

RECEIVED

MAY 19 2017

Department of Water Resources
Eastern RegionEXCHANGE
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

81756

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) PacifiCorp, an Oregon CorporationCheck whether each item below is *attached (Yes)* or *not applicable (N/A)* for the proposed transfer.Yes ☒ N/A ☐ * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer [Part 2B](#) for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☒ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☒ ☐ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☐ ☒ #10 Other. Please describe: Explanatory, Ownership/Deed for parcel with diversion structure, Photo of diversion structure.

EXCHANGE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) PacifiCorp, an Oregon Corporation Phone 801-220-7803

Mailing address 1407 W North Temple #110 Salt Lake City UT 84116 Email buffi.morris@pacificorp.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it Attachment #1.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it Attachment #2a.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it Attachment #2b.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it Attachment #3.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Buffi Morris Phone 801-220-7803

Mailing address 1407 W North Temple #110, Salt Lake City, UT 84116 Email buffi.morris@pacificorp.com

- ☒ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☒ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it Attachment #4.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Buffi Morris
Signature of Applicant or Authorized Representative

Buffi Morris, Water Rights Admin.
Print Name and Title if applicable

5.9.17
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it Part 1A.2.
PacifiCorp and Idaho Fish & Game are cooperating in a fish propagation pond project at noted location. The project includes two 1/4 acre ponds with a total volume of 2.8 acre feet. We are requesting that only this portion of 13-963 be exchanged/transferred under this application. 13-963 was recently released from the Water Supply Bank.

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

AMENDED

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

[illegible]

Total authorized under rights _____ cfs and/or **40000** acre-feet.

2. Total amount of water proposed to be transferred or changed _____ cubic feet per second and/or 2.8 acre-feet per year.

- 3. Point(s) of Diversion:**

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it Attachment #5.

[illegible]

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Water will be diverted from an unnamed spring through existing infrastructure--a concrete diversion and 8" PVC pipe. The point of diversion is on PacifiCorp land. Water will flow into two 1/4 acre ponds--A new permit is being sought for 1 cfs from the same source which will fill the ponds--then return to the Bear River.

- b. Who owns the property at the point(s) of diversion? Applicant-PacifiCorp (see attached Deed/legal description)

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
n/a

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: n/a

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

No land is irrigated now under the existing right. It is a non-consumptive storage right for power. This exchange/transfer application seeks to change the point of diversion, place of use and nature of use of a portion of that right, that portion being 2.8 acre feet (original right 4,000 ac-ft). The new nature of use will be fish propagation.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

n/a

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☒ ☐ undergone a period of five or more consecutive years of non-use,
☒ ☐ currently leased to the Water Supply Bank,
☐ ☐ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☐ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

As noted, 13-963 was recently released from the Water Supply Bank--it has been held since 2013. A new application to hold the remainder of 13-963 in the Water Supply Bank has been filed in conjunction with this exchange/transfer application and new permit application for 1 cfs non-consumptive flow right.

Application for Exchange/Transfer Part 2A
IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No.: 13-963

Current Owner: PACIFICORP AN OREGON CORP

Priority Date: 3/28/1916

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

BEAR RIVER

GREAT SALT LAKE

Beneficial Use

From To

Diversion Rate

Annual Volume

POWER FROM
STORAGE

1/01 to 12/31

4000 AF

Total Diversion

4000 AF

Location of Point(s) of Diversion

BEAR RIVER

NW1/4NW1/4 Sec. 28, Twp 10S, Rge 40E B.M.

CARIBOU County

Place of Use

Place of Use: POWER FROM STORAGE same as

Conditions of Approval:

1. P/D SEE LEGAL DESC IN DECREE.
P/U SEE LEGAL DESC IN DECREE.

Decreed Date: 7/17/1920



Cove Reservoir 1980

81756

Attachment 7A

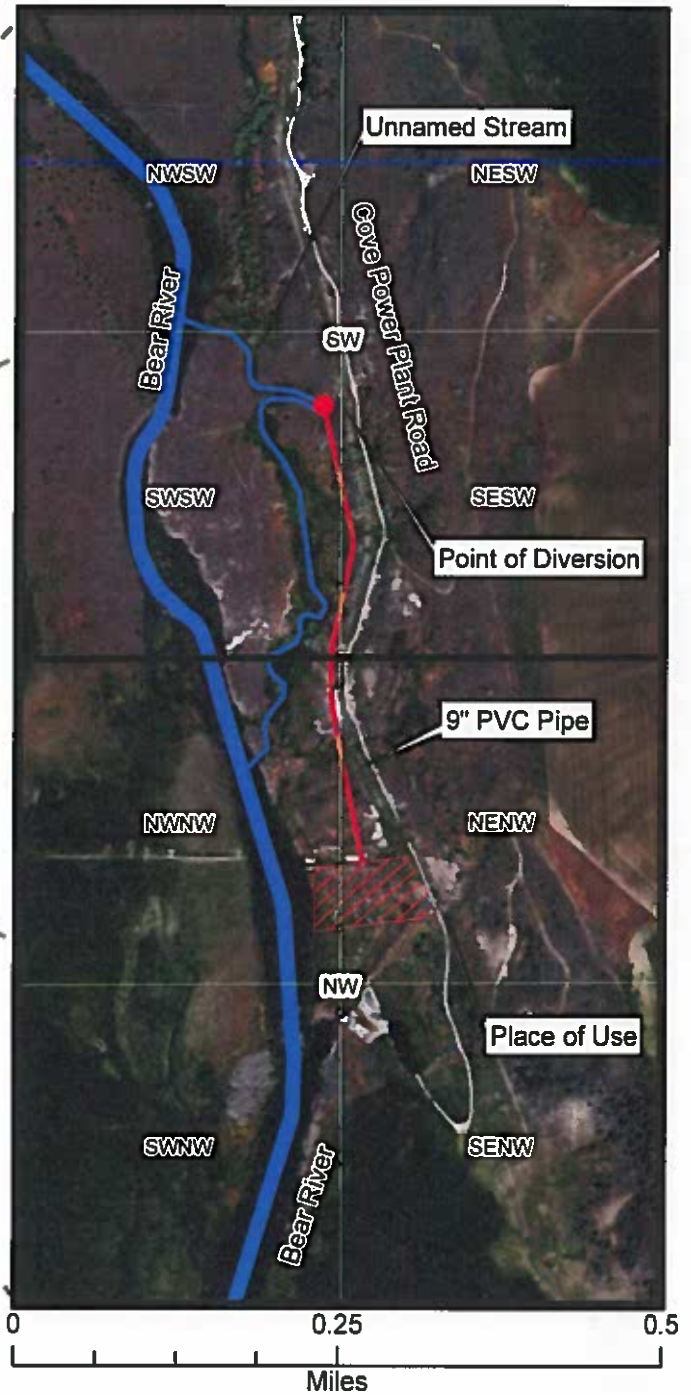
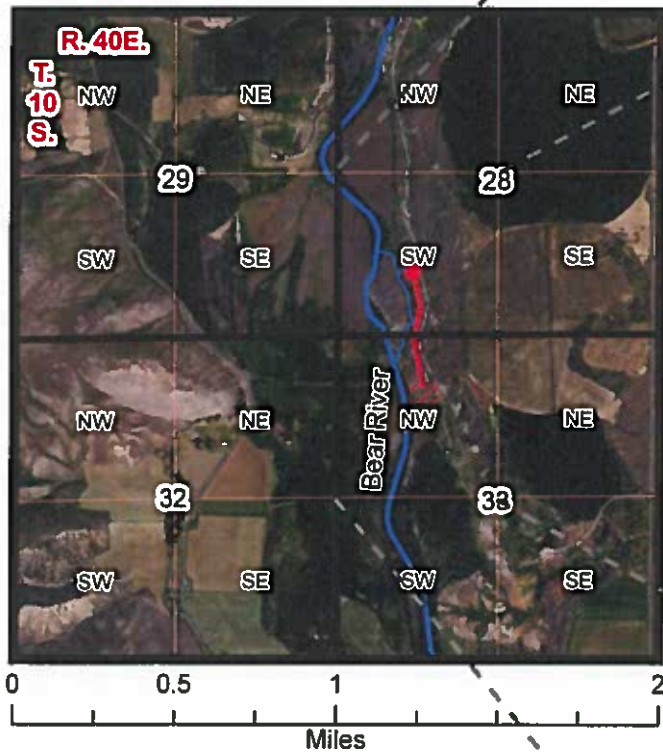


Exhibit of Unnamed Spring - Point of Diversion and Point of Use

Cove Native Fish Holding Ponds

PACIFICORP - GRACE HYDROELECTRIC PROJECT



Date: 2017-03-08

81756

ATTACHMENT 8A

PacifiCorp is cooperating with Idaho Fish and Game on the construction of two new ¼ acre fish propagation holding ponds—approximately 1.25 miles south of the location of the existing non-consumptive storage right under 13-963. For reference, this location is very near the Bear River—downstream of PacifiCorp's Grace hydro plant and near the Cove hydro plant that was decommissioned in 2006.

An exchange/transfer application is being sought to transfer 2.8 acre feet (of the 4,000 ac-ft right) to two new ¼ acre ponds for the project. The ponds will be lined and adjacent to the Bear River so there will not be an issue of seepage. The source of water is an unnamed spring and will be delivered through existing infrastructure (picture attached). The point of diversion is on PacifiCorp land (Deed attached).

The exchange/transfer application includes changing the point of diversion, place of use and nature of use only for the 2.8 acre feet of water right 13-963. The evapotranspiration /depletion for the proposed ponds is 1.8 acre feet. (NOTE: The existing storage right has an associated evaporation allowance).

PacifiCorp is requesting that only a portion of the non-consumptive storage water right be exchanged/transferred, 2.8 acre-feet (1.39 acre feet upper pond, 1.41 acre feet lower pond) to be used for the fish propagation holding pond project. The entire water right along with the sister right (13-962) was recently released from the Water Supply Bank. PacifiCorp submitted new lease applications to the Water Supply Bank for the remaining portion of 13-963 and the full right for 13-962.

81756™

Point of Diversion
(Existing Infrastructure)



81756

LOCATION

Lat  Long for Point of Diversion

SHARE



Latitude: 42.5212336 (42°31'16.4418")

Longitude: -111.7942940 (-111°47'39.4578")



Approx.
Address:

660-672 Cove Power Plant Rd

Grace, ID 83241

Caribou County



Approx. Altitude: 1521.12 m (4990.55 ft)

Map

Satellite

Hybrid



Legal

1756

203403

RECORDED

CLERK AUDITOR & RECORDER
SANDHOG COUNTY, IDAHO

JUL 7 1939 10 ³⁹ AM

IN BOOK 79 of
INDEX PAGE 332
OF SANDHOG COUNTY,
STATE OF IDAHO

Amie J. Peck
RECORDER

DEPUTY

80

W. J. Conner's Right C.
Salt Lake City, Utah
By C. A. Tucker

5402

MAR 16 2017

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

Department of Water Resources
Eastern Region**MINIMUM REQUIREMENTS CHECKLIST**
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) PacifiCorp, an Oregon CorporationCheck whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes ☒ N/A ☐ * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☒ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☒ ☐ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 16 2017

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) PacifiCorp, an Oregon Corporation Phone 801-220-7803Mailing address 1407 W North Temple #110 Salt Lake City UT 84116 Email buffi.morris@pacificorp.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No RepresentativeName of Representative Buffi Morris Phone 801-220-7803Mailing address 1407 W North Temple #110, Salt Lake City, UT 84116 Email buffi.morris@pacificorp.com

- ☒ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☒ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.



Signature of Applicant or Authorized Representative

Buffi Morris, Water Rights Admin.

Print Name and Title if applicable

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☒ Change nature of use

☐ Add diversion point(s)
☐ Change period of use

☒ Change place of use
☐ Other _____
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.
PacifiCorp and Idaho Fish & Game are cooperating in a native fish holding pond project at the noted location. The project will consist of two 1/4 acre ponds. Total volume of the ponds are 2.76 acre feet. PacifiCorp is requesting that only this portion of 13-963 be transferred under this application. 13-963 is currently held by the Water Supply Bank.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	13-963	4000 ac-ft	Power (currently)	01/01 to 12/31	Bear River
☐ ☒		2.76 ac-ft	Native fish holding pond	01/01 to 12/31	unnamed springs
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights _____ cfs and/or 4000 acre-feet.

2. Total amount of water proposed to be transferred or changed _____ cubic feet per second and/or 1.76 acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
					28	10S	40E	Caribou	unnamed spring	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	40E	33					X	X											n/a
Total Acres (for irrigation use)																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Water will be diverted from an unnamed spring through existing infrastructure that includes a concrete diversion and 8" PVC pipe. Water will flow into two, 1/4 acre ponds. A new permit is being sought for 1 cfs from the same source for native fish holding which will fill the ponds and then return to the Bear River.

- b. Who owns the property at the point(s) of diversion? Applicant-PacifiCorp

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
n/a

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it Attachment #6. List the name of the entity and type of lien: n/a

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☒ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

No land is irrigated now under the existing right. It is a non-consumptive storage right for power. This transfer application seeks to change the point of diversion, place of use and nature of use of a portion of that right, that portion being 2.76 acre feet (original right 4,000 acre feet). The new nature of use will be native fish holding.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

n/a

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☒ ☐ undergone a period of five or more consecutive years of non-use,
☒ ☐ currently leased to the Water Supply Bank,
☐ ☐ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☐ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

As noted, 13-963 is currently held by the Water Supply Bank. It has been held there since 2013. A request to release a portion of this water right from the bank is being filed in conjunction with this transfer application and new permit application for 1 cfs non-consumptive flow right.

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 13-0963

Current Owner: PACIFICORP AN OREGON CORP

Priority Date: 3/28/1916

Origin: Water Right

Status: Water Supply Bank Active

Basis: Decreed

Source

BEAR RIVER

Tributary

GREAT SALT LAKE

Beneficial Use

POWER FROM
STORAGE

From To

1/01 to 12/31

Diversion Rate

Annual Volume

4000 AF

Total Diversion

4000 AF

Location of Point(s) of Diversion

BEAR RIVER

CARIBOU County

NW1/4NW1/4

Sec. 28, Twp 10S, Rge 40E B.M.

Place of Use

Place of Use: POWER FROM STORAGE same as

Conditions of Approval:

1. P/D SEE LEGAL DESC IN DECREE
 P/U SEE LEGAL DESC IN DECREE

Decreed Date: 7/17/1920

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☒ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

[illegible]

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by SC Date 11/11/11 Preliminary check by Date

Fee paid 450⁰⁰ Date 3/16/17 Received by SC Receipt # EO42818

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

Page 6

81756

Check all that apply. Attaching WSD ☐ (copy)

✓ \$200 - App fee

\$250 - Nature of use

ATTACHMENT #7a

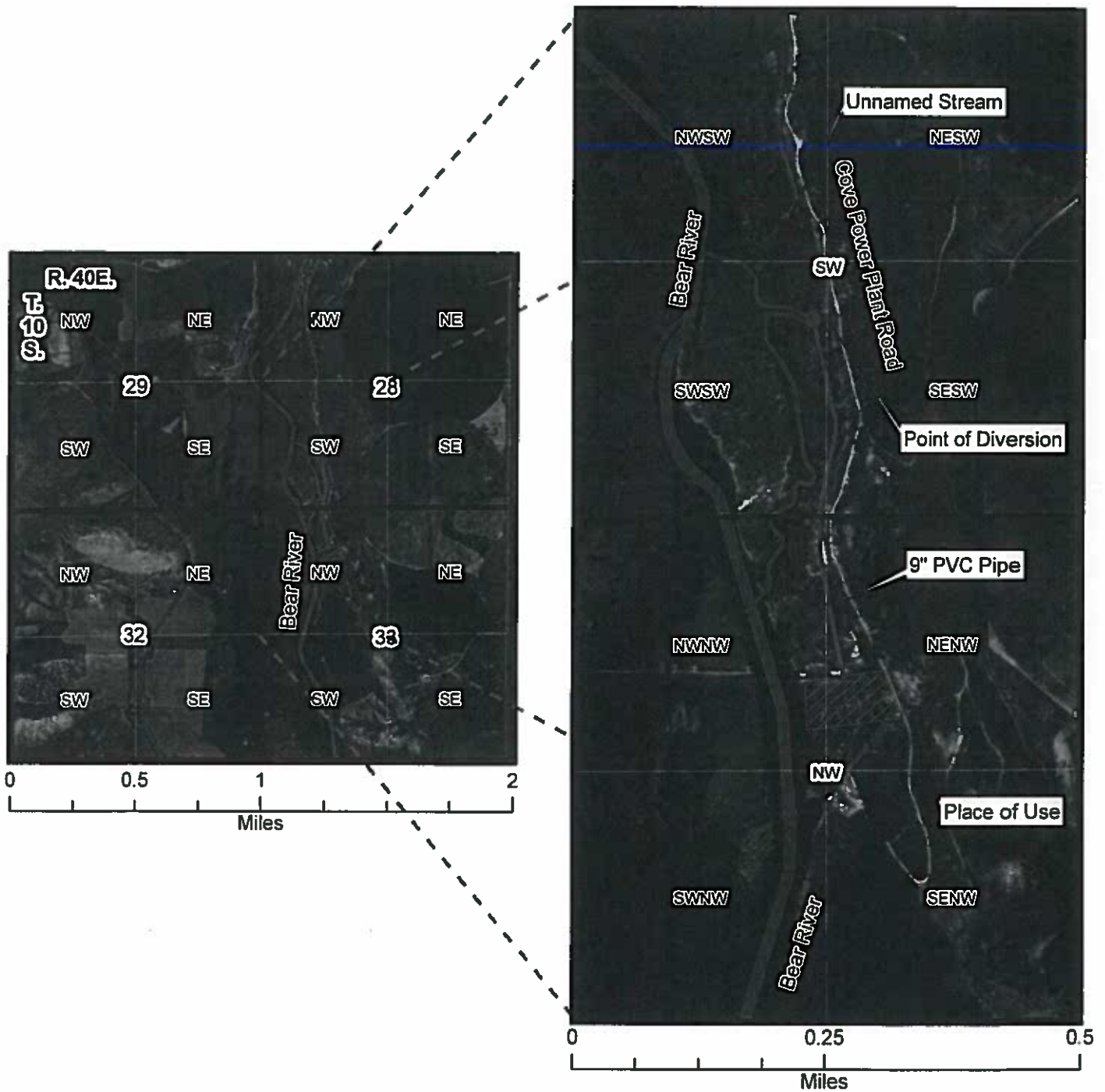


Exhibit of Unnamed Spring - Point of Diversion and Point of Use

Cove Native Fish Holding Ponds

PACIFICORP - GRACE HYDROELECTRIC PROJECT



Date: 2017-03-08

81756

ATTACHMENT 8a

PacifiCorp is cooperating with Idaho Fish and Game on the construction of a native fish holding pond project approximately 1.25 miles immediately south of the location of the existing non-consumptive storage right under 13-963 (previously used at the Cove hydro plant). For reference this location is very near the Bear River downstream of PacifiCorp's Grace hydro plant and near the location of the Cove hydro plant that was decommissioned in 2006.

PacifiCorp is requesting that only a portion of the non-consumptive storage water right be released, 2.76 acre-feet (1.35 acre feet upper pond, 1.41 acre feet lower pond), so that the released portion of the water right can be used for the native fish holding pond project. PacifiCorp requests that the remaining portion of the right remain in the bank.

A transfer application is being sought to transfer this released portion to two new ¼ acre (each) ponds for the project. The source of water is an unnamed spring. The transfer application will include changing the point of diversion, place of use and nature of use of the released portion of the existing storage right 13-963. Because this existing storage right has an associated evaporation allowance, no new consumptive right is necessary to offset evaporation at the ponds.

APPLICATION FOR TRANSFER OF WATER RIGHT

ATTACHMENT WSB:

TRANSFERRING WATER RIGHTS LEASED TO THE WATER SUPPLY BANK

Approval of a transfer application will not impact the terms of a Water Supply Bank Lease Contract. Any transferred water right or portion of a water right that is leased to the Water Supply Bank (Bank) shall remain unused while the lease is active.

If the transfer proposes to relocate the place of use of an irrigation water right, and the relocated acres include land currently idled due to a Bank lease contract, the applicant is required to identify the areas that will be idled at the new place of use for the duration of the lease contract. The acres to be idled should be clearly identified on the map created for Attachment 7B of the transfer application. The applicant should confirm the map is attached when completing the table below. If the leased portion of the place of use is not proposed to be relocated, a map is not required.

A Bank lease contract shall remain in effect until it expires, a new lease proposal is processed to replace it, or the water right is released from the Bank through written confirmation issued by the Water Resource Board. If the proposed transfer is approved, the water right owner will be provided sufficient time to allow the lease contract to expire before beneficial use of water at the new place of use will be expected. Meanwhile, water rights leased to the Bank are protected from forfeiture for the duration of the lease contract.

Water right owners who would like to adjust the terms of their lease contracts can either submit a new lease proposal on an Application to Lease a Water Right to the Water Supply Bank form, or they can request early termination of their lease contracts by completing a Request to Release a Water Right from the Water Supply Bank form. If a water right is leased to the Bank, and it is currently being rented from the Bank, the lease cannot be reduced or terminated until the rental agreement concludes. A request to release a water right or to submit a new lease application should be sent to the Department's state office. To find out if there are any rentals associated with a leased water right, please call a Bank representative at the Department at 208-287-4800.

In the table below, please provide the requested information for any water right that is both proposed for transfer and leased to the Bank. The information needed to complete this table can be found in your Bank lease contract. A copy of your lease contract can be obtained using the 'Search Water Rights' option on the Department's internet page at www.idwr.idaho.gov or by contacting any Department office.

Water Right Number	Lease Contract Expiration Date	Water Right Quantities Leased to the Bank			Map Attachment 7B Clearly Identifies Idled Place of Use at New Location
		Rate (cfs)	Volume (AF)	Acres	
13-963	12/31/2017		4000 af	n/a	Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐

Is the ownership of the water right(s) leased to the Bank being changed? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.

Additional Information:

At the new location/place of use the water right will be beneficially used for holding native fish used in IDFG/PacifiCorp's Bonneville Cutthroat Trout program. 2.76 acre-feet would be released from the Water Supply Bank for this transfer and the remaining amount would remain in the Bank. A separate request to the bank is being submitted on form 42-1761-3

Agency Use Only: Personnel processing transfer applications should forward a copy of this attachment, the original Lessor Designation form and/or IRS Form W-9, if received, to the State Office.

RECEIVED

FEB 04 2013

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
WATER RESOURCE BOARD

WSB No. _____

Receipt No. 0096503Date/by 2-4-13 40

(For Department Use Only)

**APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK**

Name of Seller/Lessor PacifiCorp, (formerly Utah Power & Light Co) Phone 801-220-2252
 Mailing address attn: Claudia Conder 1407 W. North Temple #110 SLC, UT 84116 Email claudia.conder@pacifiCorp.com

A. DESCRIPTION OF WATER RIGHT, OR PORTION THEREOF, OFFERED TO THE BANK

If the entire right is for sale or lease, check here ☒, list the water right number, and skip to Part B.

1. <u>Water Right Number</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
<u>13-963</u>	<u>4000 ac-ft</u>	<u>hydro power non-consumptiv</u>	<u>01/01</u> to <u>12/31</u>
		<u>(storage)</u>	
Total Amount: <u>4000 ac-ft</u>			

2. Source of water Bear River tributary to Great Salt Lake

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	1/4	1/4	1/4	County

4. Lands irrigated or place of use: *See Part D for additional information regarding place of use.

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

If the right is for irrigation, show total number of acres offered to the bank. Total Acres _____

B. OWNERSHIP

1. Are you currently listed in IDWR's records as the owner of the water right being offered to the bank? Yes ☒ No ☐
 If no, provide documentation of your authority to sign on behalf of the right holder OR attach a Notice of Change in Water Right Ownership form along with the required documentation and fee.
2. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☐ No ☒
 If yes, provide written consent from the company, corporation or irrigation district to the proposed sale or lease and list name of entity:

C. GENERAL INFORMATION

1. Please provide a description of the current diversion system.

~~The diversion system consisting of a dam and flume was removed in 2006.~~

2. Describe any other water rights used for the same purpose or at the same place of use as described above.

~~43-962 is the non-consumptive flow right for use of 1500 cfs at the Cove hydroelectric development.~~

3. Will the present place of use continue to receive water from any source? Yes
- ☐
- No
- ☒

If yes, describe.

4. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes
- ☒
- No
- ☐

If yes, describe and attach watermaster records or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. Non-use extension was granted by IDWR for five years that expires on March 1, 2013.

5. Is this water right involved in any other Department process such as an application for transfer or a mitigation plan? Yes
- ☐
- No
- ☒

If yes, describe.

D. REQUIRED ITEMS

This form must be signed and submitted with the following REQUIRED items:

1. Plat map, survey map or aerial photograph clearly showing the specific acres proposed to be idled by this lease application.
2. Filing fee of \$250.00. If you are submitting more than one lease application and the rights have a common place of use or common diversion rate or common diversion volume, the combined maximum fee is \$500.00.
3. A completed Internal Revenue Service (IRS) Form W-9 (attached). If your water right is rented, we will be unable to issue payment to you without a current W-9 form.

E. SALE/LEASE AGREEMENT

1. Is the water right, or portion thereof, described above offered to the Idaho Water Resource Board (IWRB) for sale
- ☐
- or lease
- ☒
- ?

If lease, for a period from 03/01/2013 to 02/28/2018 (not to exceed 5 years).
(Month / Day / Year) (Month / Day / Year)

2. Show the minimum payment acceptable to the Seller/Lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

~~PacificCorp is interested in leasing the water to the water supply bank for up to five (5) years while it determines the best possible alternative for use of the water.~~

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this right for sale or lease to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner/lessor of the right may not use the right even if the right is not rented from the bank.
3. A right accepted into the bank stays in the bank until the Board releases it or the lease term expires.
4. While a right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

Signature of Applicant

Printed Name and Title*

Date

Signature of Applicant

Printed Name and Title*

Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

Mail to: Idaho Department of Water Resources, P.O. Box 83720, Boise, ID 83720-0098

81756

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK LEASE ACCEPTANCE

This is to certify that: PACIFICORP AN OREGON CORP
1407 W NORTH TEMPLE STE 110
SALT LAKE CITY UT 84116
(801) 220-2252
CLAUDIA.CONDER@PACIFICORP.COM

has requested to lease the water right(s) listed below to the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board") being authorized to operate a bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director", "Department") the acquisition of water rights for the Board's Bank, agrees to lease the water right to the Bank as follows:

Summary of Water Rights or Portions Leased to the Bank

Water Right	Lease Rate	Lease Volume	Acre Limit	Total Leased Acres
13-962	1,500.0 CFS	NA	NA	NA
13-963	NA	4,000 AF	NA	NA
COMBINED LEASE TOTALS:	NA	NA	NA	NA

TERM OF LEASE:

Lease Begin Date: March 1, 2013

Expiration Date: December 31, 2017

RENTAL AVAILABILITY:

Season of Use: January 1 to December 31

MINIMUM PAYMENT ACCEPTABLE:

Current Rental Rate

Detailed Lease Acceptance attached.

Dated this 15th day of February, 20 13

for Mon P. Patton
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

SUPPORT DATA

IN FILE # 13-962

**WATER RIGHT NO. 13-962
WATER SUPPLY BANK LEASE ACCEPTANCE**

The water right or portion thereof leased to the bank is described as follows:

Lessor: PACIFICORP AN OREGON CORP
1407 W NORTH TEMPLE STE 110
SALT LAKE CITY UT 84116
(801) 220-2252
CLAUDIA.CONDER@PACIFICORP.COM

Priority Date: 3/9/1916

Source: BEAR RIVER **Tributary to:** GREAT SALT LAKE

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
POWER	01/01	to 12/31	1,500.00 CFS	
	Total:			1,500.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

BEAR RIVER NW¼NW¼ Sec. 28 Twp 10S Rge 40E CARIBOU County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: POWER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	40E	33								X									

Total Acres: NA

CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, the lease term expires, or upon request from the lessor to change the term of the lease.
5. While a water right is in the bank, forfeiture provisions are stayed.
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.

**WATER RIGHT NO. 13-962
WATER SUPPLY BANK LEASE ACCEPTANCE**

CONDITIONS OF ACCEPTANCE

9. In accordance with Idaho Code § 42-248 and 42-1409(6), all owners of water rights are required to notify the department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. Upon acceptance of a water right into the Board's water supply bank, the owner of the right may withdraw the right within thirty (30) days of acceptance into the bank if the owner does not agree with the conditions of acceptance.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

**WATER RIGHT NO. 13-963
WATER SUPPLY BANK LEASE ACCEPTANCE**

The water right or portion thereof leased to the bank is described as follows:

Lessor: PACIFICORP AN OREGON CORP
1407 W NORTH TEMPLE STE 110
SALT LAKE CITY UT 84116
(801) 220-2252
CLAUDIA.CONDER@PACIFICORP.COM

Priority Date: 3/28/1916

Source: BEAR RIVER Tributary to: GREAT SALT LAKE

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
POWER	01/01	to 12/31		4,000 AF
		Total:		4,000 AF

LOCATION OF POINT(S) OF DIVERSION:

BEAR RIVER NW¼NW¼ Sec. 28 Twp 10S Rge 40E CARIBOU County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: POWER FROM STORAGE

CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, the lease term expires, or upon request from the lessor to change the term of the lease.
5. While a water right is in the bank, forfeiture provisions are stayed.
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
9. In accordance with Idaho Code § 42-248 and 42-1409(6), all owners of water rights are required to notify the department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. Upon acceptance of a water right into the Board's water supply bank, the owner of the right may withdraw the right within thirty (30) days of acceptance into the bank if the owner does not agree with the conditions of acceptance.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

81756

Department of Water Resources
Eastern Region

Department of Water Resources
Eastern Region



81756

WARRANTY DEED.

RECEIVED

MAY 24 2017

Department of Water Resources
Eastern Region

This INDENTURE, made the 8th day of May in the year of our Lord, One Thousand Nine Hundred and Sixteen, between Ellis Kackley and Ida Kackley, his wife, of the County of Bannock, State of Idaho, the parties of the first part, and Utah Power & Light Company, a corporation, of Salt Lake City, County of Salt Lake, State of Utah, the party of the second part, WITNESSETH:

That the said parties of the first part, for and in consideration of the sum of Seven Thousand Dollars, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents, Grant, Bargain, Sell and Convey and Confirm, unto said party of the second part, and to its successors and assigns forever, all those certain lots, pieces or parcels of land situate, lying and being in the County of Bannock and State of Idaho, bounded and more particularly described as follows, to-wit:

Sec. 21

Parcel No. 1-- Beginning at the channel and center of the bed of Bear River where same is intersected by the Northern boundary line of Section twenty-eight in Township Ten South, Range forty East, Boise Base and Meridian; thence S. 87° 53' E., 515 feet; thence North, 628 feet, more or less, to a concrete property monument, marked "201", which monument is situate on the southern boundary of a tract of land now owned by Utah Power & Light Company; thence N. 89° 17' W., 458 feet, more or less, to the channel and center of the bed of Bear River; thence southwesterly along the channel and center of the bed of Bear River, 625 feet, more or less, to place of beginning; containing five and seventy-four one-hundredths acres. - C 6-057

Sec. 26

Parcel No. 2-- Also all that portion of the northwest Quarter of the Northwest Quarter of Section Twenty-eight in Township Ten South, Range Forty East, Boise Base and Meridian, which is situate easterly from the channel and center of the bed of said Bear River; containing thirteen and forty-five one-hundredths acres. - C 6-058

Lower

Parcel No. 3-- Also beginning at a point N. 89° 0' W., 3935 feet from the northeast corner of Section Thirty-three in Township Ten South, Range Forty East, Boise Base and Meridian; thence S. 1° 13' W., 2010 feet along the west boundary of the east half of the Northwest Quarter of said Section Thirty-three; thence S. 89° 0' E., 670 feet; thence N. 1° 13' - C 6-052

7640

7640

81756

E., 1340 feet; thence N. 89° 0' W., 233.5 (two hundred thirty three and one-half) feet; thence N. 24° 58' W., 614 feet; thence N. 13° 55' E., 121 feet; thence N. 89° 0' W., 192.2 (one hundred ninety-two and two-tenths) feet to the place of beginning; containing twenty-four and thirty-eight one-hundredths acres. Sec. 33

Parcel No. 4-- Also a strip of land 200 feet wide, being 100 feet on each side of a center line described as follows: Beginning at a point (the initial point) on the southern boundary line of Section Twenty-eight, Township Ten South, Range Forty East, Boise Base and Meridian, said point being N. 89° 0' W., 3886.6 (three thousand eight hundred thirty-six and six-tenths) feet from the southeast corner of said Section Twenty-eight; thence N. 13° 55' E., 543 feet; thence N. 11° 07' W., 809 feet; thence N. 16° 45' W., 767 feet; thence N. 5° 51' E., 784 feet; thence N. 10° 38' W., 1206 feet, to the south line of the North Half of the Northwest Quarter of said Section Twenty-eight (which is the terminus); containing eighteen and fifty-nine one-hundredths acres, excluding two small triangular parcels of land in the Southwest Quarter of the Southwest Quarter of said Section Twenty-eight, such Southwest Quarter of the Southwest Quarter of said Section Twenty-eight not being owned by first parties herein. Cone. C.B.-153

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident, unto the said party of the second part, and to its successors and assigns forever, and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, its successors and assigns against the said parties of the first part, and their heirs and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered
in the Presence of:

Anna D. Ivory
M. S. Roberts

Elis Kackley (Seal)
Ida Kackley (Seal)

STATE OF IDAHO,

COUNTY OF BANNOCK }

SS

On this 8th day of May, 1916, before me,
MS Roberts, a Notary Public in and for said County,
personally appeared Ellis Kærney and Ida Kærney
known to me to be the persons whose names are subscribed to
the within instrument, and acknowledged to me that they 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.

MS Roberts
Notary Public,
Residing at: Boise Springs Ida.

7640

31/6

46530

WARRANTY DEED

Elis Kackley and Ida
Kackley, his wife,

to

Utah Power & Light Company,
a corporation.

Wit for the request
of Wm. H. Harnack

at 20 minutes past 10

o'clock Am, this 9

day of May 1911

and recorded in Book 31

of Deeds page 96

Records of Benneke County,
State of Idaho.

W. H. Harnack
Esq.

By Henry J. Harnack

7-2-8-23-20

PAGED COMPANY

MAY 24 2017

Department of Water Resources
Eastern RegionBARGAIN AND SALE DEED

Ellis Kackley and unmarried,
his wife, Grantor, of Soda Springs, Caribou County, Idaho, hereby grant, bargain, sell and convey to UTAH POWER & LIGHT COMPANY, a corporation, its successors and assigns, Grantee, in consideration of Thirty four DOLLARS (\$ 34.00) the following described tract of land in Bannock County, State of Idaho, to-wit:

A tract of land in the Southeast Quarter of the Southwest Quarter of Section 28, Township 10 South, Range 40 East, B.B. & M., lying and being between the west line of Utah Power & Light Company land and the west line of the Southeast Quarter of the Southwest Quarter of said Section 28, and more particularly described as follows:

Beginning at a point 90.6 feet north and 3932 feet west from the southeast corner of Section 28, Township 10 South, Range 40 East, B.B. & M., said point being on the west line of said Southeast Quarter of Southwest Quarter; thence running north 13° 55' east 520.8 feet; thence north 11° 07' west 557.8 feet to the west line of said Southeast Quarter of Southwest Quarter; thence south 1° 03' west along the west line of said Southeast Quarter of Southwest Quarter 1060 feet to beginning and containing 1.70 acres, more or less.

WITNESS the hand of Grantor this 7th day of June, 1939.

Dr. Ellis Kackley

STATE OF IDAHO,)
 : SS.
COUNTY OF CARIBOU.)

On this 7th day of June in the year 1939, before me S.E.
Quachew, a Notary Public in and for the State of Idaho, personally appeared Dr. Ellis Kackley and unmarried his wife, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that Dr. executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the date in this Certificate first above written.

S. E. Quachew
Notary Public

Residing at Soda Springs, Idaho. APPROVED
L. B. Tall
CHIEF ENGINEER

My Commission expires:

Aug. 7, 1940

Hubb
5402