

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

T06S R13E S34 Lot 1 NENW

DATA ENTERED BY ADW
DATE 5/24/93

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: **A37-14301**
Date Received: 5/24/1993
Receipt No: S015786
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: IDAHO POWER CO 208-383-2300
Address: PO BOX 70
BOISE ID 83707

2. Date of Priority: JAN 1, 1911

3. Source: SPRING Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	13E	34	NE	NE	NE		GOODING

5. Description of diverting works:
SPRING BOX, PENSTOCK TO FLUME, PIPE TO PLACE OF USE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
COMMERCIAL	03/15	10/31	0.010		
DOMESTIC	01/01	12/31	0.110		
IRRIGATION	03/15	10/31	0.030		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC/ 6 HOUSES; COMMERCIAL/ DRINKING FOUNTAIN

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use
06S	13E	27	SE	SW		DOMEST
		34	NW	NE		DOMEST

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	13E	34	NW	NE		COMMER	
			NW	NE		IRR	1.0
			NE	NW		DOMEST	
					Section Acres		1.0
					Total Acres		1.0

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:
LOWER MALAD FOUNTAIN AND COTTAGES.

15. Basis of Claim: BENEFICIAL USE

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:

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For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
_____, Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

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 _____

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
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THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

A37-14301

Date Received

Receipt Number

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) IDAHO POWER COMPANY Phone (208) 383-2300

Mailing Address P. O. BOX 70, BOISE, IDAHO Zip 83702

2. Date of Priority (Only one (1) per claim) January 1, 1911

3. Source of water supply (a) Spring
which is tributary to (b) Malad River

4. a. Location of existing point of diversion is: Township 6S Range 13E Section 34,
NE 1/4 of NE 1/4 of 1/4, Govt. Lot, B.M., County of Gooding

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. Spring box, penstock to flume, pipe to
place of use.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from 1/1 to 12/31 amount 0.11 or _____

For Commercial purposes from 3/15 to 10/31 amount 0.01 or _____

For Irrigation purposes from 3/15 to 10/31 amount 0.03 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.15 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic = 6 houses; Commercial = drinking fountain

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 instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
6S	13E	34		D															
6S	13E	34		C															
6S	13E	34		I															1.0
6S	13E	34					D												
6S	13E	27												D					

Total number of acres irrigated 1.0

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

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.

or None (X)

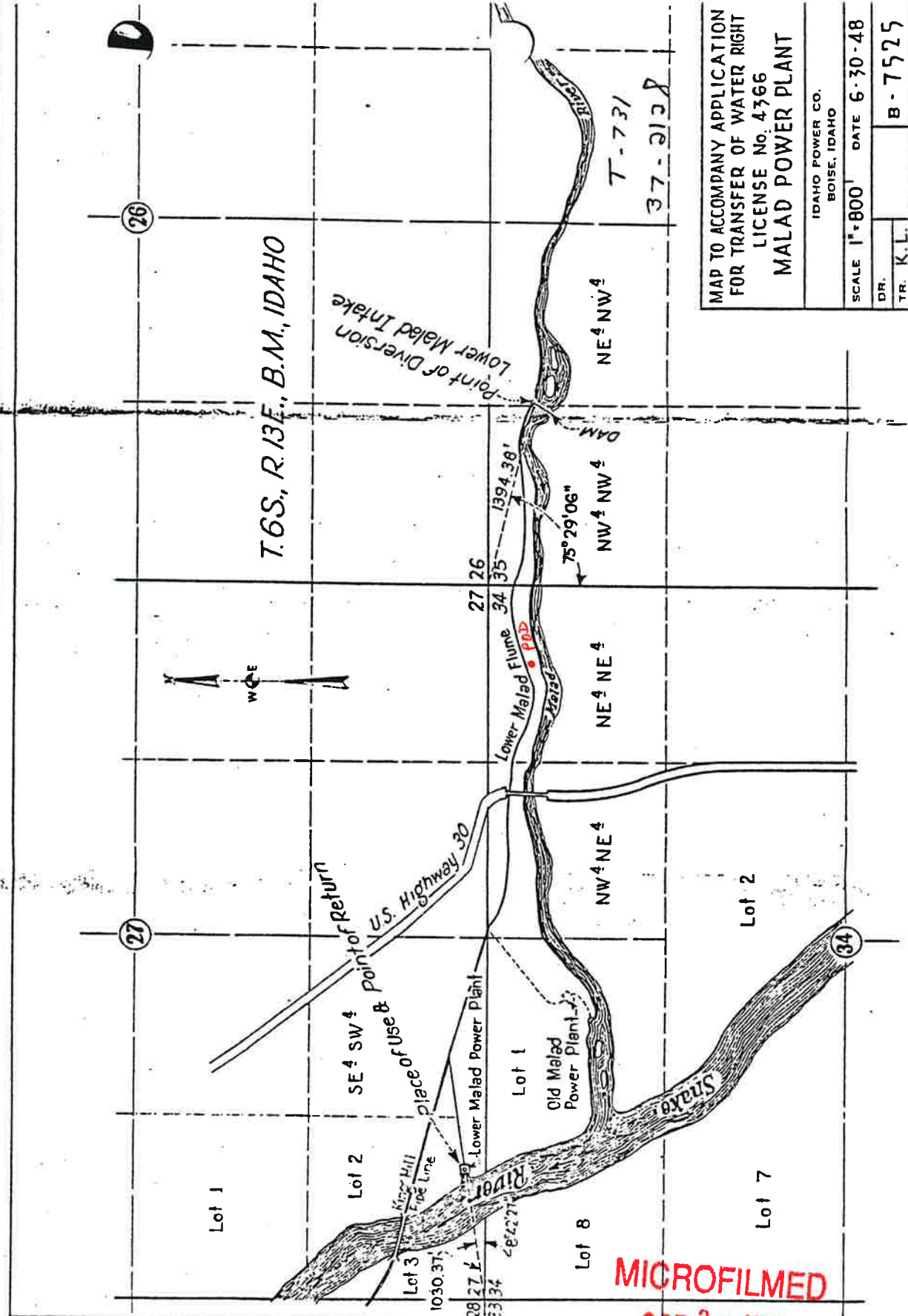
14. Remarks: Lower Malad fountain and cottages.

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Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant



MAP TO ACCOMPANY APPLICATION
FOR TRANSFER OF WATER RIGHT
LICENSE No. 4366
MALAD POWER PLANT

IDAHO POWER CO.
BOISE, IDAHO

SCALE 1"=800' DATE 6-30-48

DR. TR. K.L. B-7525

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15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
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 _____

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 ATTORNEY Title _____
of Idaho Power Company Organization _____, that I have signed the foregoing
document in the space below as ATTORNEY Title _____ of Idaho Power Company Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]
Title and Organization Idaho Power Company Date 5-19-93

State of Idaho/or Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 19th day of May 19 93

SEAL

Notary Public Marion Lait Stuckland

Residing at Booding

My Commission Expires 12-17-97

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ 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 _____

Date _____

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Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

Idaho Power Company, an Idaho corporation, hereby nominates and appoints James C. Tucker of the law firm of Rosholt, Robertson & Tucker, with offices in Boise, Idaho, and Twin Falls, Idaho, as attorney-in-fact with full authority to act for and on behalf of Idaho Power Company, to authorize, prepare, and/or sign any and all documents, claim forms, amendments, or any other document or instrument required or necessary to protect the interest of Idaho Power Company related to its water rights, including, but not limited to, any and all documents necessary to be filed in the Snake River Basin Adjudication.

Idaho Power Company's agent is hereby authorized to sign, seal, and deliver, as its act and deed, those said instruments of writing that may be necessary or proper to carry into execution and effect all claims relating to Idaho Power Company's water rights as above-mentioned. Further, Idaho Power Company hereby declares that each and every agreement, receipt, or payment which shall be by its said agent given, made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had been signed, sealed, and delivered by Idaho Power Company in its own proper representative; and Idaho Power Company hereby undertakes at all times to ratify whatsoever its said agent shall lawfully do or cause to be done in or concerning the said premises by virtue of these presents.

IN WITNESS WHEREOF, Idaho Power Company has hereunto executed this Limited Power of Attorney this 14th day of August, 1992.

IDAHO POWER COMPANY

By: [Signature]

ATTEST:

By: [Signature]

Secretary

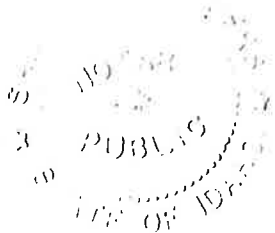
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STATE OF IDAHO)
) ss.
County of Ada)

On this 14th day of August, 1992, before me, a Notary Public, in and for said County and State, personally appeared J. LaMont Keon and Robert W. Stahman, known or identified to me to be the Vice-President and Secretary, respectively, of the Idaho Power Company, the corporation that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Sally A. Chambers
NOTARY PUBLIC FOR IDAHO
Residing at: Boise
My commission expires: 12.31.92



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State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866 www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 30, 2004

37-14299 AND 37-14301
IDAHO POWER CO
PO BOX 70
BOISE ID 83707

Re: Evidence of Priority Date

RESPONSE DEADLINE
AUGUST 27, 2004

Dear Claimant:

The Notices of Claim to a Water Right (claim) identified with the numbers shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claims indicate your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed, and are termed beneficial use rights. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. Since the priority date and historic use of a beneficial use right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed and the historic use of the water.

If you no longer own the property to which the claims are appurtenant please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Enclosed you will find a computer printouts of your claims and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: IDWR will recommend the SRBA Court decree the claims disallowed if no evidence of the priority date and of the historic use is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim numbers. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. Our toll free number is 1-800-451-4129.

Sincerely,

Carter Fritschle
Water Rights Supervisor

Enclosures
cc: James C Tucker