

RECEIVED

Rev. 07/11

DEC 05 2011

DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 77695

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 <http://www.idwr.idaho.gov/>.

Check 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 #1-9.

10.4.12

- #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 transfer applicant as the current water right owner. Additional fee(s) required for water right ownership changes; see fee schedule.
- #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 <http://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.
- #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 Other. Please describe: Table showing the place of use for water right 36-2704.

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Page 1 of 9

DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 77695

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Idaho Power Phone (208) 388-2905

Mailing address c/o Jon Bowling PO. Box 70 Boise, ID 83707 Email waterrights@idahopower.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 Phone

Mailing address Email

- Send all correspondence for this application to the representative and not to the applicant.

OR

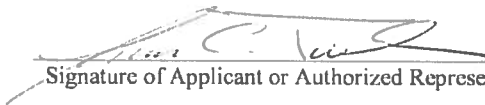
- Send original correspondence to the applicant and copies to the representative.

- 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

James C. Tucker Atty
Print Name and Title if applicable

12/2/2011
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**. This application is for the addition of one point of diversion, clarification of the legal description of the two original points of diversion, clarification of the POU and create a PPU for the irrigation portion of the right and clarification of the POU for the fish propagation, domestic and fire protection after hatchery renovation.

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					
<input checked="" type="checkbox"/> <input type="checkbox"/>	36-2704	120 cfs	Fish Propogation	1/01 to 12/31	Niagara Springs/Snake River
<input checked="" type="checkbox"/> <input type="checkbox"/>	36-2704	0.04 cfs	Irrigation	3/15 to 11/15	Niagara Springs/Snake River
<input checked="" type="checkbox"/> <input type="checkbox"/>	36-2704	0.04 cfs	Domestic	1/01 to 12/31	Niagara Springs/Snake River
<input checked="" type="checkbox"/> <input type="checkbox"/>	36-2704	120 cfs	Fire Protection	1/01 to 12/31	Niagara Springs/Snake River
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	

Total authorized under rights 120 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 120 cubic feet per second and/or _____ acre-feet per annum.

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 #
Yes	1	NE	NE		10	9S	15E	Gooding	Niagara Springs	
No	1	NE	NE		10	9S	15E	Gooding	Niagara Springs	
No	1	NE	NE		10	9S	15E	Gooding	Niagara Springs	

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	
9S	15E	11								1.85									1.85
9S	15E	10	0.05																2.9
9S	15E	10	D,F,H																D F H
9S	15E	11								F,D									F D
9S	15E	11							F										F

Total Acres (for irrigation use) 4.8

See attachment for full legal description

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 Niagara springs and all diversions will include measuring devices and lockable valves approved by IDWR.

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

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

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: _____

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

This transfer would create a permissible place of use (PPU) for the irrigation portion of the water right but will be limited to two (2) acres of irrigation within the PPU.

e. 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:

Water right 36-15521 is an expansion of 36-2704 for domestic purposes. Water right 36-8761 provides domestic supplies for homes and other hatchery facilities.

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

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | undergone a period of five or more consecutive years of non-use, |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently leased to the Water Supply Bank, |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently used in a mitigation plan limiting the use of water under the right, or |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe: _____

Close

IDAHO DEPARTMENT OF WATER RESOURCES
 Water Right Report

10/17/2011

WATER RIGHT NO. 36-2704

Owner Type	Name and Address
Current Owner	IDAHO POWER CO C/O JONATHON C BOWLING PO BOX 70 BOISE, ID 83707 (208)388-2905
Attorney	BARKER ROSHOLT & SIMPSON LLP 1010 W JEFFERSON STE 102 PO BOX 2139 BOISE, ID 83701-2139 (208)336-0700
Attorney	STEVEN L HERNDON IDAHO POWER CO PO BOX 70 BOISE, ID 83707 (208)383-2300

Priority Date: 01/31/1966
 Basis: Decreed
 Status: Active

Source	Tributary
NIAGARA SPRINGS	SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	3/15	11/15	0.04 CFS	8 AFA
FISH PROPAGATION	1/01	12/31	120 CFS	48180 AFA

DOMESTIC	1/01	12/31	0.04 CFS	1.8 AFA
FIRE PROTECTION	1/01	12/31	120 CFS	48180 AFA
Total Diversion			120 CFS	

Location of Point(s) of Diversion:

NIAGARA SPRINGS	NENENE Lt 1	Sec. 10	Township 09S	Range 15E	GOODING County
NIAGARA SPRINGS	SENE Lt 1	Sec. 10	Township 09S	Range 15E	GOODING County

Place(s) of use:

Place of Use Legal Description: IRRIGATION GOODING County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
09S	15E	10	9	SENE	2									

Place of Use Legal Description: FISH PROPAGATION GOODING County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
09S	15E	10	1	NENE		9	SENE							

Place of Use Legal Description: DOMESTIC GOODING County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
09S	15E	10	1	NENE		9	SENE							

Place of Use Legal Description: FIRE PROTECTION GOODING County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
09S	15E	10	1	NENE		9	SENE							

Total Acres: 2

Conditions of Approval:

RIGHT NO. 36-15221 IS AN EXPANSION OF THIS RIGHT PURSUANT TO IDAHO CODE

- | | |
|----|---|
| 1. | 42-1426. RIGHT NO. 36-15221 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. |
| 2. | USE OF THIS RIGHT WITH RIGHT NO. 36-15221 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 120 CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 48,180 AF. |

Dates:

Licensed Date:

Decreed Date: 10/18/2002

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number: 130

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit: 48180

Combined Rate Limit: 120

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

Attachment 9

Place of Use for water right 36-2704

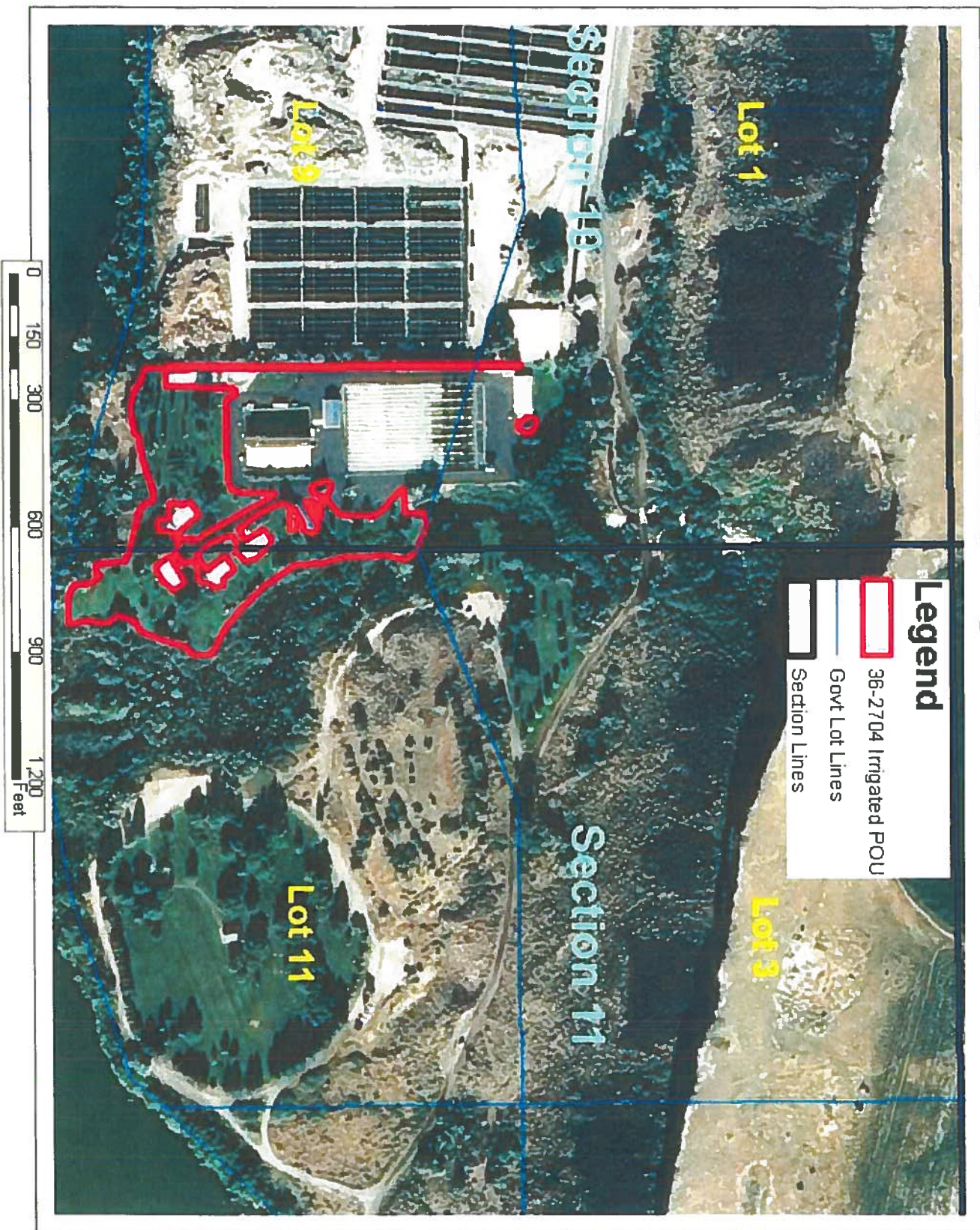
Use	Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres
Irrigation	09S	15E	11	11	SWNW	1.85			
Irrigation	09S	15E	10	1	NENE	0.05	9	SENE	2.9
H	09S	15E	10	1	NENE		9	SENE	
D	09S	15E	10	1	NENE		9	SENE	
D	09S	15E	11	11	SWNW				
F	09S	15E	10	1	NENE		9	SENE	
F	09s	15E	11	11	SWNW		3	NWNW	

This transfer would create a permissible place of use (PPU) for the irrigation portion of the water right but will be limited to two (2) acres of irrigation within the PPU.

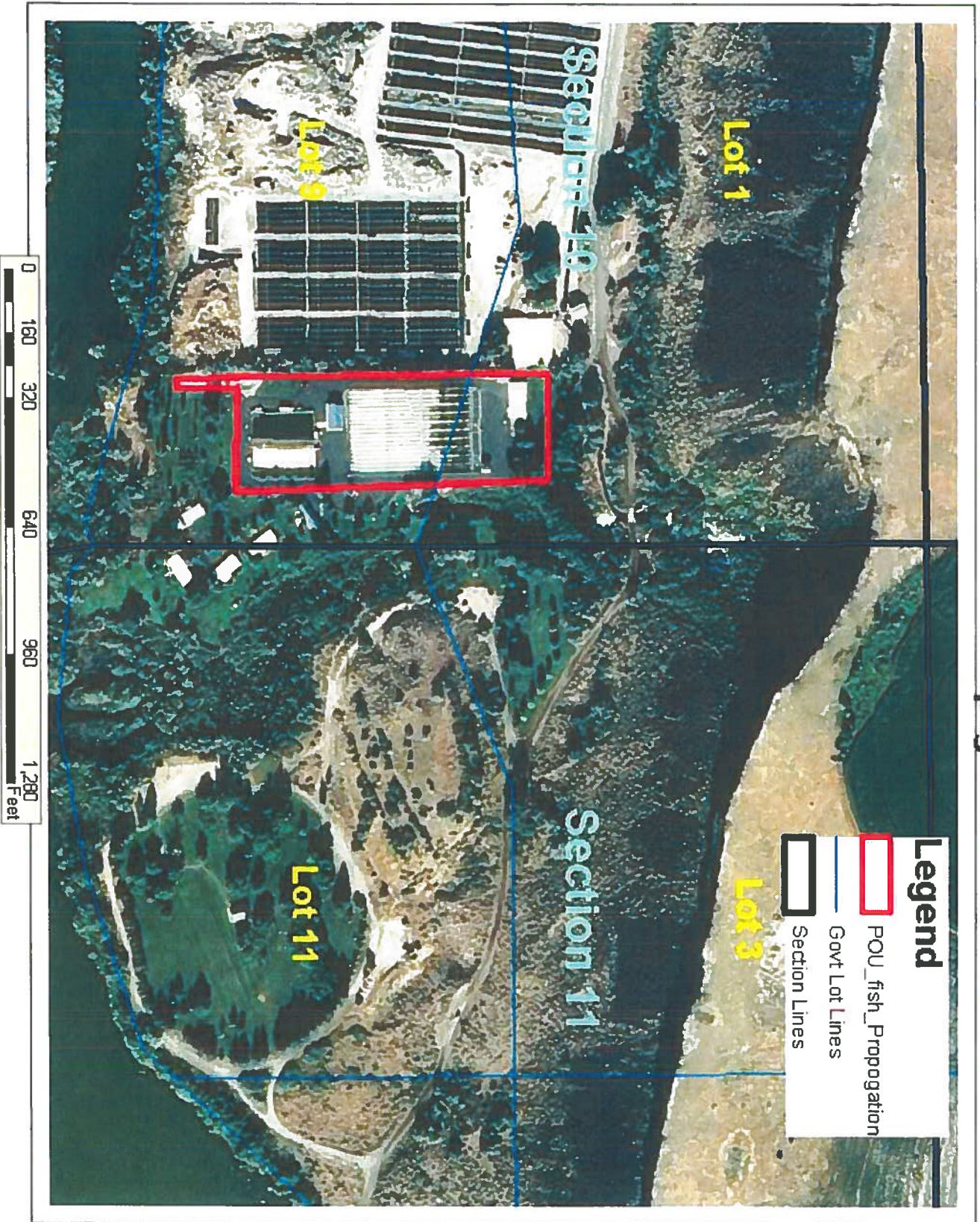
Water Right 36-2704 Transfer Attachment 7a

Points of Diversion

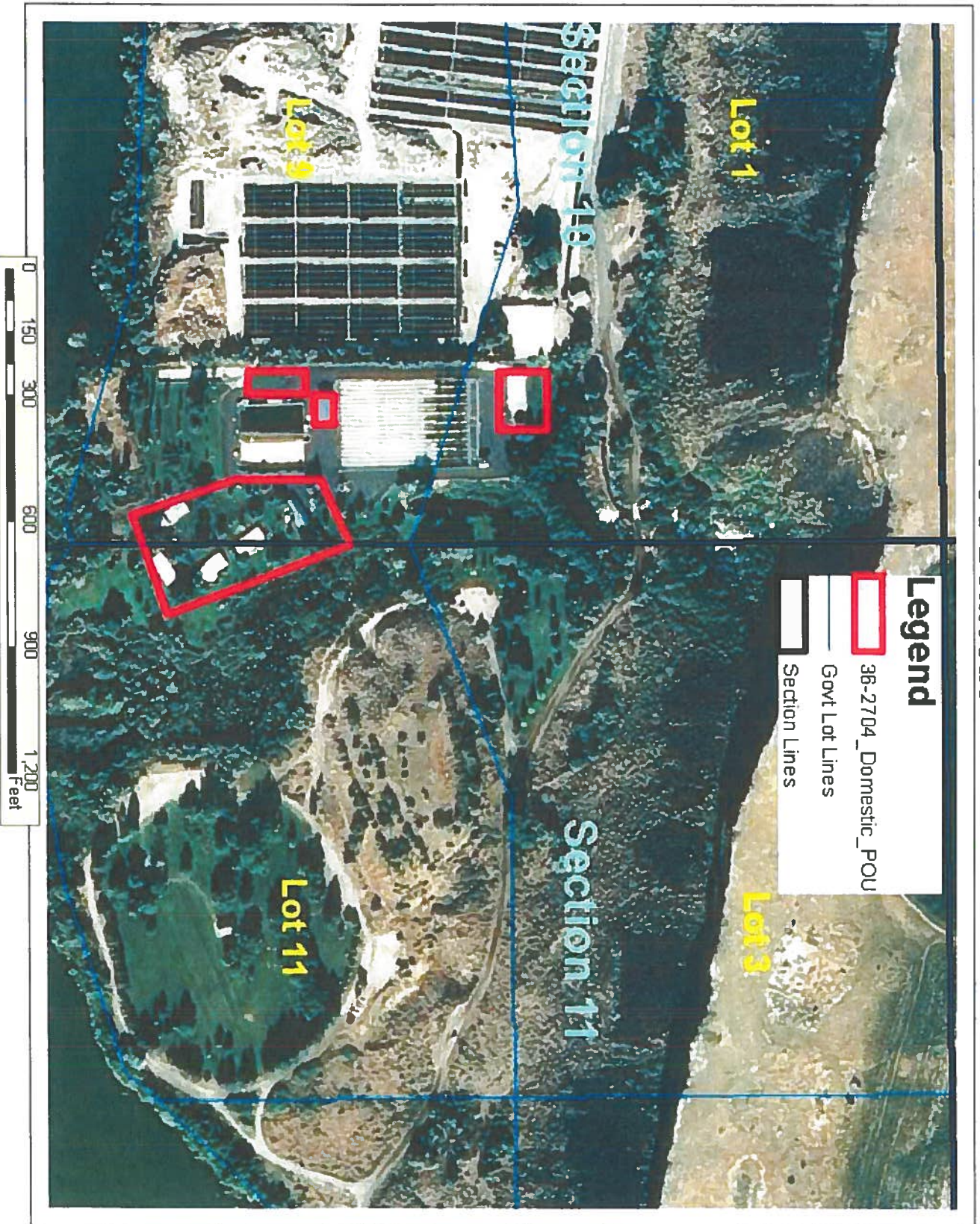




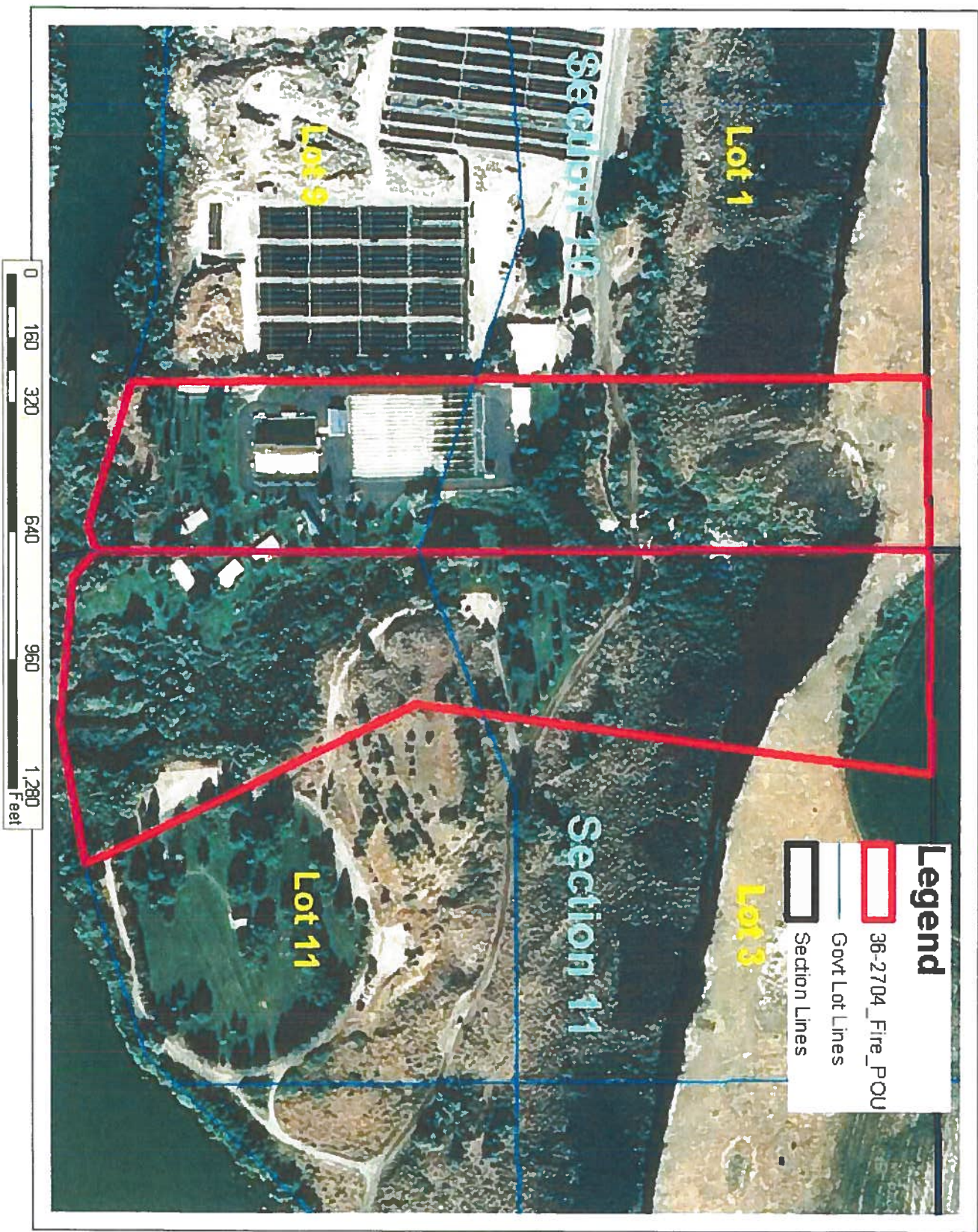
Water Right 36-2704 Transfer Attachment 7b
POU for Fish Propagation



Water Right 36-2704 Transfer Attachment 7b
POU Domestic



Water Right 36-2704 Transfer Attachment 7b
POU Fire Protection





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 2, 2012

IDAHO POWER CO
C/O JON BOWLING
PO BOX 70
BOISE, ID 83707

RE: Transfer No. 77695
Water Right No(s). 36-2704

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **IDAHO STATESMAN, LEWISTON TRIBUNE, POST-REGISTER, TIMES NEWS** on **11/8/2012 and 11/15/2012**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**November 26, 2012**).

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline
Administrative Assistant

cc:

JAMES C TUCKER
C/O IDAHO POWER CO
PO BOX 70
BOISE, ID 83707

Maline, Denise

From: Maline, Denise
Sent: Friday, November 02, 2012 8:28 AM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News Cover Letter.docx; Times News Ad.docx

Attached please find (1) legal notice being submitted for publication on November 8th & 15th, 2012. Please contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov

November 2, 2012

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Transfer No. 77695
Water Right No(s): 36-2704

RE: Transfer No. 78127
Water Right No(s): 47-8251, 47-17571, 47-7287, 47-14285

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before November 26, 2012. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78127**

IDAHO WATER CO LLC, 1135 VALLEY RD S, EDEN, ID 83325 has filed Application No. 78127 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-8251, 47-17571, 47-7287, 47-14285. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring a 25.8 acre (0.30 cfs & 48.2 afa) portion of a groundwater irrigation right from a farm located approximately 14.5 miles south and 1.0 mile west of Rogerson to stockwater and commercial uses associated with a dairy facility located approximately 1.4-1.7 miles south and 5.2-5.6 miles west of Buhl. The application also proposes to modify the authorized place of use of the existing domestic and stockwater right (0.11 cfs & 16.9 afa) at the site of the dairy facility to reflect the entire proposed site of the dairy facility. Two existing wells at the dairy facility will be used to divert up to a total of 0.41 cfs and 65.1 afa of water.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 77695**

IDAHO POWER CO, C/O JON BOWLING, PO BOX 70, BOISE, ID 83707 has filed Application No. 77695 for changes to the following water rights within GOODING County(s): Right No(s). 36-2704. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing authorized point of diversion and place of use under an existing water right for 120 cfs from Niagara Springs for fish propagation, irrigation, domestic and fire protection uses associated with the Idaho Power Steelhead Hatchery. This hatchery is located approximately 7 miles south and 1.5 miles east of Wendell. The proposed changes include adding an additional point of diversion from the Niagara Springs complex and describing actual places of use for domestic, irrigation and fire protection uses. The irrigation place of use has been changed to describe a 4.8 acre permissible place of use with a limit of 2 acres irrigation.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and the proposed transfers, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before November 26, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on November 8th & 15th, 2012

Maline, Denise

From: Maline, Denise
Sent: Friday, November 02, 2012 8:33 AM
To: Idaho Statesman
Subject: LEGAL NOTICE
Attachments: Idaho Statesman Cover Letter.docx; 77695 Ad.docx

Attached please find (1) legal notice being submitted for publication on November 8th & 15th, 2012. Please contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov

November 2, 2012

LEGAL NOTICE DEPARTMENT
IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Transfer No. 77695
Water Right No(s): 36-2704

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before November 26, 2012. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 77695**

IDAHO POWER CO, C/O JON BOWLING, PO BOX 70, BOISE, ID 83707 has filed Application No. 77695 for changes to the following water rights within GOODING County(s): Right No(s). 36-2704; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing authorized point of diversion and place of use under an existing water right for 120 cfs from Niagara Springs for fish propagation, irrigation, domestic and fire protection uses associated with the Idaho Power Steelhead Hatchery. This hatchery is located approximately 7 miles south and 1.5 miles east of Wendell. The proposed changes include adding an additional point of diversion from the Niagara Springs complex and describing actual places of use for domestic, irrigation and fire protection uses. The irrigation place of use has been changed to describe a 4.8 acre permissible place of use with a limit of 2 acres irrigation.

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GARY SPACKMAN, Director

Published in the Times News, Idaho Statesman, Post Register & Lewiston Tribune on November 8th & 15th, 2012

Maline, Denise

From: Maline, Denise
Sent: Friday, November 02, 2012 8:34 AM
To: Post Register
Subject: LEGAL NOTICE
Attachments: Post Register Cover Letter.docx; 77695 Ad.docx

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Thank you in advance,

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov

November 2, 2012

LEGAL NOTICE DEPARTMENT
POST-REGISTER
PO BOX 1800
IDAHO FALLS, ID 83402

RE: Transfer No. 77695
Water Right No(s): 36-2704

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before November 26, 2012. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 77695**

IDAHO POWER CO, C/O JON BOWLING, PO BOX 70, BOISE, ID 83707 has filed Application No. 77695 for changes to the following water rights within GOODING County(s): Right No(s). 36-2704; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing authorized point of diversion and place of use under an existing water right for 120 cfs from Niagara Springs for fish propagation, irrigation, domestic and fire protection uses associated with the Idaho Power Steelhead Hatchery. This hatchery is located approximately 7 miles south and 1.5 miles east of Wendell. The proposed changes include adding an additional point of diversion from the Niagara Springs complex and describing actual places of use for domestic, irrigation and fire protection uses. The irrigation place of use has been changed to describe a 4.8 acre permissible place of use with a limit of 2 acres irrigation.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before November 26, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published in the Times News, Idaho Statesman, Post Register & Lewiston Tribune on November 8th & 15th, 2012

Maline, Denise

From: Maline, Denise
Sent: Friday, November 02, 2012 8:34 AM
To: Lewiston Tribune (legals@lmtribune.com)
Subject: LEGAL NOTICE
Attachments: Lewiston Tribune Cover Letter.docx; 77695 Ad.docx

Attached please find (1) legal notice being submitted for publication on November 8th & 15th, 2012. Please contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov

November 2, 2012

LEGAL NOTICE DEPARTMENT
LEWISTON TRIBUNE
505 C ST PO BOX 957
LEWISTON, ID 83501

RE: Transfer No. 77695
Water Right No(s): 36-2704

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before November 26, 2012. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
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For additional information concerning the property location, contact Southern Region office at (208) 736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before November 26, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published in the Times News, Idaho Statesman, Post Register & Lewiston Tribune on November 8th & 15th, 2012



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 2, 2012

CINDY YENTER
WATER DISTRICT #130
1341 FILLMORE ST, STE 200
TWIN FALLS, ID 83301

Hand Delivered

RE: Transfer No. 77695
Water Right No(s): 36-2704

Dear Ms. Yenter:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline". The signature is written in black ink and is positioned above the printed name and title.

Denise Maline
Administrative Assistant

Enclosure(s)

Niagara Springs & Crystal Springs Deed
IN 52234, Book 22, Page 623, Gooding Co. Recorders

PROOF READ Recorded 07/16/1928 - Gooding County

RECEIVED
OCT 04 2012
DEPT. OF WATER RESOURCES
SOUTHERN REGION

No. 52234.

THIS INDENTURE, Made this 7th day of January, 1931, between Frank A. Reid, a bachelor of New York City, New York, party of the first part, and Idaho Power Company, a corporation of the State of Maine, the party of the second part,

WITNESSETH that the said party of the first part, for and in consideration of the sum of One and no/100 (\$1.00) Dollar lawful money of the United States to him in hand paid by the said party of the second part, and other valuable considerations, receipt of which is hereby acknowledged, by these presents grants and conveys unto the said party of the second part and to its successors and assigns forever the following property and rights and interests therein all located in the County of Gooding, State of Idaho, to-wit:

All the lands, waters, premises, property (real, personal and mixed), and all rights and interests of every kind and description therein, as described, mentioned and set out in that certain executors' deed dated July 16, 1928, in the estate of Jos. H. Mays, deceased, in the probate court of Gooding County, State of Idaho, as said deed is recorded in Book 22 of Deeds, at Page 162, of the records of the County Recorder of Gooding County, Idaho.

TOGETHER with all and singular the tenements, hereditaments and appurtenances of whatsoever kind or nature belonging, or in anywise appertaining, to the aforesaid property and rights and interests therein, or any part thereof, with the reversion and reversions, remainder and remainders, rents, issues, income and profits thereof, and all the estate, right, title, interest and claim whatsoever, at law as well as in equity, which Frank A. Reid now has or may hereafter acquire, in and to the aforesaid property, and every part and parcel thereof.

TO HAVE AND TO HOLD, All and singular the above mentioned or described property, together with the appurtenances, unto the party of the second part and to its successors and assigns forever, subject to all the terms, provisions and covenants which grantee herein accepts and agrees to be bound by, as set forth, mentioned and described in said deed.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Witness: Samuel W. Murphy

Frank A. Reid

(SEAL)

STATE OF NEW YORK, |
County of New York. | SS:

On this 7th day of January, 1931, before me, Mary J. Guilfoyle, Notary Public in and for said State and County, personally appeared Frank A. Reid, a bachelor, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he 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.

(NOTARY SEAL)

Mary J. Guilfoyle, Notary Public Bronx County.
Residing at: 2866 Heath Ave., N.Y.
New York County Clerk's No. 203 Register's No. 16183, Bronx County Clerk's No. 134, Register's No. 3140, Commission Expires March 30, 1931.

Filed for record at the request of E. C. Kiersted at 9:00 o'clock A.M., March 23, 1931.
Fees, \$1.20

Myrtle P. Enking, Ex-officio Recorder
By Vera Toone, Deputy

!!!!!!!!!!!!!!!!!!!!

RECEIVED
OCT 04 2012
DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

TO HAVE AND TO HOLD all and singular the above mentioned and described premises hereby conveyed, or intended so to be, together with the appurtenances unto the said party of the second part, her heirs and assigns forever.

IN WITNESS WHEREOF, I, James D. Barlogi, the party of the first part to these presents, Sheriff as aforesaid, have hereunto set my hand the day and year first above written.

James D. Barlogi, Sheriff
of Gooding County, State of Idaho.

STATE OF IDAHO, }
County of Gooding, } ss.

On this 6th day of July, 1928, before me, Clerk of the District Court of Gooding County, Idaho, personally appeared James D. Barlogi, Sheriff of the County of Gooding, State of Idaho, known to me to be the same person whose name is subscribed to the foregoing instrument and acknowledged to me that he as such Sheriff aforesaid executed the same.

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

(DIST. COURT SEAL)

Myrtle P. Enking, Clerk of the
District Court of Gooding County,
State of Idaho.

Filed for record at the request of James D. Barlogi at 4:25 o'clock P. M. July 16th. 1928.
Fees. \$2.00

Myrtle P. Enking, Ex-officio Recorder.
By S. M. Miller, Deputy.

.....
.....

PROB. SEAL

No. 46459

THIS INDENTURE, Made the 16th day of July nineteen hundred and Twenty-eight at the City of Gooding County of Gooding State of Idaho, by and between A. S. Henson and Walter T. Ivy the duly appointed, qualified and acting executors of the last will and testament of Jas. H. Mays, deceased, late of the County of Gooding, State of Idaho, the parties of the first part, and Frank A. Reid of New York City State of New York, the party of the second part, Witnesseth:

THAT, WHEREAS, On the 6th day of June nineteen hundred and Twenty-eight the Probate Court of the County of Gooding, State of Idaho, made an order of sale authorizing the said parties of the first part to sell certain real estate and rights and interests in real estate of the said estate of Jas. H. Mays, deceased, situated in the County of Gooding, State of Idaho, and specified and particularly described in said order of sale, and which said order of sale, now on file and of record in the said Probate Court, is hereby referred to and made a part of this Indenture:

AND WHEREAS, Under and by virtue of said order of sale, and pursuant to legal notices given thereof, the said parties of the first part, on the 25th day of June nineteen hundred and Twenty-eight sold, subject to confirmation of said Probate Court, the said real estate,

situated in the said County of Gooding, and specified and described in said order of sale as aforesaid, and at such sale the said party of the second part became the purchaser of the said real estate and rights and interests in real estate hereinafter particularly described for the sum of Sixty-Six Thousand Seven Hundred Dollars lawful money of the United States, he being the highest and best bidder, and that being the highest and best sum bid.

AND, WHEREAS, The said Probate Court, upon the due and legal return of their proceedings under the said order of sale, made by the said parties of the first part on the said 25th day of June nineteen hundred and Twenty-eight, after making the said sale, upon the due and legal return of the proceedings, made by the said parties of the first part on the 2nd day of July, 1928, and after due Notice of Hearing on said Return given, did, on the 15th day of July nineteen hundred and Twenty-eight make an order confirming said sale, and directing conveyances to be executed to the said party of the second part; a certified copy of which order of confirmation was recorded in the office of the County Recorder of said County of Gooding within which the said land is situated, on the 16th day of July nineteen hundred and Twenty-eight and which said order of confirmation now on file and of record in said Recorder's office are hereby referred to and made a part of this Indenture.

NOW, THEREFORE, The said A. S. Henson and Walter T. Ivy, as the Executors of the last will and testament & of the estate of Jas. H. Mays, deceased, as aforesaid, the parties of the first part pursuant to the order last aforesaid, of the said Probate Court, for and in consideration of the said sum of Sixty-Six Thousand Seven Hundred and No/100 Dollars, lawful money of the United States, to them in hand paid by the said party of the second part, receipt whereof is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell and convey unto the said party of the second part, his heirs and assigns forever, all the right, title, interest and estate of the said Jas. H. Mays, Deceased, in and to all those certain lots, pieces, or parcels of land, situate, lying and being in said County of Gooding, State of Idaho, and bounded and described as follows, to wit:

NIAGARA SPRINGS Tract No. 1: A tract of land lying within Section 10, Township 9 South, Range 15 East, Boise Meridian, Gooding County, Idaho, described as follows:

Beginning at the section corner common to Sections 2, 3, 10 and 11 of Township 9 South, Range 15 E. B. M., as shown on the official plat of the U. S. Dependent Resurvey dated April 17, 1918; thence South 89° 51' West upon and along the North Section line of said Section 10 a distance of 427.9 feet; thence South a distance of 1863.8 feet to a point on the right bank of Snake River in the said Section 10; thence continuing South to the thread of Snake River; thence upstream along the thread of said Snake River to the Section Line between said Sections 10 and 11; thence North 8° 44' West along and upon said Section line to the meander corner on right bank of Snake River between said Sections 10 and 11; thence North upon and along the section line between said Sections 10 and 11 a distance of 2073.1 feet to the Section corner common to said Sections 2, 3, 10 and 11, the point of beginning, containing 20 acres more or less.

NIAGARA SPRINGS Tract No. 2: A tract of land lying within Section 11, Township 9 South, Range 15 East, Boise Meridian, Gooding County, Idaho, described as follows:

Beginning at the section corner common to Sections 2, 3, 10, and 11 of Township 9 South, Range 15 East, Boise Meridian, as shown on the official plat of the U. S. Dependent Resurvey dated April 17, 1918; thence North 89° 44' East upon and along the North Section Line of said Section 11, 564 feet; thence South 8° 14' West 1297.9 feet; thence South 25° 47'

64

East 847.7 feet to a point on the right bank of Snake River in said Section 11; thence continuing South 25° 47' East to the thread of Snake River; thence downstream along and upon the thread of said Snake River to the Section line between said Sections 10 and 11; thence North 8° 44' West upon and along said section line to meander corner on the right bank of Snake River between said Sections 10 and 11; thence North along and upon the Section line between said Sections 10 and 11, a distance of 2073.1 feet to the section corner common to said Sections 2, 3, 10 and 11, the point of beginning, containing 25.3 acres, more or less.

CRYSTAL SPRINGS Tract No. 3: A tract of land lying within Section 12, Township 9 South, Range 15 E. B. M., Gooding County, Idaho, described as follows: Crystal Springs Property Sold

Beginning at a point from which the section corner common to Sections 1, 2, 11 and 12 of Township 9 South, Range 15 East, Boise Meridian bears north 39° 48' West 1095.5 feet; thence south 79° 27' East, 1731.1 feet to an angle point which is on the northerly line of Lot 12, as shown on the official plat of the U. S. Dependent Resurvey dated April 17, 1918; of Sections 2, 3, 10, 11 and 12 of Township 9 South, Range 15 East, Boise Meridian from which official angle point #3 lies 39° 09' L. 832.7 feet distant and the W. C. to angle point #4 lies 140° 51' R. 257.0 feet distant; thence continuing from said angle point South 66° East 1683.3 feet to an angle point, from which the North quarter Section corner of said Section 12 bears North 35° 37' West 2223 feet distant; thence South 40° 51' West 1346.3 feet to a point on the right bank of Snake River in Lot 15 of said Section 12; thence continuing South 40° 51' West to the thread of said Snake River; thence downstream upon and along the thread of said Snake River to a point which is South of the real point of beginning; thence North to a point on the right bank of said Snake River; thence continuing North 882.1 feet to the point of beginning, containing 79.6 acres, more or less.

Together with all rights or interest now possessed or owned or acquired by the said Jas. H. Mays estate, or of which the said Jas. H. Mays died seized or possessed, in and to all the springs and in and to all the water or waters rising from, having its or their origin in, or flowing under or over, or being under or on, or which may be developed on the said land or lands. Also together with all rights or interest so possessed or owned or acquired, or of which the said Jas. H. Mays died seized or possessed in water appropriation or water appropriations, in water permit or water license, or permits or licenses, or any application or applications for water permit or water license affecting said springs or waters, or any part of them.

Also together with the real covenant and stipulation running with the land affected, including all those lands hereinafter referred to in Sections 2, 10, 11 and 12, Township 9 S., Range 15 E. B. M., and Sections 7 and 18, Township 9 S., Range 16 E. B. M., Gooding County, Idaho, which covenant and stipulation shall not be construed as a mere personal covenant, that no one, whoever it may be, shall, without written authorization from the party of the second part, or his heirs, representatives, successors or assigns, have any right or privilege or license whatsoever to use, purchase, lease, prospect, develop or appropriate any water or waters rising from and having its or their origin in, or flowing under or over, or being under or on, or which may be developed on any remaining land or lands not included in this deed, sale and purchase, so possessed or owned or acquired, or of which said Jas. H. Mays died seized or possessed, in Sections 2, 10, 11 and 12, Township 9 S., Range 15 E. B. M., and Sections 7 and 18, Township 9 S., Range 16 E. B. M., Gooding County, State of Idaho, nor to use, lease, purchase, prospect, develop, or examine said remaining land or lands, nor to make, license, permit, initiate, perfect or authorize any water filings or appropriations of water on said

remaining land or lands, nor to use, permit, license or grant any right of any kind whatsoever in or to the use of said remaining land or lands, or said water or waters for any use or purpose, projected or actual, for hydroelectrical development or uses or purposes, or uses and purposes, nor for any other development or uses or purposes, or uses and purposes, which might jeopardize or impair the rights to the complete and full use or development of the springs, waters, easements, or the lands, or any of them, included in this sale, provided, and it is so stipulated and covenanted, that the parties of the first part reverse the right, subject to and limited by that covenant and stipulation running with the land and in this paragraph first expressed, to use and develop the waters of all springs situate on that portion of said Niagara Farms lying east of the east boundary line of Crystal Springs Tract No. 3, above described, and, further, party of the second part stipulates and covenants that he, his heirs and assigns, shall not use, develop or appropriate the said waters so reserved or do any act thereto which will diminish the present flow of the waters so reserved and provided further, but subject to and limited by said covenant and stipulation running with the land and in this paragraph first expressed, that said waters rising from or having its or their origin in said portion of Niagara Farms may be used to generate electricity for the sole and exclusive use of, and for no other use, and limited to an amount sufficient for the use at and of, the fish hatchery and buildings used in connection therewith, the above stipulations and covenants in each and every particular to run with the land and they shall be so construed as real covenants running with the lands affected and not as mere personal covenants.

Also together with the following road right of way: Beginning at the section corner common to Sections 2, 3, 10 and 11, Township 9 S., Range 15 E. B. M.; thence South 89° 51' West 427.9 feet; thence south 949.5 feet to the real point of beginning, which is on the west boundary of Tract No. 1 of the Niagara Springs Lands hereinbefore described; thence north 74° 48' West 1208.8 feet; thence North 52° 15' West 472.6 feet; thence North 79° 45' West 418.8 feet; thence North 35° 50' West 353.2 feet; thence North 66° 22' West 3099 feet to a point in the grade at the foot of a bluff of the existing road from the Niagara Springs Ranch to Wendell, provided that when a road is constructed by the party of the second part, or his assigns, over the right of way immediately hereinbefore granted, travel of said party of the second part, or his assigns, shall, insofar as travel over that part of Section 10, Township 9 South, Range 15 E., B. M., now owned or possessed by the estate of Jas. H. Mays, deceased, is concerned, shall be exclusively confined to said road when constructed, except in cases of emergency.

Together with the permanent right to use the private roads now existing across Sections 4, 3, 10, 2, 11 and 12, Township 9 South, Range 15 E. B. M., with the right in party of the second part to straighten or widen such presently existing roads but to a width in no event to exceed Thirty (30) feet.

Also together with such rights of way as are necessary for the development of the waters herein sold and conveyed, through, across, under, over and above all of those portions of Sections 2, 10, 11 and 12, Township 9 S., Range 15 E. B. M., and Sections 7 and 18, Township 9 S., Range 16 E. B. M., Gooding County, State of Idaho, which constitute a part of the estate of Jas. H. Mays, deceased, for the erection and continued maintenance of electric transmission lines of party of the second part, or his representatives, successors or assigns with the necessary supports for said lines, avoiding in the erection of said transmission lines the orchard tracts as now planted, and for the additional purpose of constructing, installing and permanently maintaining such pipe or flume lines as are necessary for the

development of said waters.

Excepting and reserving also from this sale the right to use the road as now existing across the lands herein sold, and, in the event of the necessity by party of the second part, or his successors or assigns, to abandon said road, then the right to the use of such new road to be constructed by party of the second part, his successors or assigns, across said lands.

And also excepting and reserving from this sale 26 second feet of water from what is known as Niagara Springs, also located on said farms, for irrigation and domestic purposes on the following ranches only, to-wit: Niagara Ranch and Dalquist Ranch, provided, however, that when said excepted and reserved waters are not desired or used for said purposes, that may be used by the party of the second part, or his representatives, successors or assigns, it being expressly understood that said party of the second part, or his representatives, successors or assigns, will not attempt to appropriate or use or apply to a beneficial use said excepted and reserved waters, except subject as hereinbefore otherwise specifically provided, that said excepted and reserved waters in this paragraph referred to may also be used to generate power or electricity for the sole and exclusive domestic uses, and for no other, of the owner, present and future, of said Dalquist ranch, said power or electricity to be used only on said ranch, provided further that when the waters, or any part thereof, herein sold to party of the second part are developed for electrical uses, or purposes, then the right and privilege herein reserved to so generate electricity for domestic uses shall automatically cease. It shall be expressly stipulated in deeds of conveyance to party of the second part that such covenant by party of the second part not to attempt to appropriate or use or apply to a beneficial use said excepted and reserved waters except as hereinbefore otherwise specifically provided shall be and shall be construed and considered as a covenant running with the land and shall not be construed as a mere personal covenant.

Subject to the ordinary property taxes and assessments levied against premises for the year 1928 and subsequent years, together with all the hereditaments, tenements, and appurtenances and covenants whatsoever to the same belonging or in any wise appertaining.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the said party of the second part, his heirs and assigns forever.

IN WITNESS WHEREOF, The said parties of the first part, the executors of the last will and testament and estate of Jas. H. Mays, deceased, as aforesaid, have hereunto set their hands and seals the day and year first above written.

Signed, Sealed And Delivered In The Presence Of - - - -

A. S. Henson (SEAL)

Walter T. Ivy (SEAL)
Executors of the last will and testament and Estate of Jas. H. Mays, deceased.

STATE OF IDAHO,)
COUNTY OF GOODING) SS.

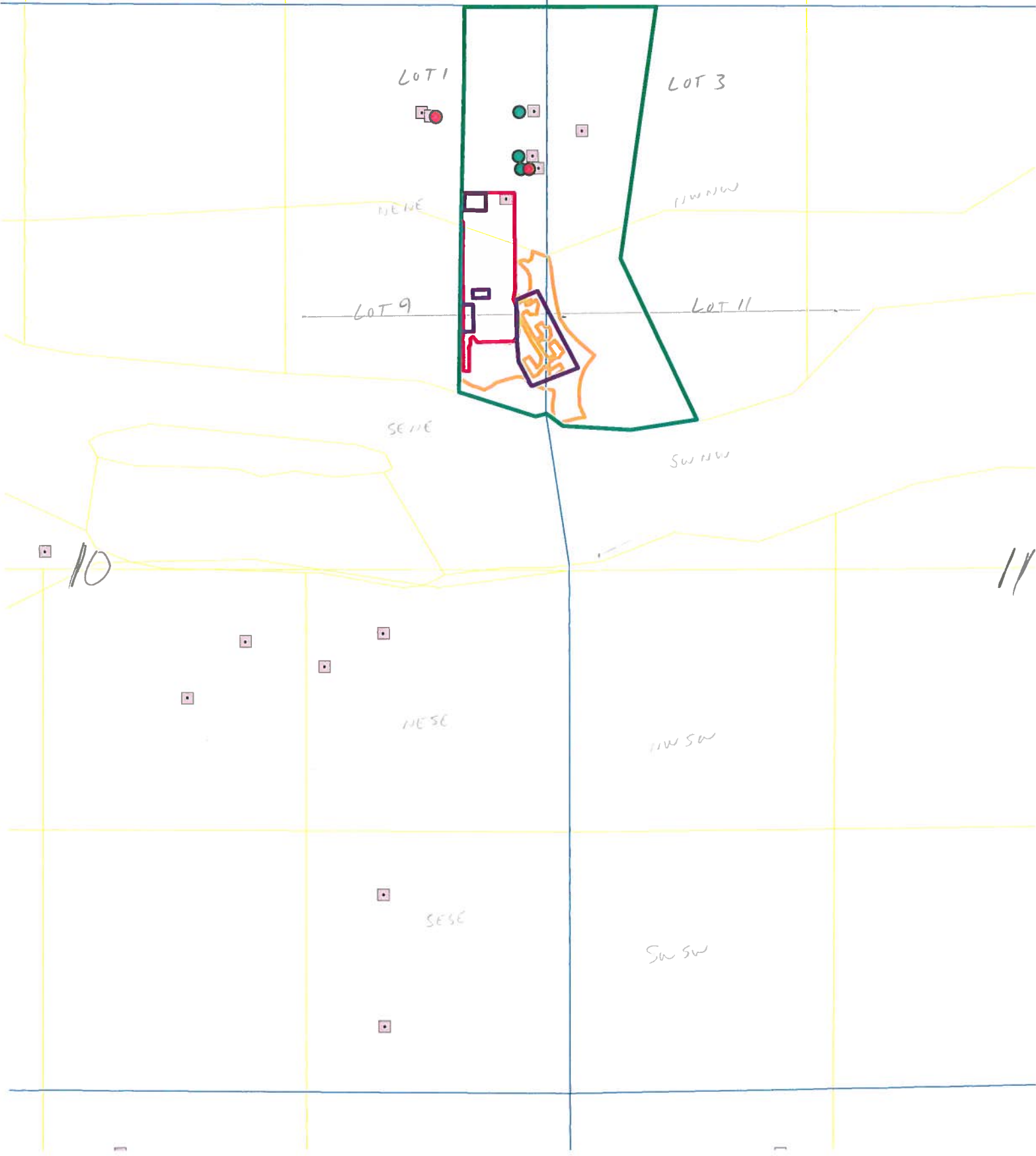
On this 16th day of July in the year 1928, before me a Notary Public in and for said County, personally appeared A. S. Henson known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same as executor of the last will and testament and estate of Jas. H. Mays, deceased.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the

5527

21.7

1 = 254.7



ALBERT P. BARKER
JOHN A. ROSHOLT
JOHN K. SIMPSON
TRAVIS L. THOMPSON
SHELLEY M. DAVIS
PAUL L. ARRINGTON
SCOTT A. MAGNUSON
SARAH W. HIGER



1010 W Jefferson, Suite 102
Post Office Box 2139
Boise, Idaho 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

113 Main Avenue West, Suite 303
Twin Falls, Idaho 83301-6167
(208) 733-0700 telephone
(208) 735-2444 facsimile
jar@idahowaters.com

Shelley M. Davis
smd@idahowaters.com

December 7, 2011

VIA US MAIL

Benny Walker
Water Resource Agent
Idaho Dept. of Water Resources-Southern Region
1342 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380

RECEIVED

DEC 08 2011

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Re: Transfer Application for Water Right No. 36-2704

Dear Mr. Walker:

Today I reviewed the letter that you sent to Mr. Blew with Idaho Power Company concerning discrepancies in the transfer application relating to water right no. 36-2704. In your letter you identify a problem with the location of the place of use for water right no. 36-8761 and suggested that the Company file another transfer to correct the place of use.

A thorough review of the backfile illustrates that the only place in the file where the place of use is incorrectly described, is in the license prepared and issued by the Department. The application for water right, the notice published concerning the application, the permit, beneficial use field report and the Department's shape file for the right all identify the place of use in Range 15E. It appears that the incorrect description occurred as a clerical error at the time the license was issued. As such, it appears to be within the Department's power to correct the incorrect description.

Please contact me and let me know if the Department is will to correct the clerical error without requiring the Company to go to the expense of undertaking a transfer proceeding in order to correct the error. Thank you for your assistance.

12/19/11
Sent e-mail
of order.
B. Walker

Very truly yours,

BARKER ROSHOLT & SIMPSON LLP

A handwritten signature in black ink, appearing to read 'S. M. Davis', with a long, sweeping horizontal line extending to the right.

Shelley M. Davis

CC: Jon Bowling and David Blew via electronic mail.

James C. Tucker
Lead Counsel
jtucker@idahopower.com

December 2, 2011

Allen Merritt
Southern Region Manager
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

RECEIVED

DEC 05 2011
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Subject: Transfer 36-2704

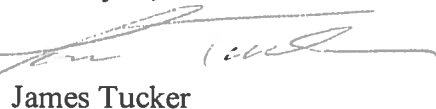
Dear Mr. Merritt:

Enclosed with this letter you will find an Application for Transfer of Water Right for water right 36-2704. This right supplies water to Idaho Power's Niagara Springs Hatchery for fish propagation, irrigation, domestic uses and fire protection. The application for transfer is to add a third point of diversion and clarify the legal description for all points of diversion associated with this water right. The transfer will also clarify the POU for the irrigation, domestic, fish propagation and fire protection use associated with the right. Water right 36-15221 is an enlargement of 36-2704 for additional domestic uses but no changes are proposed for that right.

The legal descriptions for the points of diversion at this site are not easily defined. Some of the points are close to the section line and/or government lot lines. We worked with IDWR staff to determine the correct legal descriptions for the points of diversion which were based upon GPS coordinates we provided. Based upon the recommendation of IDWR staff we have provided legal descriptions for the three points of diversion that include township, range, section, quarter-quarter and government lot. We also provided GPS coordinates for the place of use to insure they were correct. IDWR staff verified that our legal description for the place of use appears to be correct.

Please find enclosed with this letter the application for the proposed transfer. The payment for the transfer was mailed to you previously. If you have any additional questions concerning this transfer, please contact David Blew at (208) 388-5292.

Thank you,



James Tucker

JCT:sh
Enclosure

cc: Paul Abbott