



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

February 14, 2007

JAMES E. RISCH  
Governor

KARL J. DREHER  
Director

PACIFICORP  
C/O CLAUDIA CONDER  
1407 W NORTH TEMPLE SUITE 110  
SALT LAKE CITY UTAH 84116

**RE: WATER SUPPLY BANK LEASE APPLICATION  
WATER RIGHT NO. 13-962**

Dear Ms. Conder:

As per your written request, received by The Idaho Department of Water Resources ("department") on February 12, 2007, the department has withdrawn your Water Supply Bank Lease Application and is returning the application to you.

If you have any questions regarding this matter feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Noreen Vaughan', is written over a horizontal line.

Noreen Vaughan  
Water Allocations Bureau

Enc: 1

Water Supply Bank No. \_\_\_\_\_

Water Right No. \_\_\_\_\_

RECEIVED

NOV 14 2005

Department of Water Resources

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

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

Name of Seller/Lessor PacifiCorp dba Utah Power Phone 801-220-2252

Post office address 1407 W. North Temple #110, Salt Lake City, UT 84116 attn: Claudia Conder

1. DESCRIPTION OF WATER RIGHT:

Right evidenced by:

a. Decree No. 203 (Dietrich Decree) Decreed to Utah Power & Light Company  
(Name)

in case of Utah Power & Light Company vs The Last Chance Canal Company

dated July 14, 1920 in Bannock (now Caribou) county of District of Idaho, Eastern  
Division (Name of court)

b. License No. 13-00962 issued by the Idaho Department of Water Resources.

c. Permit No. 12236 (R-18) applic. #17327 issued by the Idaho Department of Water Resources.

2. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE: (If the entire right is for sale or lease, show "all" on line a. below and skip the remainder of part 2.)

a. Amount of water under right: 1500 cubic feet per second &/or  
\_\_\_\_\_ acre-feet per annum

b. Point of diversion: NW¼ of NW¼ of Section 28 Township 10 S. Range 40 E. B.M. in  
Caribou County.

Additional points \_\_\_\_\_

c. Place of use:

| TWP     | RGE     | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|---------|---------|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|         |         |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 10<br>S | 40<br>E | 33  |    |    |    |    |    |    |    | X  |    |    |    |    |    |    |    |    |        |
|         |         |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
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|         |         |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

If the right is for irrigation, show the number of acres for the part of the right to be put into the bank.

Total number of acres \_\_\_\_\_

3. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE

- a. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right. If the right is not recorded in the name of the seller/lessor, attach a copy of a change of ownership form as required by Section 42-248 or 42-1409(6), Idaho Code, together with required documentation.

Utah Power & Light Co. acquired the water right in 1918 (priority date 03/09/1916) to be used for hydroelectric power production at its Cove Power Plant. The water right is non-consumptive.

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- b. Describe the frequency of water use under the right, or portion thereof, during the past five (5) years of use. Attach watermaster records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture. (This information is not required if a partial decree has been issued on the right within the last 5 years).

Until the last three (3) years, this water has been used continuously since 1918 for power generation at the Cove Plant. Generating capacity at Cove is 7.5 megawatts. In the past 4 years, Utah Power has experienced two (2) major failures of the flume (delivery system for the water to the plant). See paragraph 4 for more details.

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- c. If the right is from a surface water source, describe the period of the year that water is typically available to satisfy the right.

Water is typically available year round.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- d. Describe any other water rights with the same purpose and place of use as the right, or portion thereof, offered for lease. Will the present place of use continue to receive water from any source? If so, describe.

Water right #13-00963 is a storage right that will be abandoned once the decommissioning project is complete (see paragraph 4 below).

- e. If the water right is a permit, describe the work accomplished toward developing the right.

The water right is a non-consumptive decreed water right and has been fully developed since 1918.

Proof of appropriation was submitted Jan. 28, 1918. Water license issued March 14, 1918.

(See abstract attached)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- f. If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

4. REMARKS:

On December 22, 2003, PacifiCorp ws issued a new 30 year license to operate the "Bear River Project" which consists of four (4) plants in Idaho: Soda Plant, Grace Plant, Cove Plant, and Oneida Plant. Due to both licensing considerations and repair costs to the Cove Flume, PacifiCorp is currently amending this license to include decommissioning of the Cove Plant.

5. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

\_\_\_\_\_ For sale;

  X   For lease for a period from 1-1-2006 to indefinite  
(Day, month, year) (Day, month, year)

(The lease period may be shown as "indefinite", if the total duration of lease is unknown); or

\_\_\_\_\_ As a gift to the state of Idaho.

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

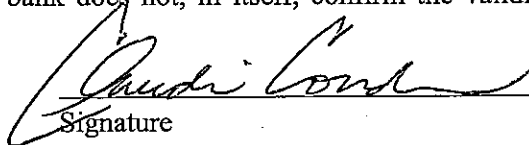
\_\_\_\_\_ Current Rental Rate  
\_\_\_\_\_

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 of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water 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.

11-14-2005  
Date

  
Signature

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FOR DEPARTMENT USE ONLY

Received by \_\_\_\_\_ Date \_\_\_\_\_ Preliminary check by \_\_\_\_\_

Watermaster recommendation requested on \_\_\_\_\_ Received \_\_\_\_\_

Recommended for \_\_\_\_\_ approval \_\_\_\_\_ denial \_\_\_\_\_ by \_\_\_\_\_

Love Plant

Lapsed.....

Reinstated.....

File No. 17327

Book 42 Page 12236

## POWER

### Abstract of Application to Appropriate Water

STREAM: Bear River COUNTY: .....

Applicant: Fredrick Steigmeier Salt Lake City, U.

Assigned: To Utah Power & Light Co., Jan 3, 1917.

Flow: 1500 cfs. Amount..... acre feet

To be used each year..... to..... To be stored each year..... to.....

Point of Diversion: N 46° 30' E, 1456 feet from the S.W. Cor. Sec 21, T10S, R40E, B.M. 4.4 in the SW 1/4 of the SW 1/4 of Sec 21, T10S, R40E, B.M., Bennecke County.

Point of Return: S 40° 30' E, 1975 feet from the N.W. Cor. Sec 33, T10S, R40E, B.M., in the NW 1/4 of Sec 33, T10S, R40E, B.M.

Diverting Works will consist of.....

#### Diverting Channel

Will be 2 ditches Length: 1.25 miles

Ditch: Top width..... ft. Bottom width..... ft. Depth of water..... ft.

Flume: Width 20 ft. Depth of water 13.5 ft.

Pipe: Diameter..... ft. Grade 1.96 ft. per thousand miles.

#### Wheels

Number..... Size..... Make..... Head 92 ft. Horse power 12000

Point of Use: .....

Explanatory: Further, as to location of point of diversion: Center of crest of dam, i.e., center of present bed and channel of river along proposed axis of dam is S 63° 25' E, 879 feet distant from the northwest corner of Section 28 in T10S, R40E, B.B. & M., and is in the northwest quarter of Section 28, T10S, R40E, B.B. & M. in Bennecke County.

The power station wheel-pit is S 44° 32' E, 2007 feet distant from the northwest corner of Section 33, T10S, R40E, B.B. & M. in the northwest quarter of said section 33, in Bennecke County.

Bs 10 556

## State Engineer's Endorsements

Dates:

- 9:00 A.M.*
1. *Mar. 9, 1916* Application received in State Engineer's office.
  2. \_\_\_\_\_ Priority of application brought down to, on account \_\_\_\_\_
  3. \_\_\_\_\_ Application examined \_\_\_\_\_
  4. *April 8, 1916* Application returned to *applicant* for following corrections: \_\_\_\_\_
  5. *June 5, 1916* Corrected application returned to State Engineer's office.
  6. \_\_\_\_\_ Corrected application examined and \_\_\_\_\_
  7. \_\_\_\_\_ Application rejected and returned to applicant for the reason \_\_\_\_\_
  8. *June 20, 1916* *Permit No. 12236 issued.*  
~~Application approved and returned to applicant~~

This application is approved on the following conditions:

1. That actual construction work shall begin within six months.
2. That the appropriation shall be fully completed by \_\_\_\_\_
3. *Bond in sum of \$3,000 to be filed on or before Aug. 19, 1916.*  
*1/2 of work specified to be completed on or before Dec. 20, 1918.*  
*Whole of work to be completed on or before June 20, 1921.*  
*Beneficial use of water appropriated to be made on or before June 20, 1921.*

*J. H. Smith*  
State Engineer.

## State Engineer's Memoranda

Dates:

1. \_\_\_\_\_ Fee for filing application paid \$ \_\_\_\_\_
2. \_\_\_\_\_ Cost of publishing notice deposited \$ \_\_\_\_\_
3. \_\_\_\_\_ Publication began and was completed \_\_\_\_\_
4. \_\_\_\_\_ Notice published in \_\_\_\_\_
5. \_\_\_\_\_ Application protested by \_\_\_\_\_
6. \_\_\_\_\_ Fee for recording and approving application paid \$2.50.
7. Time for making proof of appropriation extended to \_\_\_\_\_
8. Proof of appropriation submitted *Jan. 28, 1918*
9. \_\_\_\_\_ Fee for issuing certificate of appropriation paid \$1.00.
10. *March 14, 1918* *Water Rights* Certificate of appropriation No. *12236*, issued.