

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: A36-15221

Date Received: 10/7/91

Receipt No: 0021951

Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

83707

2. Date of Priority: MAR 3, 1982

3. Source: NIAGARA SPRINGS Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	15E	10	NE	NE	NE	1	GOODING

5. Description of diverting works:
CONCRETE BOX WITH PIPELINE TO HOUSES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.04		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC/1 HOME

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
09S	15E	10	SE	NE	9	DOMEST	

11. Place of use in counties: GOODING

MICROFILMED
JAN 28 1993

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS RIGHT IS AN EXPANSION OF RIGHT NO. 36-02704 PURSUANT TO IDAHO CODE 42-1416(2).

RIGHT NO. 36-02704 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

USE OF THIS RIGHT WITH RIGHT NO. 36-02704 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 132.0 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 48180 AF.

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:

X For Organizations:

I do solemnly swear or affirm that I am Vice President,
General Counsel and Secretary of
 Title

Idaho Power Company, that I have signed the foregoing
Organization Vice President,
document in the space below as General Counsel and Secretary of
 Title

Idaho Power Company and that the statements contained in the
Organization
foregoing document are true and correct.

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

October 4, 1991

Date

MICROFILMED
JAN 28 1993

State of Idaho)
County of Ada) SS.

X Subscribed and sworn (or affirmed) before me this 4th day
of October 19 91

Gail L. Chambers
Notary Public

Seal

Residing at Boise, Idaho

My Commission Expires 12/31/92

X 17. Notice of Appearance:

Notice is hereby given that I, BRUCE SMITH 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 [Signature]

Address Box 2139 Boise ID 83702

Date 9/7/91

MICROFILMED
JAN 28 1993

From: DWR03::CARLSON 9-OCT-1991 08:46:03.89
To: DWR60::CLELLAND
CC: CARLSON
Subj: IDAHO POWER CLAIM FOR NIAGARA SPRINGS, DOM.

GOOD MORNING STEVE:

A COUPLE OF ITEMS WERE CHANGED ON THE ABOVE REF. CLAIM.
Q. WAS CHANGED TO .04
AND IN RMKS THE CONSUMPTIVE USE OF 1.8 AF. WAS REMOVED.

THAT APPEARS TO BE IT.
THE CHANGES SHOULD UPDATE TONIGHT.
THANKS.
jdc.

MICROFILMED
JAN 28 1993

CONVERSATION MEMORANDUM

A36-02704

EMPLOYEE: STEVE CLELLANDFILE UNFILED DomesticRE: IDAHO POWER @ NIAGARA SPRINGS DomesticDATE 7-16-91

NAME OF PARTY

BRUCE SMITH, ATTORNEY336-0700

I called him to ask if he had received my letter. He said he had but did not know what IPCO wanted to do.

I then explained why we had disallowed the use and described his two options of deferral or file the Expansion. He will be in touch.

8-14-91 Follow up CALLS - NO RESPONSE

8-15-91 TALKED TO BRUCE SMITH -

He is following procedures to be sure the information is correct as it was claimed or needs to be claimed as we view it. He will call Paul and get back to me.

MICROFILMED

JAN 28 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

05-Jul-1991 10:15

R. KEITH HIGGINSON
Director

BRUCE M. SMITH
ROSHOLT, ROBERTSON, TOLMAN AND TUCKER
P O BOX 2139
BOISE ID 83701

RE: IDAHO POWER CO. NIAGARA SPRINGS ADJUDICATION CLAIMS

DEAR MR. SMITH,

YOU ARE LISTED AS THE REPRESENTATIVE FOR IDAHO POWER COMPANY IN THE ADJUDICATION CLAIMS AT NIAGARA SPRINGS. AFTER FINAL REVIEW OF THESE CLAIMS, WE HAVE DETERMINED THE TRAILER HOUSE ON THE HATCHERY PROPERTY IS NOT COVERED BY ANY OF THE PREVIOUS ADJUDICATION FILINGS. THIS USE WAS CLAIMED UNDER A36-02704 BUT WAS CONSIDERED AN EXPANSION OF THE LICENSED RIGHT AND IS NOT ALLOWED AS CLAIMED.

I SPOKE TO PAUL ABBOTT, IPCO HATCHERY BIOLOGIST, AND HE CONFIRMED THE TRAILER WAS MOVED ONTO THE PROPERTY MARCH 3, 1982. GIVEN THIS DATE AND THE SOURCE BEING A SURFACE WATER, IT APPEARS IDAHO POWER CO. HAS TWO OPTIONS IN CLAIMING THIS WATER RIGHT. ONE, CLAIM THE DOMESTIC USE FOR THE TRAILER AS AN EXPANSION OF LICENSE 36-02704 PURSUANT TO IDAHO CODE 42-1416(2). TWO, DEFER THE DOMESTIC CLAIM UNDER THE TERMS OF THE STIPULATION APPROVED JANUARY 17, 1989.

PLEASE EITHER SUBMIT THE EXPANSION CLAIM OR INFORM IDWR YOU WISH TO DEFER THE CLAIM. WILL YOU RESPOND TO THIS REQUEST AS QUICKLY AS POSSIBLE SO THIS INFORMATION CAN BE INCLUDED IN THE UPCOMING REPORT. IF YOU HAVE FURTHER QUESTIONS CONTACT ME AT OUR OFFICE.

SINCERELY,

STEVE CLELLAND
WATER AGENT, SR.

MICROFILMED

JAN 28 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

15-Aug-1991 09:59

R. KEITH HIGGINSON
Director

BRUCE M SMITH
NELSON RSHOLT ROBERTSON TOLMAN AND TUCKER
PO BOX 2139
BOISE ID 83701

RE: IDAHO POWER CO. CLAIMS A36-15221, A36-02013 & A36-02710

DEAR MR. SMITH,

ENCLOSED PLEASE FIND THE EXPANSION CLAIM WE DISCUSSED FOR THE TRAILER AT NIAGARA SPRINGS. PLEASE HAVE THE CLAIM A36-15221 SIGNED BY THE AGENT FOR IDAHO POWER CO. AND HAVE IT NOTARIZED. ALSO COMPLETE ITEM 17 INDICATING YOU ARE THEIR ATTORNEY. THE FEES DUE FOR THIS CLAIM ARE \$25.00. PLEASE RETURN THIS FILING TO OUR OFFICE HERE IN TWIN FALLS BY SEPTMEBER 2, 1991.

YOU WILL ALSO FIND ENCLOSED SOME PROOF REPORTS FOR THE CLAIMS A36-02013 AND A36-02710. WE DISCUSSED THESE CLAIMS DURING OUR PHONE CONVERSATION ON JULY 16, 1991. TO RECAP THE SITUATIONS:

A36-02013 THIS RIGHT WAS LICENSED FOR POWER USE ONLY. IT WAS CLAIMED AS POWER AND DOMESTIC. THE DOMESTIC USE IS FURTHER EXPLAINED AS 3 HOUSES AND 1 ACRE PARK; DOES THIS REFER TO IRRIGATION OF ONE ACRE? IF SO, THAT USE SHOULD BE IDENTIFIED ON A SEPARATE CLAIM. IN FACT, ANY OTHER USES CLAIMED, OTHER THAN POWER, SHOULD BE FILED UNDER A SEPARATE CLAIM AND FILED WITH THE APPROPRIATE FEES. THIS SECOND CLAIM CAN BE BASED ON ITS OWN MERIT IF THE PRIORITY DATE FOR ESTABLISHING THE CLAIMED USES IS BEFORE MAY 20, 1971. AFTER THAT DATE THE CLAIM CAN BE BASED ON THE PRESUMPTION EXPANSION UNDER 42-1416(2). IN EITHER CASE SOME FORM OF EVIDENCE OF PRIORITY MUST BE SUBMITTED TO SUPPORT THE CLAIMED PRIORITY DATE. SEE THE ENCLOSED PAMPHLET.

A36-02710 THIS RIGHT WAS LICENSED FOR IRRIGATION AND DOMESTIC USES. THE CLAIM FOR THIS RIGHT ONLY LISTED IRRIGATION AS THE CLAIMED USE, BUT THEN LISTED THE DOMESTIC USES AS INCIDENTAL USES. THIS WOULD LIMIT THE DOMESTIC USE TO THE IRRIGATION SEASON ONLY. TO CLAIM THE DOMESTIC USE AS A PRIMARY USE, ALL THAT IS NEEDED IS TO AMEND THIS CLAIM FOR THAT USE.

THANK YOU FOR YOU PROMPT ATTENTION TO THESE TIMELY REQUESTS. IF YOU HAVE ANY FURTHER QUESTIONS PLEASE CALL ME.

SINCERELY,

STEVE CLELLAND
WATER AGENT, SR.

ENC:

MICROFILMED
JAN 28 1994

From: DWR60::CLELLAND 15-AUG-1991 08:48:37.96
To: DWR03::SHAW
CC: CLELLAND
Subj: RE: Idaho Power Claim for Niagara

HELLO DAVE,

JUST SPOKE WITH BRUCE SMITH RE: IDAHO POWER CLAIMS. IT APPEARS THEY ARE NOT COMMUNICATING WELL CONCERNING THIS MATTER. HE FINALLY TOLD ME THEY WILL FILE THE EXPANSION CLAIM FOR THE ADDITIONAL DOMESTIC. THEY DO NOT WANT TO DEFER THE RIGHT. HE WAS UNCLEAR ABOUT WHAT WE WERE AFTER IN THE WAY OF A CLAIM SO I AGREED TO SEND HIM THE COMPUTER VERSION OF THE EXPANSION CLAIM TO HAVE SIGNED AND PAID FOR.

HE THOUGHT THE ONLY REASON FOR THE ADDITIONAL CLAIM WAS TO COLLECT THE EXTRA \$25.

THIS WILL BE SENT OUT TODAY AND I WILL LET YOU KNOW WHEN IT IS RETURNED.
STEVE...

MICROFILMED
JAN 28 1993

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NOV 05 1997

Department of Water Resources
Southern Region

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OCT 24 1997

OFFICE OF THE
ATTORNEY GENERAL

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. Case 39576

Case No. 36-15221

(Insert water right number)

ADDENDUM TO CERTIFICATE
OF MAILING FOR STANDARD
FORM ONE OBJECTION

I hereby certify that on this 20th day of October 1997, I
mailed a copy of the STANDARD FORM 1 OBJECTION/SUBCASE NO. 36-
15221, including all attachments, to the following persons, by
mailing the copy postage prepaid and addressed as follows:

State of Idaho Fish & Game
Stephen V. Goddard
Deputy Attorney General
Dept. of Fish & Game
Statehouse
Boise, Idaho 83720



Signature of person mailing objection

Parties' Names: Magic Valley Ground Water District, Aberdeen-American Falls Ground Water District, Bingham Ground Water District, Tim Deeg, Mack Neibaur, and Ralph Breeding

NOV 05 1997

Attorneys' Names and Address

Jeffrey C. Fereday
Michael C. Creamer
GIVENS PURSLEY & HUNTLEY LLP
277 North 6th Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701-2720
(208) 342-6571
(208) 343-9492 (facsimile)

Henry R. Boomer, Esq.
Boomer Law Offices
514 Tyhee
P.O. Box 70
American Falls, ID 83211
(208) 226-2562
(208) 226-5419 (facsimile)

RECEIVED
Irrigation & Water Resource
Southern Region

OCT 31 1997

OFFICE OF THE
ATTORNEY GENERAL

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re: SRBA

A. Subcase No. 36-15221

Case No. 39576

JOINT RESPONSE OF MAGIC VALLEY GROUND
WATER DISTRICT, ABERDEEN-AMERICAN FALLS
GROUND WATER DISTRICT, BINGHAM GROUND
WATER DISTRICT, TIM DEEG, MACK NEIBAUR,
AND RALPH BREDDING TO IDAHO POWER
COMPANY'S OBJECTION

(Standard Form 2)

B. NAME AND ADDRESS OF PERSONS RESPONDING

Magic Valley Ground Water District
1099 N. 400 W.
Route 5, Box 139
Rupert, ID 83350
(208) 532-4524

Mack Neibaur
1200 N. 510 W. Norland
Route 1, Box 1478
Paul, ID 83347
(208) 532-4175

Ralph E. Bredding
2875 Visiting Road
American Falls, ID 83211
(208) 226-2109

Tim Deeg
2957 Deeg Road
American Falls, ID 83211
(208) 226-5588

Aberdeen-American Falls Ground
Water District
P.O. Box 70
American Falls, ID 83211
(208) 226-5914

Bingham Ground Water District
1523 W. 300 N.
Blackfoot, ID 83221
(208) 684-3614

MAIL9418



Name & Address of Attorneys:

Jeffrey C. Fereday
Michael C. Creamer
Givens Pursley & Huntley LLP
277 No. 6th Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701

Henry R. Boomer, Esq.
514 Tyhee
P.O. Box 70
American Falls, ID 83211

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO WHICH YOU ARE RESPONDING

Name: Idaho Power Company

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

- D. Magic Valley Ground Water District, Aberdeen-American Falls Ground Water District, Bingham Ground Water District, Tim Deeg, Mack Neibaur, and Ralph Breeding (collectively, "Respondents"), hereby respond to Idaho Power Company's objections to the following elements.

4. ☒ **Priority Date.** Summary response: The use involved in this claim is an enlarged use which began, and has continued, without complying with the mandatory permit system applicable to water diversions and uses under Idaho law. Accordingly, the enlarged use must cease unless it qualifies as an enlargement as defined in I.C. § 42-1426, a statute which became effective April 12, 1994. To the extent the use qualifies as an enlargement, it may be recognized as a new water right in the SRBA only if it is subordinated to all other, non-enlarged water rights existing on that date or given a priority date no earlier than April 12, 1994. If the new water is not conditioned in this manner, it will cause injury to the priorities and the water rights of other water right holders, including members of respondent.

If the priority date asserted by the claimant in this matter is assigned to this enlarged right, without the subordination condition recommended by the IDWR, then Respondents' water rights will be injured by having new water rights created in the SRBA which are given priorities ahead of Respondents' water right priorities.

Recommendation. This water right claim should be denied unless it is decreed with the subordination condition as recommended in the Director's Report or given a priority date no earlier than April 12, 1994.

VERIFICATION

STATE OF IDAHO)
 : SS
COUNTY OF ADA)

Jeffrey C. Fereday and Henry R. Boomer, being first duly sworn, upon oath, deposes and says:

That we are the party/claimant filing this response as defined by I.C. 42-1401A(1) and (6); or that we are the attorneys for the parties/claimants responding and that we have read this response, know its contents and that the statements are true to the best of our knowledge.

By: Jeffrey C. Fereday
(Attorney signing in representative capacity for Magic Valley Ground Water District, Mack Neibaur, Tim Deeg, and Ralph Breeding)

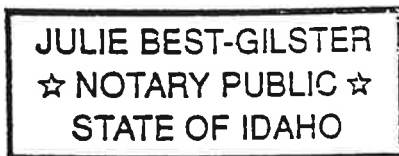
Subscribed and sworn to before me this 30th day of October, 1997.

Julie Best-Gilster
Notary Public for Idaho
Residing at: Nampa, Idaho
My commission expires: 4-21-2001

By: Henry R. Boomer
(Attorney signing in representative capacity for Aberdeen-American Falls Ground Water District, and Bingham Ground Water District)

Subscribed and sworn to before me this 30th day of October, 1997.

Betty Huse
Notary Public for Idaho
Residing at: American Falls, Idaho
My commission expires: 1/14/98



F.

CERTIFICATE OF SERVICE

I certify that on October 30, 1997, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 3rd Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Idaho Power Company
Address: P.O. Box 70
Boise, Idaho 83707

3. One copy to the party who filed the objection at the following address:

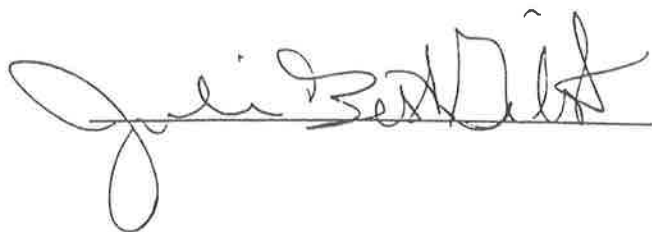
Name: James C. Tucker
Address: Rosholt, Robertson & Tucker
P.O. Box 1906
Twin Falls, ID 83303-1906

4. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

Environment & Natural Resources Div.
United States Department of Justice
550 West Fort Street, Box 033
Boise, ID 83724



RECEIVED

OCT 28 1997

Department of Water Resources
Southern Region

RECEIVED

OCT 20 1997

Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. Case 39576

Case No. 36-15221

(Insert water right number)

STANDARD FORM 1

OBJECTION

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in the Director's Report. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR) or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number you are objecting to must be indicated above in the blank space following "Subcase." To object to multiple water right recommendations, you must use a separate form for each objection and there must be only one objector for each form.

You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

Any party physically filing 25 or more objections must contact the Clerk of the SRBA Court no later than 14 days before the filing deadline and arrange an appointment to file multiple objections.

By filing an objection form, you are certifying that the objection is well-grounded in fact; that it is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needlessly increase the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. **Party/Claimant objecting:**

Name: IDAHO POWER COMPANY

Address: P. O. BOX 70
BOISE, IDAHO 83707

Phone: 208-388-2300

Briefly describe your interest in this water right:

Claimant

2. **If this objection is filed by an attorney:**

Attorney Name: James C. Tucker
Rosholt, Robertson & Tucker

Attorney Address: P.O. Box 1906
Twin Falls, ID 83303-1906

Attorney Phone No. 208-734-0700

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

II. STATEMENT OF THE OBJECTION

Please check each box which states your objection to the recommendation in the Director's Report.

1. ☐ **Name and Address:** I object to the name and/or address of the owner of the water right.
2. ☐ **Source:** I object to the source of water.
3. ☐ **Quantity:** I object to:
 - a. the total quantity of water used in cubic feet per second; or
 - b. the total quantity of water stored in acre-feet per year; or
 - c. the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☐ **Priority Date:** I object to the priority date.
5. ☐ **Point(s) of Diversion:** I object to the legal description of the point(s) of diversion.
6. ☐ **Instream Flow:** I object to the legal description of the beginning and ending points of the instream flow.
7. ☐ **Purpose(s) of Use:** I object to the purpose(s) of use.
8. ☐ **Period of Year:** I object to the period of year when water is used or is necessary for the purpose stated.
9. **Place of Use:** I object to:
 - ☐ a. the legal description of the place of use; or
 - ☐ b. the number of irrigated acres within each forty 40-acre subdivision.
10. ☐ **Consumptive Use:** I object to the annual volume of consumptive use.
11. **Water Right Recommendation:** I object to:
 - ☐ a. this water right being recommended at all; or
 - ☐ b. this water right not being recommended.
12. ☐ **Description of Reservation:** I object to the legal

description of the reservation.

13. X Other: I object to: Language under "quantity" which limits total combined diversion rate between this right and right #36-02704 to a total combined diversion rate of 120.0 cfs.

REASONS SUPPORTING EACH BOX CHECKED

You must state the reason(s), by number, for each box checked. You may use additional pages if necessary.

In the main SRBA case, #39576, under Rim View Trout Company v. The Idaho Department of Fish and Game, et al, Claimant entered into an agreement with the parties to that subcase whereby Claimant's water right #36-02704 would be limited to a maximum diversion of 120 cfs. Said agreement was submitted for approval to the Presiding Judge under joint motion by the parties thereto. Under Memorandum Decision and Order entered January 12, 1994, (copy attached) Judge Hurlbutt stayed the Motion for Approval of Agreement Resolving Water Rights from Niagara Springs, which motion remains stayed at this date. Claimant requests approval of said agreement, or in the alternative, the total combined diversion rate between right #36-15221 and #36-02704 should be the licensed amount under water right #36-02704 of 132 cfs.

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

The Agreement referenced above should be approved; or in the alternative, language under quantity should be changed to reflect a total combined diversion rate between #36-02704 and #36-15221 of 132.0 cfs.

Note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

- X Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary.

Copy of license for water right #36-02704.
Memorandum Decision and Order dated January 12, 1994

VERIFICATION (Must be Completed)

State of IDAHO

County of Twin Falls

JAMES C. TUCKER, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, (as listed on Page 2, Section 1, "Party/Claimant objecting"), as defined by I.C. § 42-1401A(1) and (7), and that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Signature of person filing objection

James C. Tucker
(Attorney signing in representative capacity)

SUBSCRIBED AND SWORN TO before me this 16th day of October, 1997.

Sharon Hart Stupland
NOTARY PUBLIC FOR IDAHO

Residing at: Booding

My Commission Expires: 12-17-97

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all of the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I hereby certify that on October 16, 1997, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

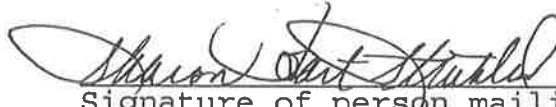
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environmental and Natural Resource Division
550 West Fort Street, MSC 033
Boise, Idaho 83724



Signature of person mailing objection

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 32711/36-2704 Priority Jan. 31, 1966 Amount 132.0 cfs

THIS IS TO CERTIFY, that IDAHO POWER COMPANY
of Boise, Idaho, has complied with the terms and conditions of Permit
No. 32711/36-2704 issued pursuant to Application for Permit dated January 31, 1966
and has submitted proof to the Department of Water Administration on March 1, 1967
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 132.0 cfs and that the water has in fact been applied to a
beneficial use; a right to the use of water from Niagara Springs
tributary of the Snake River, is hereby confirmed in the following amounts:
Amount 132.0 cfs for fish propagation from Jan. 1 to Dec. 31 (both dates inclusive)
Amount 132.0 cfs for fire protection from Jan. 1 to Dec. 31 (both dates inclusive)
Amount 0.04 cfs for domestic from Jan. 1 to Dec. 31 (both dates inclusive)
0.04 cfs irrigation March 15 Nov. 15
Subject, however, to the condition that no more than 132.0 cfs of water be diverted at
any one time, said waters to be diverted within the
Lot #1, Sec. 10, Twp. 9 S, Rge. 15 E, B.M.

in the county of Gooding; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 8.0 acre feet per year or
4.0 acre feet per acre, for irrigation use; 0.6 af per domestic unit not to
exceed 1.8 af per year; 48,180 af for fire protection use; and 48,180 af for fish prop-
Description and location of place of use: agation use

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SE 1/4				SW 1/4				TOTALS
			NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	
9 S	15 E	10			2														2
					(Lot 9)														
Domestic & Fish Propagation:																			
9 S	15 E	10	X		X														

Total number of acres irrigated 2

* with the total amount not to exceed 48,180 acre feet per year.
Use of water under this license is affected by an agreement and stipulation between Idaho
Power Company and Rim View Trout Company, Inc., dated October 5, 1966.
The right to the use of the water hereby confirmed is restricted and appurtenant to the lands

or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 11 day of
February, 19 72.



[Signature]
Director

36 2704

39239

END

Rim View

1994 JAN 12 PM 2:47
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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
	)	
	)	MEMORANDUM DECISION AND
	)	ORDER
RIM VIEW TROUT COMPANY, an Idaho corporation,	)	
	)	<u>GRANTING</u> MOTION FOR
	)	APPROVAL OF AMENDED
Plaintiff,	)	STIPULATION TO CONSOLIDATE
	)	SUBCASES RELATING TO
vs.	)	NIAGARA SPRINGS FOR TRIAL
	)	
	)	AND
THE IDAHO DEPARTMENT OF FISH AND GAME, an agency of the State of Idaho, and THE IDAHO DEPARTMENT OF WATER RESOURCES, an agency of the State of Idaho,	)	<u>STAYING</u> DISPOSITION OF
	)	MOTION FOR APPROVAL OF
	)	AGREEMENT RESOLVING WATER
	)	RIGHTS FROM NIAGARA
Defendants.	)	SPRINGS; AND MOTION TO
	)	DISMISS MANDAMUS ACTION

David Barber and Stephen V. Goddard, Deputies Attorney General, for the State of Idaho.

William F. Ringert, Ringert Clark Chartered, for Rim View Trout Company.

James C. Tucker, Rosholt, Robertson and Tucker, for Idaho Power Company.

Laird Lucas, Land and Water Fund of the Rockies, for "Conservation Groups."

Motion for Approval of Amended Stipulation to Consolidate Subcases Relating to Niagara Springs for Trial, GRANTED.

Motion for Approval of Agreement Resolving Water Rights from Niagara Springs, STAYED.

Motion for Dismissal of Consolidated Alternative Motions for Writ of Mandamus, Preliminary or Permanent Injunction and Interim Administration and Vacation of Order Granting Preliminary Injunction In Part and Granting Mandamus (Motion to Dismiss Mandamus Action), STAYED.

In a joint motion of the Idaho Department of Fish and Game, Idaho Power Company and Rim View Trout Company, this court is asked to approve an *Amended Stipulation by Rim View Trout Company, Idaho Power Company, Idaho Department of Water Resources, and Idaho Department of Fish and Game to Consolidate Subcases Relating to Niagara Springs for Trial*; to approve an agreement which would result in the issuance of a partial decree of the water rights from Niagara Springs; and to dismiss the original mandamus action filed by Rim View Trout Company.

The procedural history of this case is somewhat complex. Rim View Trout Company petitioned for equitable relief against the Idaho Department of Fish and Game and the Idaho Department of Water Resources. A trial was held, resulting in the issuance of an *Order Granting Preliminary Injunction in Part, Granting Mandamus, and Setting Hearing on Permanent Injunction* (December 4, 1992), which was subsequently modified by an *Order Vacating Trial Setting, Discovery Schedule, and Briefing Schedule; Order Approving Stipulated Interim Diversions; Order Setting Status Conference* (January 15, 1993).

The instant motion includes submission of the "Niagara Springs Agreement" (Agreement), a contract between all claimants in the Snake River Basin Adjudication to the right to use water on Niagara Springs. The signatories include the parties in this case,¹ Rim View Trout Company, the Idaho Department of Fish and Game and the Idaho Department of Water Resources and non-parties, the Idaho Department of Parks and Recreation and Idaho Power Company. The Agreement is intended to serve as the basis on which the water rights in the consolidated subcases will be decreed in the SRBA.

¹ The United States was granted intervention after trial and is not a signatory to the Agreement. The United States does not object to the motion to consolidate or to the Agreement. The United States will withdraw its intervention if the motion is granted and the Agreement is accepted by the court.

The Idaho Conservation League, Inc.; Idaho Rivers United, Inc.; Idaho Wildlife Federation, Inc. and the Northwest Resource Information Center, Inc. (Conservation Groups) have moved to intervene in several subcases directly impacted by the motion and Agreement. These motions have not been heard or decided. The Conservation Groups do not object to the motion or Agreement. The Conservation Groups will withdraw pending motions to intervene in the subcases if the motion is granted and the Agreement is accepted by the court.

CONSOLIDATION

There being no opposition, the *Motion for Approval of Amended Stipulation to Consolidate Subcases Relating to Niagara Springs for Trial* is GRANTED.

The following subcases are consolidated for trial:

36-02704	(Notice of Claim filed by Idaho Power Co.)
36-04032A	(Notice of Claim filed by Rim View Trout Co.)
36-04032B	(Notice of Claim filed by Rim View Trout Co.)
36-04032C	(Notice of Claim filed by Rim View Trout Co.)
36-02680	(Notice of Claim filed by Rim View Trout Co.)
36-07167	(Notice of Claim filed by Rim View Trout Co.)
36-04020	(Notice of Claim filed by Idaho Department of Fish and Game)

MOTION FOR APPROVAL OF AGREEMENT RESOLVING RIGHTS TO THE USE OF WATER FROM NIAGARA SPRINGS

The *Motion for Approval of Agreement Resolving Water Rights From Niagara Springs* presents unique considerations and concerns. The motion seeks court approval of the Agreement and the inclusion of its terms in a partial decree in the SRBA for all rights to the use of water from Niagara Springs claimed by the signatories.

The court's ability to fairly evaluate the terms of the Agreement is impacted by two important factors. First, the facial constitutionality of I.C. § 42-1416 and I.C. § 42-1416A (SRBA Basin-Wide Issue No. 1) is presently under advisement in this court. Second, the form and content of partial decrees in the SRBA has not been determined.

The following two water rights included in the Agreement are based, in whole or in part, on a statute at issue in Basin-Wide Issue No. 1:

7-00003
36-04020C - Idaho Department of Fish and Game (I.C. § 42-1416(2))²
36-15221; 36-02704 - Idaho Power Company (I.C. § 1416(2))

Whereas, the facial validity of I.C. § 42-1416 and I.C. § 1416A are under advisement in Basin-Wide Issue No. 1, the *Motion for Approval of Agreement Resolving Water Rights from Niagara Springs* is STAYED. Following a decision on Basin-Wide Issue No. 1, the court will renotice this motion for hearing.

The parties have all expressed concern about the form and content of partial decrees and therefore, the form and content of a partial decree for the rights contained in the Agreement. Because of these concerns further hearing is necessary to resolve the issue. The matter can be taken up initially at the hearing following resolution of Basin-Wide Issue No. 1.

This stay is consistent with this court's holding in *In Re Snake River Basin Adjudication*, Twin Falls County Case No. 39576, *Memorandum Decision and Order Staying Motion for Entry of Partial Decree in Reporting Areas 1, 2 and 3* (January 12, 1994) and *In Re Snake River Basin Adjudication*, Twin Falls County Case No. 39576 (Consolidated Case No. 40779-A (*Lundberg v. Collins*)), *Order Denying Motion for Reconsideration and Granting Motion for Stay* (January 12, 1994).

MOTION TO DISMISS

The parties further ask for dismissal of the *Consolidated Alternative Motions for Writ of Mandamus, Preliminary or Permanent Injunctions and Interim Administration* and to vacate the *Order Granting Preliminary Injunction in Part, Granting Mandamus, and Setting Hearing on Permanent Injunction* (December 4, 1992), as modified by the *Order Vacating Trial Setting, Discovery Schedule and Briefing Schedule; Order Approving Stipulated Interim Diversion* (January 15, 1993), for the reason that the water rights set forth in the Niagara Springs Agreement are inconsistent with how these two previous orders described some of the water rights at issue.

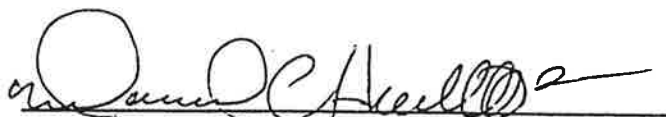
Pending this court's disposition of the motion seeking approval of the Niagara Springs Agreement, the court STAYS disposition of the *Motion to Dismiss Mandamus Action*.

² There continues to exist a disagreement between the Idaho Departments of Fish and Game and Water Resources as to the basis of this right. At hearing on the motion the Department of Fish and Game voiced its disagreement with IDWR's statement of the legal basis of this right in the "Remarks" section.

If the parties need to have the orders they believe are inconsistent with the Agreement modified to conform to the Agreement for the purpose of the interim use of the water in Niagara Springs, a motion should be filed with the court. The Agreement appears to be acceptable for the purpose of interim use of the water in Niagara Springs pending resolution of the stays entered in this *Memorandum Decision and Order*.

IT IS SO ORDERED.

DATED January 12, 1994.



DANIEL C. HURLBUTT, JR.
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **MEMORANDUM DECISION AND ORDER** was mailed on January 12, 1994, with sufficient first-class postage to the following:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

William F. Ringert
Ringert, Clark
P. O. Box 2773
Boise, ID 83701-2773

The United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, Box 33
Boise, ID 83724

James C. Tucker
Rosholt, Robertson & Tucker
P. O. Box 2139
Boise, ID 83701-2139

Laird J. Lucas
Land & Water Fund of the Rockies
P. O. Box 1612
Boise, ID 83701


Deputy Clerk

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 the Rights to the Use of Water
from the Snake River Basin
Water System

Case No. 36-15221 -0001

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

RESPONSE TO OBJECTION

Petitioner,

vs.

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

Respondents.

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

Address: IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Briefly describe your interest in this water right:

IDWR is required to file a response to an objection to part
I of the director's report pursuant to I.C. section 42-1412(2).

(Over)

RESPONSE TO OBJECTION NO. 36-15221 -0001 - PAGE 1

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DEC 05 1996

2. Person who filed objection:

Name: IDAHO POWER CO
Address: PO BOX 70
BOISE ID 83707-0070

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER
Attorney Address: DEPUTY ATTORNEY GENERAL(S)
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449
Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

14. ☒ Other: I respond to the objection concerning:

INCLUSION OF THE GENERAL PROVISIONS IN THE
DIRECTOR'S REPORT

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 14 and all
allegations of the objection regarding this item, IDWR responds
as follows.

IDWR denies the objection.

CHANGES TO THE DIRECTOR'S REPORT

The director proposes no changes to the description of
this claim in the Director's Report.

☒ Check here if you are submitting documents. Please list
each document by the title and number of pages. You may
use additional pages if necessary:

No. of
Pages

Notice of Claim No. A36-15221

3

(Over)

RESPONSE TO OBJECTION NO. 36-15221 -0001 - PAGE 3

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DEC 05 1996

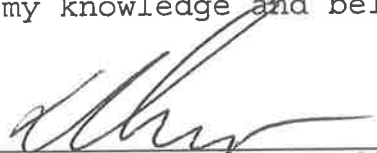
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

David B. Shaw, being first duly sworn, upon oath, deposes and says:

That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Bureau Chief for IDWR and am authorized by R. Keith Higginson, in his official capacity as director of IDWR, to verify this response; and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.



Signature of person filing response

By: 

(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 30th day of August,
1993.



Notary Public for Idaho
Residing at: _____
My Commission expires _____

Danni Smith, Notary Public
Residing at Boise, Idaho
My Commission Expires December 5, 1994

CERTIFICATE OF MAILING

I hereby certify that on the 30th day of AUGUST, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

See No. 3

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: JAMES C TUCKER
Address: PO BOX 2139
BOISE ID 83701-2139

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734



Signature of Respondent or attorney
mailing on Respondent's behalf

SD-33

Last Name: IDAHO POWER CO

STATE

S E L	First Name	O W N	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc
-	IDAHO POWER CO	-	-	-	-	-	-
-		C	A03-02024	02/11/1964	SNAKE RIVER	10000.000	28 POWER
-		C	A03-02025	02/11/1964	SNAKE RIVER	14000.000	28 POWER
-		C	A03-07018	12/24/1975	SNAKE RIVER	5000.000	28 POWER
-		C	A36-02013	11/20/1912	THOUSAND SP	600.000	28 POWER
-					SNOW BANK S		43 DOMEST
-		C	A36-02018	01/18/1919	CLEAR LAKES	526.000	28 POWER
-		C	A36-15221	03/03/1982	NIAGARA SPR	0.040	43 DOMEST
-		C	A65-02338A	08/24/1937	PAYETTE RIV	125.000	28 POWER
-		C	A65-02338X	10/06/1925	PAYETTE RIV	25.000	28 POWER
-		C	A65-03828	01/27/1963	GROUNDWATER	0.040	43 DOMEST
-		C	A65-12096	02/21/1978	PAYETTE RIV	2000.000	28 POWER
-		C	A73-10124	06/20/1984	GROUNDWATER	0.040	43 DOMEST
-		C	A78-07013	08/01/1969	RAPID RIVER	18.600	19 FISH
-		C	A36-07487	06/28/1974	GROUNDWATER	0.010	43 DOMEST
-		C	A36-07587	12/03/1975	GROUNDWATER	0.020	43 DOMEST

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

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DEC 05 1996

SD-33

Last Name: IDAHO POWER CO

STATE

S E L	First Name	O W N	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc
-	IDAHO POWER CO	-	-	-	-	-	-
-		C	A01-02032	03/08/1919	SNAKE RIVER	4600.000	28 POWER
-		C	A63-26621	07/01/1928	GROUNDWATER	0.450	43 DOMEST
-		C	R36-15221	03/03/1982	NIAGARA SPR	0.040	43 DOMEST
-		C	R36-02037	10/29/1921	SPRING	0.300	43 DOMEST
-							01 IRR
-							10 COMMER
-							25 COOL
-		C	A36-02037	10/29/1921	SPRING	0.300	43 DOMEST
-							01 IRR
-							10 COMMER
-							25 COOL
-	IDAHO POWER CO.						
-		C	R36-00137	04/01/1901	RILEY CREEK	3.000	01 IRR
-		C	A36-00137	04/01/1901	RILEY CREEK	3.000	01 IRR

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

MICROFILMED
DEC 05 1996

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
DEC 05 1996

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 R. 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,
24 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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DEC 05 1996

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 John A. Roschert
JAMES C. TUCKER

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DEC 05 1996

FILE
A36-15463

RECEIVED
FEB 10 1993
Department of Water Resources

1 HEPWORTH, NUNGESTER & LEZAMIZ,
2 CHARTERED
3 133 Shoshone St. North
4 P.O. Box 389
5 Twin Falls, ID 83303-0389
6 Telephone: (208)734-7510
7 Attorneys for Claimant
8 (PPK\HAGERMAN.NOA\lmr)

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

* * * * *

10 In Re the General Adjudication)
11 of Rights to the Use of Water)
12 from the Snake River Basin)
13 Water System)

Case No. 39576

14 The State of Idaho, ex rel.)
15 R. Keith Higginson in his)
16 official capacity as director)
17 of the Idaho Department of)
18 Water Resources,)

NOTICE OF APPEARANCE

19 Petitioner,)

20 vs.)

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

Respondents.)

* * * * *

PLEASE BE NOTIFIED that the firm of Hepworth, Nungester
& Lezamiz, Chartered, hereby appears on behalf of Hagerman Water



Hepworth,
Nungester,
& Lezamiz

NOTICE OF APPEARANCE - 1

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DEC 05 1996

1 Users, Inc. and its individual members:

2	Anderson, Anita G.	A36-00050D
	Babington Lynn J. & Kathy	A36-00003C
3	Banbury Pipe Co., Inc.	A36-10906
	Banbury Pipe Co., Inc.	A36-02038
4	Big Bend Irrigation & Mining Co.	A36-00192
	Big Bend Irrigation & Mining Co.	A36-00133
	Big Spring Water User's Assoc.	A36-00022
5	Big Springs Water User's Assoc.	A36-00023
	Big Springs Water User's Assoc.	A36-15166
6	Blastock, Alma E.	A36-00108B
	Bolduc, Mark E.	A36-00103C
7	Boyer, Dale E. & Elaine M.	A36-00079
	Brailsford, Robert H.	A36-04260
8	Brooks, Allen L. & Andree	A35-00060
	Brooks, Allen L. & Andree	A36-07346
9	Bybee, Gertrude B. Owsley	A36-00042A
	Bybee, Gertrude B. Owsley	A36-00041C
10	Candy, Walter W. & Margaret	A36-00135B
	Candy, Walter W. & Margaret	A36-00134A
	Clouser, Doris H. & John F.	A36-00090A
11	Clouser, Doris H. & John F.	A36-00089A
	Crandlemire, Roger C. & George C.	A36-00113H
12	Crandlemire, Roger C. & George C.	A36-00112B
	Crandlemire, Roger C. & George C.	A36-00111B
	Crandlemire, Roger C. & George C.	A36-00113J
13	Crandlemire, Roger C. & George C.	A36-00110B
	Crandlemire, Roger C.	A36-00134C
14	Crandlemire, Roger C.	A36-00135C
	Crandlemire, Roger C.	A36-10140
15	Crandlemire, Roger C.	A36-10141
	DeVries, Abraham & Hermina	A36-00055AF
16	Dice, Philip F. & Judith A.	A36-00041A
	Dice, Philip F. & Judith A.	A36-10405
	Erwin, Frank C. & Peggy	A36-00092
17	Fleming, Michael J. & Paul F.	A36-00064B
	Flint, William E. and Vera C.	A36-00110A
18	Flint, William E. and Vera C.	A36-00111A
	Flint, William E. and Vera C.	A36-00112A
19	Flint, William E. and Vera C.	A36-10168
	Fuell, Keith L. & Jolene	A36-00086C
20	Gardner, Barbara & Robert B.	A36-00003B
	Gardner, Barbara	A36-00003J
21	Gisler, Harry R.	A36-00021B
	Gisler, Bradley	A36-00077C
	Glauner, Frank L. & Joan	A36-00039E
22	Grigg, Mattie P. & Golden T.	A36-10283B
	Gustafson Family Trust/Gustafson	A36-00033F
23	Ivan J. & Lucille co-trustees	
	Hagerman Gun Club	A36-00100



Hepworth,
Nungester,
& Lezamiz

MICROFILMED

DEC 05 1996

1	Hagerman Gun Club	A36-00099
	Hagerman Gun Club	A36-07233
2	Hagerman Gun Club	A36-07172
	Hagerman Gun Club	A36-10249
3	Hagerman Water Users Assoc.	A36-15168
	Jensen, Alice	A36-00055BC
	Johnson, Ira L. & Huguetta M.	A36-07142
4	Joint Hagerman School Dist 233	A36-15463
	Jones, John W., Jr.	A36-00068
5	Jones, John W., Jr.	A36-00069
	Jones, John W., Jr.	A36-07071
6	Jones, John W., Jr.	A36-00070
	Kipp, Rudy B. & Elberta M.	A36-10119
7	Kipp, Rudy B. & Elberta M.	A36-10120
	Kipp, Rudy B. & Elberta M.	A36-07658
8	Kiser, John & Karl Woodall & Sons, Inc	A36-00071A
	Kiser, John & Karl Woodall & Sons, Inc	A36-00075
	Korbis, George J. & Nellie W.	A36-00039N
9	Laughlin, Craig J. & Rita D.	A36-7089
	Laughlin, Craig J. & Rita D.	A36-00051D
10	Littlefair, Larry & Tara	A36-0121
	Littlefair, Larry & Tara	A36-10055
11	Littlefair, Larry & Tara	A36-00119
	Littlefair, Larry & Tara	A36-00120
12	Lloyd, Cleave C.	A36-04142
	Lloyd, Cleave C.	A36-00003G
	McFaddan, Dan H. & Irma R.	A36-2169
13	McFaddan, Dan H. & Irma R.	A36-00048A
	McFaddan, Dan H. & Irma R.	A36-00049
14	Morris, Howard & Rhonda	A36-00063
	Morris, Howard & Rhonda	A36-00061
15	Morris, Howard & Rhonda	A36-00062
	Mueller, Manfred	A36-00035J
16	Norwood Subdivision/	A36-15240
	Ruby Springs Water Company	A36-07092A
	Potter, Mark B. & Susan H.	A36-00039J
17	Rawson, Frank S. & Carol A.	A36-00123A
	Reese, Bruce W. & LaRose A.	A36-04091
18	Reese, Bruce W. & LaRose A.	A36-10231
	Rue, James O. & Beverly Jane	A36-07142A
19	Shaffer, Roger	A36-00034B
	Simcoe, Doyt H. & Roxie J.	A36-00003F
20	Simpson, Michael, on behalf of	A36-0123E
	Josephine Simpson Estate	
21	Simpson, Michael, on behalf of	A36-0096A
	Josephine Simpson Estate	
22	Strange, Wm. (Penelope Turner-remainder man)	A36-00006
	Strange, Wm. (Penelope Turner-remainder man)	A36-00007
	Strange, Wm. (Penelope Turner-remainder man)	A36-00008
23	Veenendaal, Dick J.	A36-00108A
	Veenendaal, Dick J.	A36-00039C



Hepworth,
Nungester,
& Lezamiz

NOTICE OF APPEARANCE - 3

MICROFILMED
DEC 05 1996

1	Vernon, Edith L.	A36-00003E
	Walmsley, Fred J. & Susan K.	A36-00039D
2	Ward, John P. & Rush, Ruth E.	A36-00094-A
	Ward, John P. & Rush, Ruth E.	A36-00090F
3	Watkins, Paul E. & Inez S.	A36-00106
	Watkins, Paul E. & Inez S.	A36-08099
	Wiens, M.J., Jr.	A36-07229
4	Wiens, M.J., Jr.	A36-07081
	Wiens, M.J., Jr.	A36-80317
5	Wiens, M.J., Jr.	A36-00098
	Wiens, M.J., Jr.	A36-00097
6	Wiens, M.J., Jr.	A36-02002
	Wiens, M.J., Jr.	A36-00101
7	Wiens, M.J., Jr.	A36-00141
	Wiens, M.J., Jr.	A36-10520
	Woolley, Max J. & Blanche	A36-00039M
8	Ya-Ta-Hay Investments, Inc.	A36-10283A
	Ya-Ta-Hay Investments, Inc.	A36-07875
9	Zink, Basil Lester & Myrle Hyde	A36-00103F

10 the respondents in the above-entitled action, as counsel of record
 11 for said Hagerman Water Users, Inc. and said individuals.

12 DATED This 9 day of February, 1993.

13 HEPWORTH, NUNGESTER & LEZAMIZ

14
 15 By Patrick D. Brown
 16 PATRICK D. BROWN
 Attorneys for Respondents

17
 18 CERTIFICATE OF MAILING

19 The undersigned, a resident attorney of the State of
 20 Idaho, with offices at 133 Shoshone St. North, P.O. Box 389, Twin
 21 Falls, Idaho 83303, and one of the attorneys for the respondents
 22 in this matter, certifies that she caused to be mailed a copy of
 23 the above and foregoing NOTICE OF APPEARANCE on the 9 day of



Hepworth,
 Nungester,
 & Lezamiz

NOTICE OF APPEARANCE - 4

MICROFILMED

DEC 05 1996

1 February, 1993, to:

2 Snake River Adjudication
3 District Court
P.O. Box 27070
4 Twin Falls, ID 83303-0126

5 Clive Strong
6 Chief Natural Resources Division
Office of Attorney General
Statehouse
Room 210
Boise, Idaho 83720

7 David Shaw
8 Adjudications Bureau Chief
Department of Water Resources
1301 North Orchard
9 Boise, Idaho 83706

10 United States Department of Justice
11 Environment and Natural Resources Division
550 West Fort Street, Box 33
Boise, ID 83734

12
13 
14 Patrick D. Brown



Hepworth,
Nungester,
& Lezamiz

MICROFILMED
DEC 05 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 1, 1993

Patrick D. Brown
Hepworth, Nungester and Lezamiz
133 Shoshone St. N.
P.O. Box 389
Twin Falls, ID 83303-0389

Re: Notice of Appearance

Dear Mr. Brown:

We received your Notice of Appearance on behalf of Hagerman Water Owners, Inc. and its individual members on February 10, 1993. The records listed on the notice were updated with some exceptions.

Claim numbers with "A" prefixes identify claims filed in the SRBA. Claim numbers without prefixes identify recommendations in the Director's Report. The following table identifies claimants for which you filed a notice of appearance, but the number you referred to is actually the identification of the recommendation. They have been updated with the notice information.

Claimant's Name	Recommendation No. (no "A" prefix)
Bybee, Gertrude B. Owsley	36-00042A 36-00041C
Candy, Walter W. & Margaret	36-00135B
Crandlemire, Roger C.	36-00134C 36-00135C
Gustafson Family Trust/Gustafson, Ivan J. & Lucille co-trustees	36-00033F
McFaddan, Dan H. & Irma R.	36-00048A
Muller, Manfred	36-00035J
Zink, Basil Lester & Myrle Hyde	36-00103F

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DEC 05 1996

The following is a list of claims that have been updated with the notice information, however, there is a discrepancy between IDWR records and the notice list (see third column).

Claimant's Name as listed on Notice of Appearance	As Claimed/ As Recommended	Claim No. or Claimant's Name in IDWR's Records
Anderson, Anita G.	A36-00050D/36-00050D	Andersen (name spelling is different)
Brailsford, Robert H.	A36-04260/36-04260	A36-04260B/36-04260B (claim was split--"B" suffix)
Brooks, Allen L. & Andree	A35-00060	A36-00060/36-00060 (Basin 36 instead of Basin 35)
Crandlemire, Roger C. & George C.	A36-00113J/36-00113J	Crandlemire, Roger C. (George C. not listed as claimant)
Gisler, Harry R.	A36-00021B/36-00021B	A36-00021/36-00021 (claim was renumbered)
Glauner, Frank L. & Joan	A36-00039E/36-00039E	Jean instead of Joan
Gustafson Family. Trust/Gustafson, Ivan J. & Lucille co-trustees	A36-00011C/36-00033F	Gustafson, Ivan J. (not listed as a trust)
Johnson, Ira L. & Huguette M.	A36-07142/36-07142	Johnson, Ira L. (Huguette M. not listed as claimant)
Joint Hagerman School Dist. 233	A36-15463/36-15463	Original claim & IDWR records show school dist. as #3.
Jones, John W., Jr.	A36-00068/36-00068 A36-00069/36-00069 A36-07071/36-07071 A36-00070/36-00070	Jones, John W. Jr. & Deloris D. (Deloris D. is included as a claimant)

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 DEC 05 1996

Claimant's Name as listed on Notice of Appearance	As Claimed/ As Recommended	Claim No. or Claimant's Name in IDWR's Records
Mueller, Manfred	A36-00034D/36-00035J	Muller (name spelling is different in IDWR records)
Strange, Wm. (Penelope Turner-remainder man)	A36-00006/36-00006 A36-00007/36-00007 A36-00008/36-00008	Strange, Wm. & Louise (Louise is included as a claimant, Penelope Turner is not in records)
Veenendaal, Dick J.	A36-00108A/36-00108A A36-00039C/36-00039C	Veenendaal, Dick J. & Sigrid E. (Sigrid E. is included as a claimant)
Wiens, M. J., Jr.	A36-80317	A36-08317/36-08317 (no. was transposed on notice)
Wiens, M. J., Jr.	A36-00098/36-15384	36-15384 (claim was combined with no. 36-00141 into no. 36- 15384)
Wiens, M. J., Jr.	A36-00141/36-15384	36-15384 (claim was combined with no. 36-00098 into no. 36- 15384)

The following claims have not been updated with the notice information because of the discrepancies listed in the third column.

Claimant's Name	Claim No. as listed on Notice of Appearance	Discrepancy Between Notice of Appearance and IDWR Records
Hagerman Gun Club	A36-00100/36-00100 A36-00099/36-00099 A36-07233/36-07233 A36-07172/36-07172 A36-10249/36-10249	Owners are listed as Bob Porter and Fred Surbaugh

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 DEC 05 1996

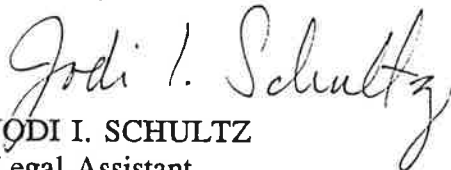
Mr. Patrick D. Brown
March 1, 1993
Page 4

Claimant's Name	Claim No. as listed on Notice of Appearance	Discrepancy Between Notice of Appearance and IDWR Records
Ya-Ta-Hay Investments, Inc.	A36-07875/36-07875	No record of this claim no., nor any other claim no. for claimant other than A36- 10283A/36-10283A (as listed)

Please review the claimants and claim numbers and let me know if you have any questions or problems with the claims as listed in IDWR's records. Also, please review the claims in the last table. We need to solve these discrepancies before IDWR's records are updated with the notice information. My phone number is 327-5444.

Please note we have received your supplemental and second supplemental notices of appearance and are currently working to update those records. We will inform you if there are any discrepancies.

Sincerely,


JODI I. SCHULTZ
Legal Assistant
Idaho Department of Water Resources

cc: IDWR Southern Region

MICROFILMED
DEC 05 1996

IDAIR DEPARTMENT OF WATER RESOURCES

MEMO-REPLY

Date 2/23/93To JodieFrom Helen H-T☒ Take Appropriate Action☐ Draft A Reply☐ Action Required By _____☐ See Me☐ Call Me☐ Return To Me☐ For Your Information☐ For Your Approval☐ For Your Comments☐ As You Requested☐ Copy (_____ Copies)☐ File

Comments Re: claim A36-15463 for which you have a notice of appearance — (Joint School District 3)

The original signed claim states "3"; it isn't a typo on our part. I'd say add the NOA, but notify attorney of name shown on claim.

Helen

Reply Notes for file:

(Per Public Instruction office, Dist 3 is Kuna).
corrected no. is 233

POD-75 13E 11 SE SENE

POW 75 13E 14 SENE

NESW

1.5 ac.

3.0 ac.

} Per map from
Public instruction, this
is w/i School Dist.
#233

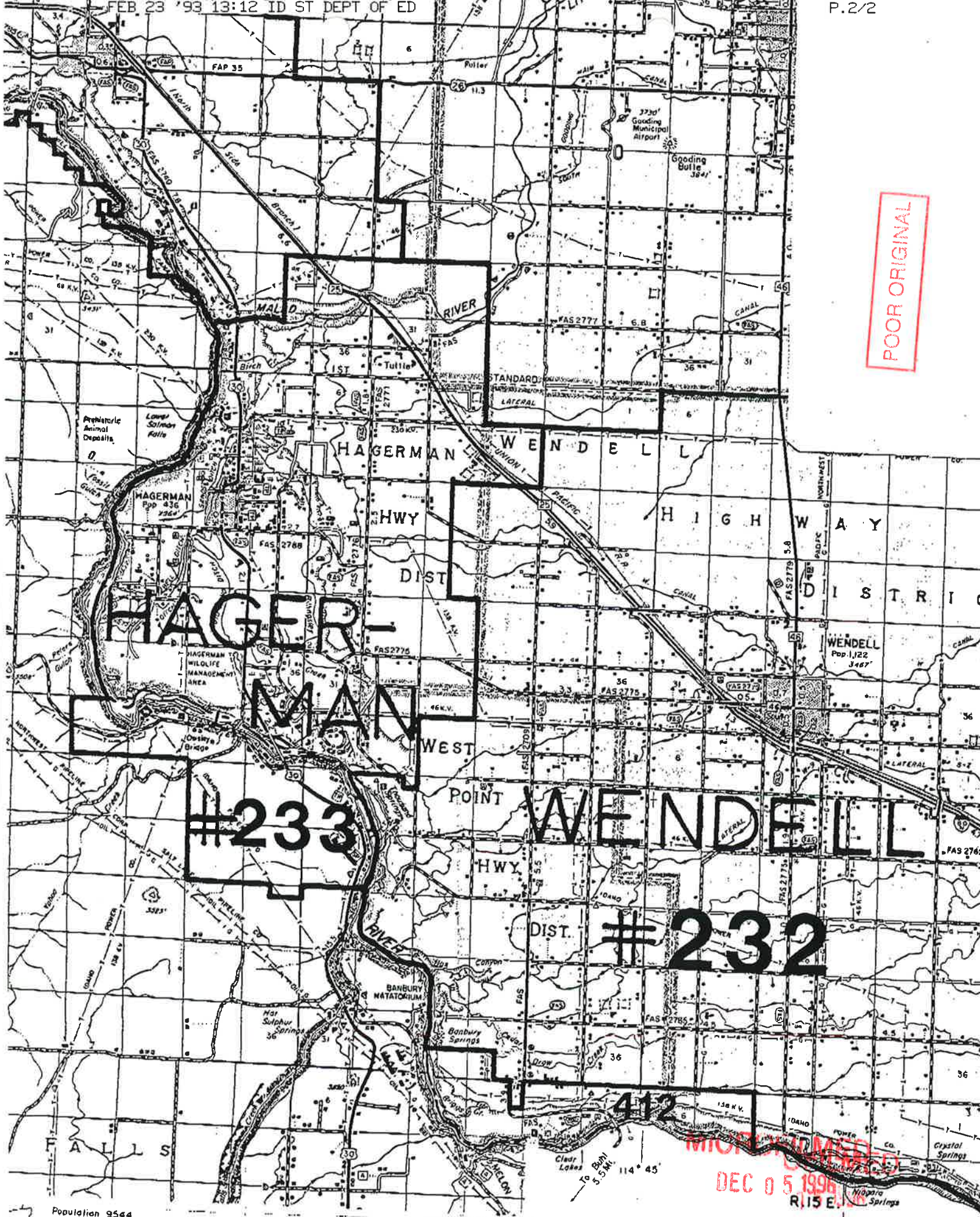
MICROFILMED MICROFILMED

DEC 05 1996

Signed _____

Date _____

POOR ORIGINAL



HAGERMAN

WENDELL

#233

#232

Population 9544

DEC 05 1996
RISE



STATE OF IDAHO
DEPARTMENT OF EDUCATION

LEN B. JORDAN OFFICE BUILDING
BOISE, IDAHO 83720-3650

JERRY L. EVANS
STATE SUPERINTENDENT OF PUBLIC
INSTRUCTION

FAX Number - 1-208-334-2228

DATE 2/23

of PAGES (including Transmittal Sheet) 2

SEND TO

NAME	Helen Thornton	
FIRM	Water Resources	
CITY/STATE		
FAX #	327- 7866	PHONE #

SENT BY

STAFF MEMBER	Deb Stago
DIVISION	Support Services
PHONE #	334- 2203
COMMENTS	

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DEC 05 1996

COP

RECEIVED

MAY 03 1996

Department of Water Resources
Adjudication Bureau

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

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

Petitioner,

vs.

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

Respondents.

Case No. 36-15221

OBJECTION

36-15221 -0001/
93-04-0482

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in the Director's Report. You may object to one water right per objection form. The water right number you are objecting to must be indicated above in the blank space following "Case No." To object to more than one water right, you must file a separate objection form for each. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form, as long as it is identical to the court's form. You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

(Over)

OBJECTION -1-

MICROFILMED

DEC 05 1996

Any party physically filing 25 (twenty-five) or more objections must make an appointment with a Clerk of the Adjudication Court and arrange for an appointment to file multiple objections.

By filing an objection form, you are certifying that the objection is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: IDAHO POWER COMPANY

Address: P.O. Box 70
Boise, Idaho 83707-0070

Briefly describe your interest in this water right:

Owner of right.

2. Owner of the water right:

Name: IDAHO POWER COMPANY

Address: P.O. Box 70
Boise, Idaho 83707-0070

3. If this objection is filed by an attorney:

Attorney Name: James C. Tucker

Attorney Address: P.O. Box 2139
Boise, Idaho 83701-2139

Attorney Phone No.: (208) 336-0700

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report

1. ☐ Name and Address: I object to the name and/or address of the owner of the water right.
2. ☐ Source: I object to the source of water.
3. ☐ Quantity: I object to:
 - a. ☐ the total quantity of water used in cubic feet per second; or
 - b. ☐ the total quantity of water stored in acre-feet per year; or
 - c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☐ Priority Date: I object to the priority date.
5. ☐ Points of Diversion: I object to the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
7. ☐ Purpose(s) of Use: I object to the purpose(s) of use.
8. ☐ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. ☐ Place of use: I object to:
 - a. ☐ the legal description of the place of use; or
 - b. ☐ the number of irrigated acres within each forty (40) acre subdivision.
10. ☐ Consumptive Use: I object to the annual volume of consumptive use.
11. ☐ Remarks: I object to the "remarks" listed with the water right.

(Over)

12. ☐ Water Right Recommendation: I object to:
- ☐ this water right being recommended at all; or
 - ☐ this water right not being recommended.
13. ☐ Description of Reservation: I object to the legal description of the reservation.
14. ☒ Other: I object to:
- The inclusion of the General Provisions in the Director's Report.

REASONS SUPPORTING EACH BOX CHECKED

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages, if necessary.

14. The inclusion of the General Provisions in the Director's Report.

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages, if necessary.

Remove all General Provisions from the Director's Report.

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

- ☐ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary. _____
- _____
- _____
- _____

VERIFICATION (Must be Completed)

State of Idaho

County of Ada

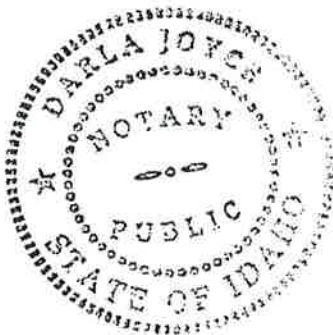
Patrick D. Madigan, being first
duly sworn, upon oath, deposes and says:

That I am the person or entity filing this objection, that I
am a water claimant or party in this proceeding, as defined by I.C.
§ 42-1401A(1) and (7), and that I have read the foregoing
objection, know its contents and that the statements contained
therein are true to the best of my knowledge and belief.

Signature of person filing objection

By: Patrick Madigan
(Attorney signing in representative
capacity)

Subscribed and sworn to before me this 20th day of
April, 1993.



Darla Joyce
Notary Public for Idaho
Residing at: Boise
My commission expires: 4-26-95

(Over)

MICROFILMED

DEC 05 1996

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. FAX filings will not be accepted by the Clerk of the Court. You must also send a copy to the owner of the water right, if other than yourself; to the Office of the Attorney General, State of Idaho; and to the United States Department of Justice, as set out below in the Certificate of Mailing. Finally, you must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I hereby certify that on the 29th day of April, 1993, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

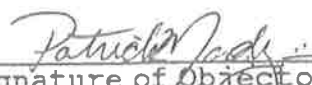
Owner name: IDAHO POWER COMPANY
Owner's address: P.O. Box 70
Boise, Idaho 83707-0070

3. One copy to:

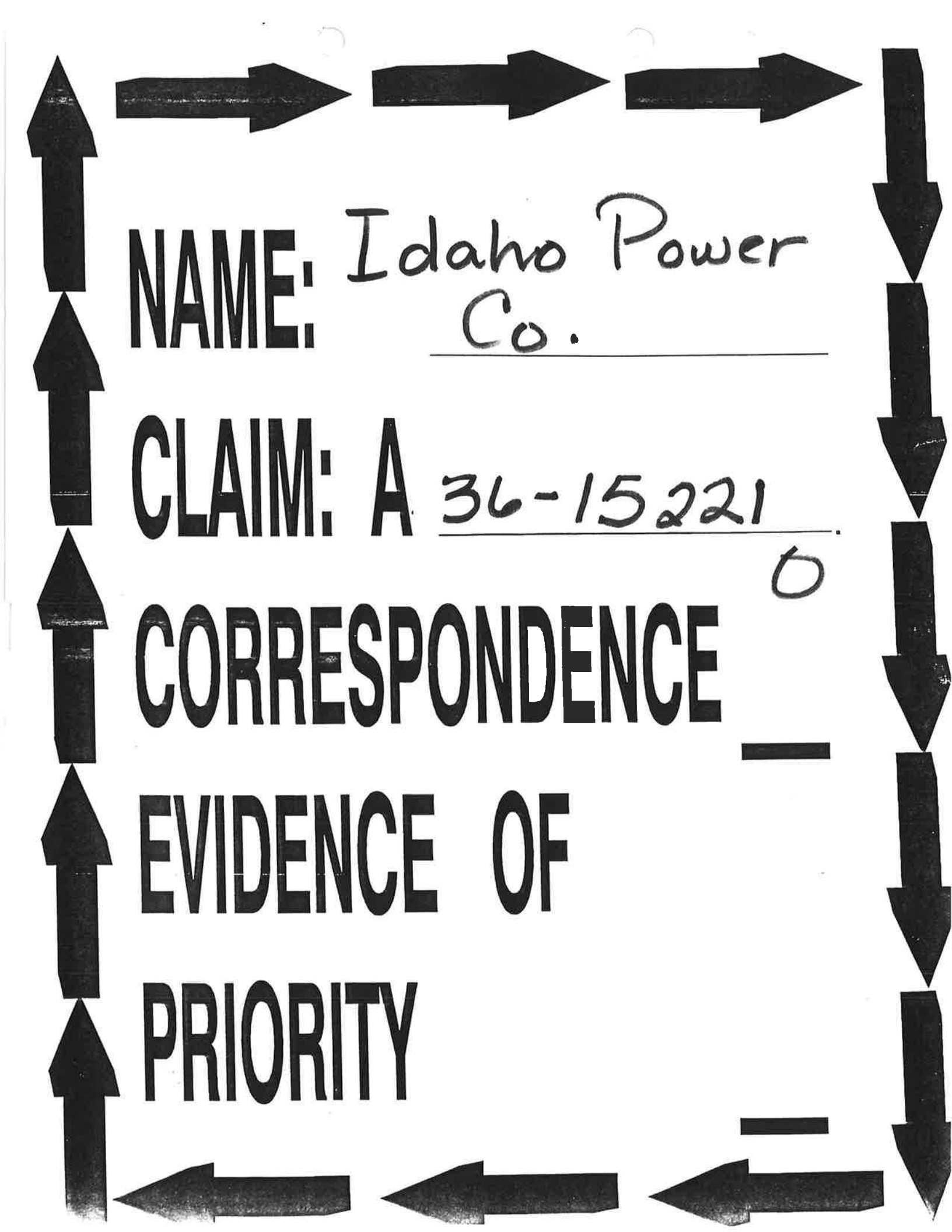
Chief, Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 4449
Boise, Idaho 83711-4449

4. One copy to:

United States Department of Justice
Environmental and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83724



Signature of Objector or attorney
mailing on Objector's behalf



NAME: Idaho Power Co.

CLAIM: A 36-15221

CORRESPONDENCE 0

EVIDENCE OF

PRIORITY

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF



MICROFILMED
JAN 28 1993

AUG-24-1992

NOTICE OF ERROR FORM

RECEIVED

SEP 23 1992

Department of Water Resources

Please type or print clearly, fill out completely, and return to:

Idaho Department of Water Resources

Statehouse Mail

Boise, Idaho 83720-9000

The notice of error must be received at IDWR by the **deadline date** printed below with your proposed recommendation.

YOUR DEADLINE FOR FILING A NOTICE OF ERROR IS:

1. Water right number: 36-02013[✓]; 36-02026[✓]; 36-15388[✓]; 36-15221[✓]; 36-07487[✓];
36-07587[✓]; 36-15387[✓]

2. Name: IDAHO POWER COMPANY
Address: JAMES C. TUCKER, ATTORNEY
P. O. BOX 2139
BOISE, IDAHO 83701-2139

Weekday Telephone Number: 336-0700 or 734-0700 (Sharon)

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

(Instead of filling in items 3 and 4 below you may include a copy of your proposed recommendation with the changes marked on the copy.)

3. Describe the portion of proposed recommendation with which you disagree:
ADDRESS

4. Describe the changes you wish to have made in the proposed recommendation:
SEE REVERSE FOR CORRECT ADDRESS

5. Describe why you disagree with the proposed recommendation:
ALL NOTICES RE SRBA TO COME TO ATTORNEY TUCKER PLEASE.

6. Date: 9-22-92

SIGNATURE



MICROFILMED

JAN 28 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

19-Oct-1992

Mr. James C. Tucker, Attorney
PO Box 2139
Boise, ID 83701-2139

RE: Snake River Basin Adjudication (SRBA)
Notices of Error in the name of Idaho Power Company

Dear Mr. Tucker:

We are in receipt of the Notices of Error on the above referenced claims. I will address the issues raised for each recommendation by claim number below.

A36-02037:

As previously noted by Sharon Strickland of your Twin Falls office, the cooling use has been recommended as shown in the Proposed Director's Report (page 3711).

The proposed recommendation is based on irrigation season of use standards adopted by the director for the various regions throughout the state. These standards are based on the period of the year in which there is less than a 75% chance of a 24 degree F. frost.

In addition, since there are some years in which water can be beneficially used for irrigation outside the irrigation season, the proposed Director's Report includes a general provision which provides for irrigation outside the irrigation season under certain conditions. The conditions are that the water is beneficially used, as determined by the director; that all water rights with a period of use outside the irrigation season regardless of priority, are satisfied; and that the use does not conflict with the public interest as determined by the director. This proposed general provision will be included in the Director's Report.

No changes are being made to the recommendation for A36-02037.

MICROFILMED
JAN 28 1993

A36-02018

I have reviewed the file and have confirmed the point of diversion has been recommended in the correct legal description. No changes have been made to the recommendation.

A36-02082

I have reviewed the file and have confirmed the place of use has been recommended in the correct legal description. Regarding the recommended period of use, please see above discussion. No changes have been made to the recommendation.

A36-02013, A36-02026, A36-07487, A36-07587, A36-15387,
A36-15388, A36-15221

I have not made any changes to these records or recommendations. As I discussed on the phone with Sharon Strickland, the Notice of Appearance filed with IDWR and the SRBA court show two attorneys of record and our files and recommendations will retain both attorneys until such time as we receive a change in the Notice of Appearance.

A36-02478

I have reviewed the file and have changed the total diversion rate to 3.21 cfs. I have determined that the uses are cumulative and have increased the recommended diversion rate from the previously recommended 3.0 cfs. Your original claim listed 3.0 cfs for cooling with additional uses for stockwater, irrigation, domestic and fire protection for a total of 3.5 cfs. However, our review of the claim found that the other uses other than cooling totaled .21 cfs, rather than the additional .50 cfs.

Regarding the purpose of use, fire protection has been recommended as shown in the Proposed Director's Report (page 3781). The period of use has been modified to an irrigation season of 3/15 to 11/15.

I have reviewed the place of use and the combined rate of diversion and have not made any changes to these items. The combined rate described in the Remarks is a reflection of the total capacity of the diversion system as measured by IDWR.

A36-02710

I have reviewed the file and have not made any changes to the recommendation. A discussion of the season of use is covered in the paragraphs relating to claim A36-02037 above. The maximum quantity recommended is a result of the rates recommended for the beneficial use of water for the uses found. I did not find an error in the place of use recommended.

MICROFILMED

JAN 28 1993

A36-15358

I have reviewed the file and do not find any error in the place of use. The season of use has been changed to recommend an irrigation season of 3/15 to 11/15.

A36-02704

I have reviewed the file and no changes have been made to the recommendation. The period of use is the standard season for the place of use. The fish propagation use has been recommended as shown in the Proposed Director's Report (page 3663). The diversion rate of 130.0 cfs has been recommended as a result of documents in IDWR files supporting a maximum diversion use of 130.0 cfs. The minimum flow restriction remarks is included based on legal documents found in IDWR files supporting this restriction.

If you still disagree with IDWR's recommendations you will have an opportunity to file an objection to the Director's report with the court. When the Director's Report is filed with the court, you will be mailed a notice that will contain more information about the objection process.

Sincerely,


Helen Harrington-Thornton
Water Resource Agent

HHT

MICROFILMED

JAN 28 1983

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	IDAHO POWER CO PO BOX 70 BOISE ID 83707 (208) 383-2200	03/03/1982	DOMESTIC	01-01 12-31	0.04 CFS	0.6 AFA
TOTAL DIVERSION:					0.04 CFS	0.6 AFA

Water Source: NIAGARA SPRINGS

Tributary to: SNAKE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion:

T09S R15E S10 Lot01(NENENE)

GOODING County

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE							
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:			
				09S 15E 10 :				09-D :															

POU County: GOODING

Non-Irrigation Uses: DOMESTIC 1 HOME

Other Rights: NONE

Remarks: THIS RIGHT IS AN EXPANSION OF RIGHT NO. 36-02704 PURSUANT TO IDAHO CODE 42-1416(2).
RIGHT NO. 36-02704 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
USE OF THIS RIGHT WITH RIGHT NO. 36-02704 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 132.0 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 48180 AF.

Dates: Exam Made Date: Verified Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag: E

Comments: Date: 09/24/1992 User-ID: SCHULTZ Subject: NOTICE OF ERROR (NOE)
RECEIVED NOE 9/23/92. CHANGED NOE FLAG FROM BLANK TO A.

Date: 10/19/1992 User-ID: THORNTON Subject: NOTICE OF ERROR RECONCILIATION
CHANGED FLAG FROM A TO B - NO CHANGE.
SENT LETTER DISCUSSING CHANGE IN ATTORNEYS NEEDED TO FILE A
NOTICE OF APPEARANCE.

Audit: 10/19/92 THORNTON

MICROFILMED
10/19/92

R PROOF



CVR



MAPS



PHOTOS



MISC



MICROFILME

JAN 28 1993

VERIFIED BY

See

Water Right Number - R36-15221

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
IDAHO POWER CO

1 - PO BOX 70
2 -
3 -
City- BOISE
Phone - 208-383-2200

State- ID Zip- 83707

*** A - ATTORNEY ***
ROSHOLT ROBERTSON & TUCKER

1 - JAMES C TUCKER OR
2 - BRUCE M SMITH
3 - PO BOX 2139
City- BOISE
Phone - 208-336-0700
1 - STEVEN L HERNDON
2 - PO BOX 70
3 -
City- BOISE
Phone - 208-383-2692

State- ID Zip- 83701

IDAHO POWER CO

State- ID Zip- 83707

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
03/03/1982 17 SOUTHERN J - BENEFICIAL USE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
NIAGARA SPRINGS SNAKE RIVER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
09S 15E 10 NE NE NE 1 (47) GOODING

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
43 - DOMESTIC 01/01 12/31 0.040

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.040 0.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
09S 15E 10 SE NE 9 43 DOMESTIC (47) GOODING

Total Acres:

+ - - Diversion Means - CONCRETE BOX WITH PIPELINE TO HOUSES

+ - - Non-Irrigation Use - DOMESTIC 1 HOME

+ - - Other Rights for Same Use - NONE

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Water right number - R36-15221

Prefix Translation: RESEARCH

+ - - - - - Remarks - - - - - +
THIS RIGHT IS AN EXPANSION OF RIGHT NO. 36-02704 PURSUANT TO
IDAHO CODE 42-1416(2).
RIGHT NO. 36-02704 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.
USE OF THIS RIGHT WITH RIGHT NO. 36-02704 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 132.0 CFS, A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 48180 AF.

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - - Comments - - - - - +
No Comments Found

+ - - Audit Fields - - +
03/16/92 CLELLAND

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 03/16/1992	Old Judicial District	-
Claim Received Date	- 10/07/1991	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- C021951	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	- E
				Notice of Error Flag	-

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R PROOF

CVR

MAPS

PHOTOS

MISC

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: A36-15221
Date Received: 10/7/91
Receipt No: 6021951
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

83707

2. Date of Priority: MAR 3, 1982

3. Source: NIAGARA SPRINGS Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	15E	10	NE	NE	NE	1	GOODING

5. Description of diverting works:
CONCRETE BOX WITH PIPELINE TO HOUSES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.04		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC/1 HOME

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
09S	15E	10	SE	NE	9	DOMEST	

11. Place of use in counties: GOODING

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JAN 28 1993

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS RIGHT IS AN EXPANSION OF RIGHT NO. 36-02704 PURSUANT TO IDAHO CODE 42-1416(2).
RIGHT NO. 36-02704 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
USE OF THIS RIGHT WITH RIGHT NO. 36-02704 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 132.0 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 48180 AF.

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: _____

X For Organizations:

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

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

October 4, 1991

Date

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JAN 28 1993

State of Idaho)
County of Ada) SS.

X Subscribed and sworn (or affirmed) before me this 4th day
of October 19 91

Gail L. Chambers
Notary Public

Seal

Residing at Boise, Idaho

My Commission Expires 12/31/92

X 17. Notice of Appearance:

Notice is hereby given that I, BRUCE SMITH 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 [Signature]

Address PO Box 2139 Boise ID 83702

Date 9/7/91

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JAN 28 1993