsel of Idaho Power Company and that the statements contained in the foregoing document are true and correct.

[Signature]
Signature of Authorized Agent
Vice President, Secretary and
General Counsel -- Idaho Power Co.
Title and Organization

May 14, 1991

Date

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 14th day
of May 19 91

Mary Bostrom
Notary Public

Seal

Residing at Boise, ID

My Commission Expires 7-17-92

17. Notice of Appearance:

Notice is hereby given that I, Nathan Gardiner will be
Print Name
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 Nathan Gardiner

Address P. O. Box 70, Boise, Idaho 83707

Date May 14, 1991

RECEIVED

MAY 13 1991

State of Idaho
Department of Water Resources
REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

IDAHO POWER COMPANY () 383-2200
Name of Claimant Phone Number

P. O. Box 70
Mailing Address Boise Idaho 83707
City State Zip

SEE ATTACHMENT A 7-2-91
County(s) where place of use is located Date claim originally due

SEE ATTACHMENT A
Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

SEE ATTACHMENT B

Claimant requests an extension to _____, 19 _____

Signature Date of request May 8, 19 91

Vice President, General Counsel & Secretary
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [☒ granted] [☐ denied] for the following reasons:

and if granted the filing deadline is extended to Oct 31, 19 91

Signed this 28 day of Sept, 19 91

Director or his designated agent

DAVID B. SHAW

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

MICROFILMED
FEB 23 1993

SD-33	Last Name: IDAHO POWER CO		STATE	
S	O			
E	W	Water	Priority	
L	N	Right No.	Date	Source
	First Name			Total Diversion
				Use Code Desc
-	IDAHO POWER CO			
-	C A37-02797	10/20/1948	SPRING	0.300
-				01 IRR
-				43 DOMEST
-	C A37-04012	06/01/1933	SPRINGS	1.000
-				01 IRR
-				04 STOCK
-	C A37-07146	05/23/1972	GROUNDWATER	0.030
-	C A37-07396	10/29/1974	GROUNDWATER	0.490
-				01 IRR
-				43 DOMEST
-				49 FIRE
-	C A47-02205	04/24/1935	SPRINGS	1.500
-				01 IRR
-				43 DOMEST
-				28 POWER
-	C A02-00033	04/01/1937	SNAKE RIVER	0.240
-	C A02-00036	04/01/1937	SNAKE RIVER	0.150
-	C A02-00038	04/01/1952	SNAKE RIVER	0.170
-	C A02-00039	04/01/1952	SNAKE RIVER	0.190
-	C A02-02060	08/08/1946	SNAKE RIVER	14000.000
-				01 IRR
-				28 POWER

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

MICROFILMED
FEB 23 1993

James C. Tucker
Bruce M. Smith
ROSHOLT, ROBERTSON & TUCKER
P. O. Box 2139
Boise, Idaho 83702-2139
Telephone: (208) 336-0700
4743p/shs/1-2-92

Steven L. Herndon
Assistant General Counsel
Idaho Power Company
P. O. Box 70
Boise, Idaho 83707

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.)

CASE NO: 39576

The State of Idaho, ex rel.)
A. Kenneth Dunn in his official)
capacity as director of the)
Idaho Department of Water)
Resources,)

NOTICE OF
APPEARANCE

Petitioner,)

vs.)

The United States; the State)
of Idaho; and all claimants)
to the use of water from the)
Snake River Basin Water System,)

Defendants.)

* * * * *

COMES NOW, IDAHO POWER COMPANY, by and through its
attorneys, Steven L. Herndon, - Assistant General Counsel of

MICROFILMED
FEB 23 1993

1 IDAHO POWER COMPANY, and James C. Tucker and Bruce M. Smith of
2 the firm of ROSHOLT, ROBERTSON & TUCKER, and, pursuant to Order
3 of this Court entered December 17, 1991, enters its appearance
4 in the above-captioned case.

5 DATED this 2nd day of January, 1992.

6 ROSHOLT, ROBERTSON & TUCKER

7 *for James N. Rosholt*
8 JAMES C. TUCKER

9 CERTIFICATE OF MAILING

10 I hereby certify that on this 2nd day of January,
11 1992, I caused to be served a true copy of the foregoing NOTICE
12 OF APPEARANCE by the method indicated below, and addressed to
13 each of the following:

14 Larry Echohawk
15 Attorney General
16 State of Idaho
Statehouse, Room 210
Boise, Idaho 83720

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

17 David Shaw
18 Adjudication Bureau Chief
19 Idaho Department of Water
Resources
1301 North Orchard
Statehouse Mail
20 Boise, Idaho 83720 (6 copies)

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

21 Peter C. Monson, Esq.
22 Assistant Attorney General
23 U.S. Department of Justice
Land and Natural Resources
Division
Indian Resources Section,
Rm. 6317
P. O. Box 44378
25 Washington, D.C. 20026-4378

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

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MICROFILMED
FEB 23 1993

1 Don A. Olowinski
2 HAWLEY, TROXELL, ENNIS
3 & HAWLEY
4 P. O. Box 1617
5 Boise, Idaho 83701

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

for James A. Roschert
JAMES C. TUCKER

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MICROFILMED
FEB 23 1993