

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 A36-15387Date Received 8-12-92 HHFReceipt Number C020689

**NOTICE OF CLAIM
TO A
WATER RIGHT**

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day. Filing fee \$25

Please type or print clearly

- Name of Claimant (s) Idaho Power Company Phone (208) 383-2300
Mailing Address P.O. Box 70 Boise, Idaho Zip 83707
- Date of Priority (Only one (1) per claim) October 1, 1981
- Source of water supply (a) groundwater
which is tributary to (b) _____
- Location of point of diversion is: Township 10 S Range 23 E
Section 9, NW 1/4 of NW 1/4 of _____ 1/4, Govt. Lot _____, B.M.,
County of Minidoka
Additional points of diversion if any: _____
- Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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. 8" x 120' deep well and 5 hp pump
- Water is claimed for the following: (Limited to Domestic and/or Stockwater only. See Instructions)
For Domestic purposes from 1/1 (Both dates are inclusive) to 12/31 amount .04 (cfs)
For ~~Irrigation~~ purposes from ~~4/1~~ to ~~10/31~~ amount ~~0.1~~ 
- Total quantity claimed .04 (cfs)
- Total consumptive use claimed is de minimus
- Non-irrigation uses. Describe fully. (Domestic: give number of households served; Stockwater: Type and number of livestock) office, restrooms

[illegible]

Last Name _____ Ident No. _____

Copies White-State, Yellow-China

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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: A36-15387
Date Received: 6/ 4/1991
Receipt No: C020689
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: OCT 1, 1981

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	23E	9	NW	NW			MINIDOKA

5. Description of diverting works:
WELL, 8" X 120', 5 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, OFFICE/RESTROOMS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	23E	9	NW	NW		DOMEST	

11. Place of use in counties: MINIDOKA

RECORDED
FEB 09 1993

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
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IN RE THE GENERAL ADJUDICATION
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Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
10S	23E	9	NW	NW		DOMEST	

11. Place of use in counties: MINIDOKA

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

13. Other Water Rights Used:
NONE

14. Remarks:
MINI-CASSIA OFFICE

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: _____

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

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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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FEB 03 1993

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: *James C. Tucker*

ATTEST:

By: *R. W. Lee*
Secretary

FEB 09 1993

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



FILED
FEB 03 1993



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

17-Aug-1992

RE: ADJUDICATION CLAIM NO. A36-15387

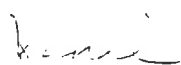
IDAHO POWER COMPANY
PO BOX 70
BOISE ID 83707

Dear Claimant(s):

Enclosed please find a copy of a computer-generated claim(s) based on the information from your original claim(s), which has been entered in our records.

Please review the claim(s) for accuracy. In a few instances, clarifications may have been added by the Department at the time of data entry. Should you have any questions or objections regarding this record of your claim, please contact this office.

Sincerely,


Jeanie Robertson
Records Clerk

/jr
Enclosures

FEB 03 1993

SD-33

Last Name: IDAHO POWER COMPANY

STATE

S

O

E

First

W

Water

Priority

Total

Use

L

Name

N

Right No.

Date

Source

Diversion

Code Desc

-

IDAHO POWER COMPANY

-

C A36-15387

10/01/1981

GROUNDWATER

0.040

43 DOMEST

-

C R36-15387

10/01/1981

GROUNDWATER

0.040

43 DOMEST

-

-

-

-

-

-

-

-

-

-

-

-

-

-

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

FEB 03 1983

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

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FEB 09 1993

R PROOF

CVR

MAPS

PHOTOS

MISC

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OCT 20 1991

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. 36-15387 -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)

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OCT 20 1994

2. Person who filed objection:

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

Name: STEVEN L HERNDON_ (ATTY)
Address: IDAHO POWER CO
PO BOX 70
BOISE ID 83707

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. A36-15387

2

(Over)

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OCT 20 1994

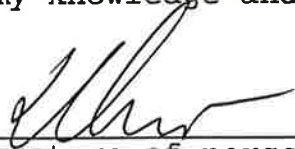
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

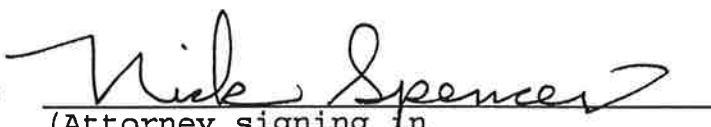
David B. Shaw, being first duly sworn, upon oath, deposes and says:

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.



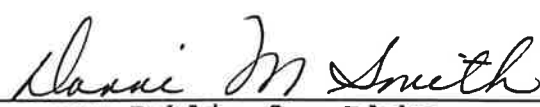
Signature of person filing response

By:



(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 16th 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 16TH 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:

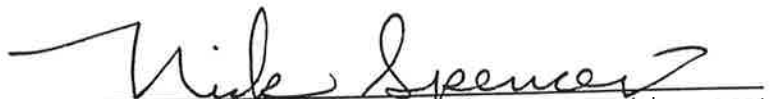
See No. 3

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

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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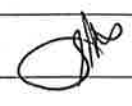
NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day. Filing fee \$25

Please type or print clearly

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FEB 8 1994
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OCT 20 1994
Copies: White-State, Yellow-Claimant

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

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)

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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. General Provisions are beyond the scope of the Director's authority.

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

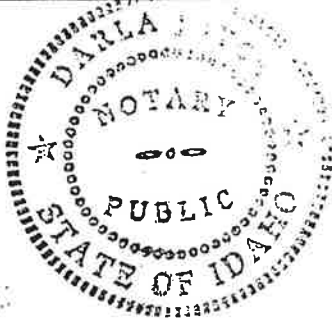
Patrick D. Madigan, being first
duly sworn, upon oath, deposes and says:

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 29th day of
APRIL, 1993.



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

(Over)

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OCT 20 1994

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

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF

INCH FILMED
FEB 09 1993

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: 09-09-92

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



RECEIVED
FEB 09 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.

RECEIVED
FEB 03 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.

WINDY HILL
FEB 09 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

noted in file
FEB 03 1993

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	IDAHO POWER COMPANY PO BOX 70 BOISE ID 83707 (208) 383-2300	10/01/1981	DOMESTIC	01-01 12-31	0.04 CFS	
TOTAL DIVERSION:					0.04 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T10S R23E S09

NWNW

MINIDOKA 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	:
10S	23E	9	:																	:
			:																	:

POU County: MINIDOKA

Non-Irrigation Uses: DOMESTIC, OFFICE/RESTROOMS

Other Rights: NONE

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

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.
CLAIM VERIFIED 8/14/92. DID NOT REVERIFY ANY PART OF CLAIM.

Date: 10/19/1992 User-ID: THORNTON Subject: NOTICE OF ERROR RECONCILIATION
CHANGED FLAG FROM A TO C.
NOTICE OF ERROR WANTED TO HAVE ONLY TUCKER AS ATTORNEY. DID
NOT REMOVE HERNDON, SINCE BOTH ARE IDENTIFIED ON THE COURT
NOTICE OF APPEARANCE. HOWEVER, I DID CORRECT THE RECOMMENDATION
TO SHOW HERNDON AS "A" CODE, RATHER THAN "C" CODE.

Audit: 10/19/92 THORNTON

R PROOF



CVR



MAPS



PHOTOS



MISC



RECORDED

FEB 23 1993

VERIFIED BY

HHT

Water Right Number R36-15387

Prefix Translation: RESEARCH

Old (D) Number -

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

*** A - ATTORNEY ***
TUCKER

JAMES C

1 - RSHOLT ROBERTSON & TUCKER
2 - PO BOX 2139
3 -
City- BOISE
Phone - 208-336-0700

State- ID Zip- 837022139

*** C - CURRENT OWNER ***
IDAHO POWER COMPANY1 - PO BOX 70
2 -
3 -
City- BOISE
Phone - 208-383-2300
1 - IDAHO POWER COMPANY
2 - PO BOX 70
3 -
City- BOISE
Phone - 208-383-2300

State- ID Zip- 83707

State- ID Zip- 83707

HERNDON

STEVEN L

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
10/01/1981 17 SOUTHERN J - BENEFICIAL USE+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER+ - - - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
10S 23E 9 NW NW (67) MINIDOKA+ - - - - - - - - - - - - - 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
10S 23E 9 NW NW 43 DOMESTIC (67) MINIDOKA

Total Acres:

+ - - Diversion Means - WELL, 8" X 120', 5 HP PUMP
+ - - Non-Irrigation Use - DOMESTIC, OFFICE/RESTROOMS
+ - - Other Rights for Same Use - NONE

FEB 09 1993

Water right number - R36-15387

Prefix Translation: RESEARCH

+ - - - - Remarks - - - - -
No Remarks found.

+ - - - - 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 - - +
00/00/00

+ - - - - 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	- 08/14/1992	Old Judicial District	-
Claim Received Date	- 08/12/1992	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- C020689	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	-
				Notice of Error Flag	-

FEB 09 1993

CLAIM NO. A36 - 15387

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM VERIFICATION EXAM SHEET

(use in place of the CVR for small Domestic/Stock exams)

1. ☒ No Change NAME
NEW OWNER: _____
☐ No Change ADDRESS
☐ NEW ADDRESS: _____
2. ☒ No Change - DATE OF PRIORITY: Completed - No Field Verification Needed.
☐ Incomplete - Claim shows no priority date, claimant should be asked during the exam when was water first used.
Priority date, per claimant, is _____.
(if the priority date, based on your exam, seems questionable, explain in remarks.)
3. ☒ No Change - SOURCE
☐ Source is different than that claimed:
Source found: _____
4. ☒ No Change - POINT OF DIVERSION
☐ Point of diversion is different than the claim
New P/D: Twp. _____, Rge. _____, Sec. _____, _____ 1/4 _____ 1/4 _____ 1/4
5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete desc., complete items missing, IF KNOWN.
☐ Additional comments in remarks.
HP of pump _____ Pump Ser. # _____ Pumping water level _____
Well depth _____ Motor Ser. # _____ Static water level _____
Casing size _____ Method of irr. _____
6. ☒ No Change - WATER USES
☐ Different uses, (list uses found).
Use _____ From _____ To _____ Amount _____ cfs _____ af
Use _____ From _____ To _____ Amount _____ cfs _____ af
7. ☒ No Change - TOTAL VOLUME
☐ Incomplete on claim, the total is, -- -- _____ cfs _____ af
☐ Change found, the new total is, -- -- -- _____ cfs _____ af
8. ☒ N/A
9. ☒ No Change - NON-IRRIGATION USES: Completed on claim
☐ Incomplete on claim - Exam found:

Domestic - No. of homes _____ Stockwater - No. of head _____

Other: Domestic office/restrooms

FEB 09 1993

10. ☒ No Change - PLACE OF USE: (If changed, list below.)

Use	Twp.	Rge.	Sec.	1/4,	1/4,
<u>Domestic</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

Remarks: (Comments pertinent to field examination)

Contacted Minidoka Co. Assessor and received confirma-
tion of property owned in legal description.

ATTACHMENTS:

Attached to
This Form.

Attachments are
in Permit File.

PHOTOS (optional) ☐
MAP ☐
SYSTEM DIAGRAM ☐

☐
☐
☐

☐ Changes found during exam or additional information in the permit file, see permit file.

DATE EXAM CONDUCTED: None Required

FIELD EXAMINER:

Signature

John J. Wavrik-Thorpe
8/13/92