

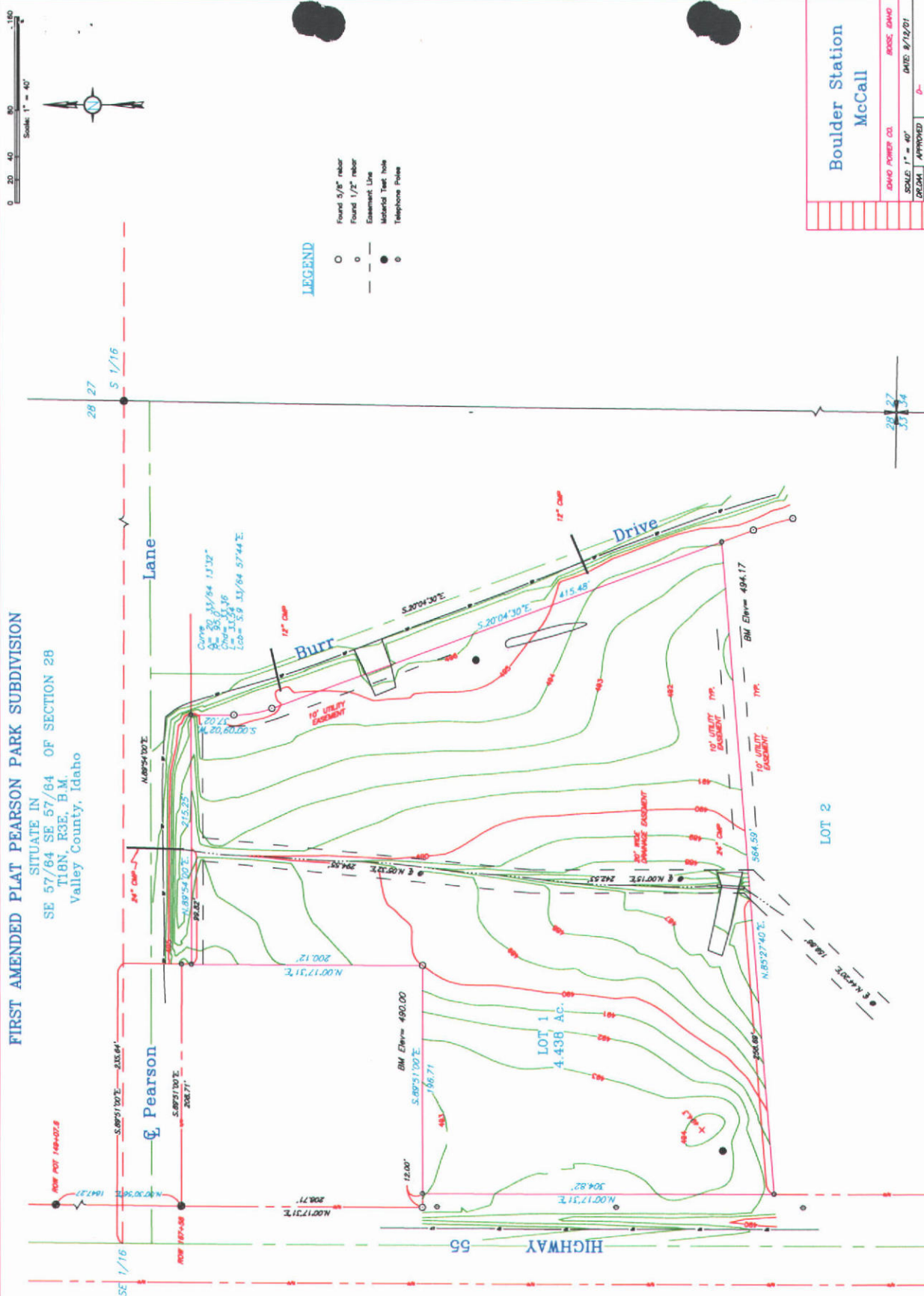
PROPOSED APPROX  
LOC OF WELL

T18N, R03E, S28, SESE

NO GOV'T  
LOTS  
DAN 11-13-02

MICROFILMED

MAR 20 2003



|                        |                 |
|------------------------|-----------------|
| <b>Boulder Station</b> |                 |
| <b>McCall</b>          |                 |
| DATE: 8/12/01          | SCALE: 1" = 40' |
| APPROVED               | DATE: 8/12/01   |
| REV. CHAIRS            | SHEET 1 - 1     |

MICROFILMED

MAR 20 2003

Prepared by  
 SHARP & SMITH, INC.  
 ENGINEERS & SURVEYORS  
 327 N. 27th Street  
 Boise, Idaho 83702

IDAHO DEPARTMENT OF WATER RESOURCES  
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED  
JAN 31 2003  
Department of Water Resources

Initial review by DAN Date 11-12-02 Application # 65-22719

**REQUIRED INFORMATION**

- ☒ Name (If applicant is a corporation or partnership, the names and addresses for the director, officers, and other partners must be included)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County
- ☒ Quantity (Flow and /or Volume)
- ☒ Period of use
- ☒ Nature of proposed use (Include description of use)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map (Show T, R, S, QQ &/OR QQQ)
- ☒ Subdivision plat (for > 1 home in restricted area ≥ 5 homes in non-restricted area)
- ☒ Signature (If applicant is corporation, partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid
- Government Lots  
NO P/D  
NO P/U

**ADDITIONAL INFORMATION**

yes ADVERTISE REMARKS (Yes or No)

YES NO

- ☒ Overlapping place of use (Describe source and relationship to present application on next page)
- ☒ Overlapping point of diversion
- ☒ Critical groundwater area
- ☒ Ground water management area
- ☒ 1992 moratorium
- ☒ Surface water source, IDFG letter needed
- ☒ Protected river or minimum flow reach, notify water planning bureau
- ☒ E-mail to SCA staff (perennial stream, non-pump diversion &/or any mining)
- ☒ E-mail to Dam Safety staff (for any storage)
- ☒ Mitigation plan Check any that apply
- ☒ Immediate = acceptable plan required and submitted
- ☒ Future = open areas, acceptance of condition of approval is in file
- ☒ Send power requirement letter &/or fish farm requirement letter
- ☒ Power residency affidavit
- ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres (If YES, attach Large Diversion supplementary analysis sheet)
- ☒ REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested \_\_\_\_\_ Date Response Received \_\_\_\_\_



BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. )  
65-22719 IN THE NAME OF )  
IDAHO POWER CO. )  
\_\_\_\_\_ )

**REINSTATEMENT ORDER**

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted to the Department on or before March 1, 2004; and

WHEREAS, the Department notified the permit holder on December 31, 2003, by certified mail that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use or an extension of time request; and

WHEREAS, the Department sent the permit holder a lapse notice on March 5, 2004, since the department had not received an acceptable proof of beneficial use statement or extension of time request; and

WHEREAS, Section 42-218a, Idaho Code, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder within sixty days of the date of the notice of lapsing; and

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting acceptable proof of beneficial use on March 17, 2004.

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 65-22719 is **REINSTATED** with an advance in priority to **September 12, 2002**.

DATED this 22<sup>nd</sup> day of March, 2004.

  
\_\_\_\_\_  
GARY SPACKMAN

MICROFILMED  
MAR 29 2004

FOR OFFICE USE ONLY  
Amt. of Fee \$ 50.00  
Receipt No. C073124  
Receipt By. M. M. M. M. M.  
Date Received 3/17/04

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE

MAR 16 2004

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1 Permit No. 65-22719 Telephone No. (208) 388-2795

2. Name of Permit Holder(s) Idaho Power Company

3. Mailing Address: P.O. Box 70

City Boise State Id Zip 83707

4 Source of Water: Groundwater If **GROUNDWATER** (well), Date Drilled: mo. 5 / yr. 03

Well Driller Gestrin Well Drilling Drilling Permit Number: 876679-22719

5 Use(s) (as authorized by the water right permit):

Domestic (No. of households) \_\_\_\_\_ Stockwater (No. and type of stock) \_\_\_\_\_

Irrigation (No. of acres) 3 Other \_\_\_\_\_

6 Total rate of diversion and/or volume for which proof is submitted. 0.09 cfs OR \_\_\_\_\_ acre-feet

7 Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes \_\_\_\_\_ or No X

Has the measuring device been installed?

Yes \_\_\_\_\_ or No X

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9 Person to contact to accompany the Department representative during field examination of the water system.

Name: Blaine Johnston Telephone Number: 388-2781

Address P.O. Box 70 Boise, Id 83707

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Gilbert L Green Date: 3-15-2004  
(include your title, if on behalf of company or organization)

Gilbert L Green  
Real Estate Specialist

MICROFILMED  
MAR 29 2004

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**

NO. 65-22719

Priority: August 27, 2002

Maximum Diversion Rate: 0.09 CFS

This is to certify, that IDAHO POWER CO  
PO BOX 70  
BOISE ID 83707

has applied for a permit to appropriate water from:

**Source:** GROUND WATER

and a permit is APPROVED for development of water as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> |
|-----------------------|----------------------|--------------------------|
| IRRIGATION            | 04/15 to 10/31       | 0.09 CFS                 |

**LOCATION OF POINT OF DIVERSION:**

GROUND WATER SE $\frac{1}{4}$ SE $\frac{1}{4}$  Sec. 28, Twp 18N, Rge 03E, B.M., VALLEY County

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 18N 03E 28  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 30 | 30     |

Total Acres: 3

**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before March 1, 2004.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 30 afa per acre at the field headgate for irrigation of the lands above.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 13<sup>th</sup> day of February, 2003.

MICROFILMED

4/9 2 1 2003

*Karl J Dreher*  
for KARL J DREHER, Director

RECEIVED  
12/99

AUG 27 2002

WATER RESOURCES  
WESTERN REGION

Ident. No. 65-22719

RECEIVED

JAN 30 2003

Department of Water Resources

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR PERMIT**

To appropriate the public waters of the State of Idaho

1. Name of Applicant 124th BOWER CO Phone 208 388 2181  
Mailing address P.O. Box 70 Boise, ID 83707

2. Source of water supply GROUND WATER which is a tributary of N/A

3. Location of point of diversion is Township 18N Range 3E Sec. 28 in the SE  $\frac{1}{4}$ ,  
SE  $\frac{1}{4}$ , Govt. Lot \_\_\_\_\_, B.M., VALLEY County;

additional points of diversion if any: \_\_\_\_\_

4. Water will be used for the following purposes:

Amount 124 cfs for IRRIGATION purposes from 1/15 to 10/31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) .04 and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source \_\_\_\_\_

b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet; total  
reservoir capacity \_\_\_\_\_ acre-feet

c. Proposed well diameter is 6 inches; proposed depth of well is 120 feet

d. Is ground water with a temperature of greater than 85°F being sought? No

e. If well is already drilled, when? \_\_\_\_\_; Drilling firm \_\_\_\_\_;

Well was drilled for (well owner) \_\_\_\_\_; Drilling Permit No. \_\_\_\_\_

7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in kW. \_\_\_\_\_

b. Stockwatering; list number and kind of livestock. \_\_\_\_\_

c. Municipal; show name of municipality. \_\_\_\_\_

d. Domestic; show number of households. \_\_\_\_\_

e. Other; describe fully. \_\_\_\_\_

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MAR 20 2003

3. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RGE | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | TOTALS |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 18N | 3E  | 28  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 31 | 3      |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Total number of acres to be irrigated 3

10. Describe any other water rights used for the same purposes as described above. NA

- Who owns the property at the point of diversion? IDAHO POWER
- Who owns the land to be irrigated or place of use? IDAHO POWER
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: \_\_\_\_\_

12. Remarks: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Clarence John Decker  
 Signature of Applicant (and title, if applicable)

Received by Dan Nelson Date 8/27/02 Time 11:03 Preliminary check by DAN  
 Fee \$ 100.00 Receipted by DAN # 6029637 Date 8/27/02  
 Publication prepared by AT Date 8-5-12-02 Published in \_\_\_\_\_  
 Publication approved AT Date 1-22-03 STAR NEWS

MICROFILMED

2003

PROPOSED APPROX  
LOC OF WELL

28 27



## REQUEST TO PROCESS

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED USING ONE OF THE  
THREE ALTERNATIVES BELOW

Name of Applicant

IDAHO POWER CO

Mailing Address

P.O. Box 70

BOISE, ID 83707

Application No.  
(if known)

\_\_\_\_\_

\_\_\_\_ IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

\_\_\_\_ PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

☒ WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

Blair Johnston ARCHITECT

Date

27 AUG 02

Please return this form to:

Idaho Dept. of Water Resources  
Western Regional Office  
2735 Airport Way  
Boise, ID 83705-5082

MICHAEL

SEP 10 2002

# Idaho Department of Water Resources Receipt

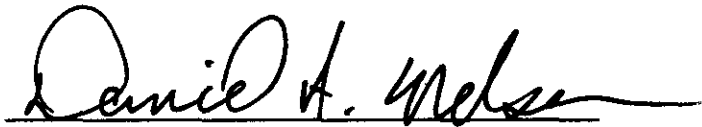
Receipt ID W029637

Payment Amount  Date Received  Region  Status   
Payment Type  Check Number

Payer Comment 

## Fee Detail

Amount Description Fund FD PCA SO  
\$100.00 PERMITS 0229 21 62103 1155



Signature Line (Dept. Representative)

MIC.

AUG 28 2002



IDAHO POWER COMPANY  
P.O. BOX 70  
BOISE, IDAHO 83707

Nov 18, 2002

Idaho Power Co.  
Boulder Substation  
List of Officers

Lamont Keen  
Jim Miller  
Jerry Ellsworth  
Blaine O. Johnston

President  
Vice-President-Delivery  
Project Leader  
Architect

MAILED  
NOV 20 2002



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098  
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

March 23, 2004

IDAHO POWER CO  
ATTN GIL GREEN  
PO BOX 70  
BOISE ID 83707

**PROOF ACKNOWLEDGMENT LETTER**

**RE: PERMIT NO. 65-22719**

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form and examination fee submitted for the above referenced permit. Enclosed is an order reinstating the permit advancing the priority since proof was submitted after the proof due date. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water. The regional office staff will contact you when that examination is to be conducted. At the time the examination is conducted the system must be in operation, otherwise this permit will be of no force nor effect.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have any questions, please contact the **Western** Regional Office of the department in Boise (208) 334-2190, or myself at (208)327-7953.

Sincerely,

Deborah J. Gibson  
Administrative Assistant  
Water Allocation Bureau

Enclosure

c: IDWR - Region (w/encl.)

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MAR 29 2004

## ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No. 65-22719

Reviewed By: dgibson

Date: March 18, 2004

|                                   | <u>Yes</u>          | <u>No</u> |                                  | <u>Yes</u>   | <u>No</u> |
|-----------------------------------|---------------------|-----------|----------------------------------|--------------|-----------|
| Proof received timely?            |                     | X         | Drilling permit required?        | X            |           |
| License examination fee required? | X                   |           | Drilling permit No.:             | 876679-22719 |           |
| Appropriate fee submitted?        | X                   |           | Drilling permit upgrade needed?  |              |           |
| Receipt No.                       | W029637,<br>C073124 |           | Well driller's report filed?     |              | X         |
| Additional Amount Due:            |                     |           | Measuring device required?       |              | X         |
| Name and address same as permit?  | X                   |           | Measuring device installed?      |              | X         |
| Are the water uses correct?       | X                   |           | Measure device waiver requested? |              |           |

### Priority Calculation

|                     |   |            |
|---------------------|---|------------|
| Date proof received |   | 03/17/2004 |
| Date proof due      | - | 03/01/2004 |
| Lapse notice sent   | - | 03/05/2004 |
| No. of days late    | = | 16         |
| Holiday allowance   | + |            |
| Priority date       | + | 08/27/2002 |
| New priority date   | = | 09/12/2002 |

### Deficiencies of Actions Items

Reinstate permit and advance priority date to 9/12/2002. Acknowledge proof.

RECEIVED

MAR 17 2004



An IDACORP Company

IDAHO POWER COMPANY  
PO BOX 70  
BOISE, IDAHO 83707

Department of Water Resources

GIL GREEN SR/WR  
Real Estate Specialist  
phone (208) 388-2795 fax (208) 388-6927 e-mail Ggreen@idahopower.com

March 16, 2004

Debbie Gibson  
1301 North Orchard  
P. O. Box 83720  
Boise, ID 83720-0098

RE: Permit No. 65-22719

Dear Mr. Gibson:

Enclosed is a check in the amount of \$50.00 for the License Examination Fee. I forgot to put it in the envelope when I sent in the proof of beneficial use.

If you have any questions, call me at (208) 388-2795.

Sincerely,

Gil Green

MICROFILMED

MAR 29 2004



IDAHO POWER COMPANY  
PO BOX 70  
BOISE, IDAHO 83707

GIL GREEN SR/WA  
Real Estate Specialist  
phone (208) 388-2795, fax (208) 388-6927 e-mail Ggreen@idahopower.com

An IDACORP Company

March 15, 2004

Gary Spackman  
1301 North Orchard  
P. O. Box 83720  
Boise, ID 83720-0098

RECEIVED

MAR 16 2004

Department of Water Resources

RE: Permit No. 65-22719

Dear Mr. Spackman:

This letter is in response to the lapse notice dated March 5, 2004. I enclosed a completed Proof of Beneficial Use form. Also enclosed is a check in the amount of \$50.00 for the License Examination Fee. I believe this information is what is required for Idaho Power Company to continue to use the water identified in Permit No. 65-22719.

If you have any questions, call me at (208) 388-2795.

Sincerely,



Gil Green

MICROFILMED

MAR 29 2004

March 5, 2004

IDAHO POWER CO  
PO BOX 70  
BOISE, ID 83707

### LAPSE NOTICE

RE: PERMIT NO. 65-22719

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in the proof due notice dated December 31, 2003. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

Sincerely,

Gary Spackman

Enclosures

MICHAEL L. LEMMON

MAR 29 2004

CERTIFICATION OF MAILING  
I hereby certify that on 3/5/04  
a copy of this notice was  
deposited in the United States mail,  
postage prepaid, addressed to the  
individual(s) named above.

*[Signature]*

December 31, 2003

IDAHO POWER CO  
PO BOX 70  
BOISE, ID 83707

PROOF DUE NOTICE

RE: PERMIT NO. 65-22719

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before March 01, 2004. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

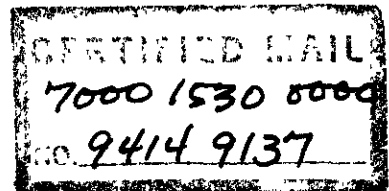
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

Deborah J. Gibson, Administrative Assistant  
Water Allocation Bureau

Enclosures



MICROFILMED

MAR 29 2004



State of Idaho

## DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098  
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

February 13, 2003

IDAHO POWER CO  
PO BOX 70  
BOISE ID 83707

RE: Permit No. 65-22719

### Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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MAR 20 2003

If you have any questions, please contact me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelley W. Keen".

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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MAR 20 2003

## **CERTIFICATE OF SERVICE**

I hereby certify that on February 13, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

**RE: WATER RIGHT NO.**

**65-22719**

**IDAHO POWER CO  
PO BOX 70  
BOISE ID 83707**



**Kari Lynn Townsend  
Secretary**

**MICROFILMED**

**MAR 20 2003**

**EXPLANATORY INFORMATION  
TO ACCOMPANY A  
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

**PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

**EXCEPTIONS AND BRIEFS**

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

**REQUEST FOR HEARING**

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

**ORAL ARGUMENT**

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

**CERTIFICATE OF SERVICE**

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

## **FINAL ORDER**

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

## **APPEAL OF FINAL ORDER TO DISTRICT COURT**

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

IDAHO DEPARTMENT OF WATER RESOURCES  
APPROPRIATION APPLICATION ANALYSIS SHEET

Initial review by L. H. A. Date 1-14-02 Application # 00-11111

**REQUIRED INFORMATION**

       Name (If applicant is a corporation or partnership, the names and addresses for the director, officers, and other partners must be included)  
       Address  
       Source (See USGS Quad for names of water sources)  
       Point of Diversion (10 acres for spring, lot & block descriptions for Subdivisions, local name)  
       County  
       Quantity (Flow and /or Volume) Government Lots  
       Period of use        P/D  
       Nature of proposed use (Include description of use)        P/U  
       Description of diverting works  
       Time required for beneficial use of water  
       Place of use or acres irrigated  
       Map (Show T, R, S, QQ &/OR QQQ)  
       Subdivision plat (for > 1 home in restricted area ≥ 5 homes in non-restricted area)  
       Signature (If applicant is corporation, partnership, or municipality, title of signatory is required)  
       Correct fee paid

**ADDITIONAL INFORMATION**

YES ~~ADVERTISE REMARKS (Yes or No)~~

YES NO

              Overlapping place of use (Describe source and relationship to present application on next page)  
              Overlapping point of diversion  
              Critical groundwater area  
              Ground water management area  
              1992 moratorium  
              Surface water source, IDFG letter needed  
              Protected river or minimum flow reach, notify water planning bureau  
              E-mail to SCA staff (perennial stream, non-pump diversion &/or any mining)  
              E-mail to Dam Safety staff (for any storage)  
              Litigation plan Check any that apply  
              Immediate = acceptable plan required and submitted  
              Future = open areas, acceptance of condition of approval is in file  
              Send power requirement letter &/or fish farm requirement letter  
              Power residency affidavit  
              Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres (if YES, attach Large Diversion supplementary analysis sheet)  
              REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

\_\_\_\_\_

\_\_\_\_\_

Date Requested \_\_\_\_\_ Date Response Received \_\_\_\_\_

**PROCESSING**APPLICATION # 65-22719

YES NO

              In form for advertising  
       X Statewide advertising (> 10 cfs &/or 1000 af)  
A        Fee amount, receipt number, and date recorded on application

**SEND COPIES TO NOTE IF E-MAIL COMMENT LETTER USED**

YES NO

       X I.D. Environmental Quality  
       X I.D. District Health  
       X I.D. Fish & Game  
       X I.D. Lands

YES NO

       X US BLM  
       X US Forest Service  
       X Water Dist #         
       X Water Planning Bureau  
       X Other       

**FINAL REGIONAL PROCESSING REVIEW**

YES NO

✓        Affidavit of publication received  
✓        Application published correctly? If not, record action taken         
              Publication dates and paper recorded on application  
              Final date for protest 12-23-02  
       ✓ Protests received  
       ✓ Recommendations attached  
       ✓ Measuring device required  
       ✓ Water delivered by water master? District #         
✓        Special conditions of approval or cover letter

Standard condition well drilling conditions

Recommended Date of Priority 8-27-02Recommendation ☒ Approve ☐ Deny by Daniel A. Nelson Date 1-20-02**ADDITIONAL INFORMATION**☐ See attached proof report, note any Legal Notice Remarks &/or Comments☐ See attached shapefile





An IDACORP Company

IDAHO POWER COMPANY  
P.O. BOX 70  
BOISE, IDAHO 83707

Aug 27, 2002

Idaho Department of Water Resources  
West Region  
2735 Airport Way  
Boise, Id  
83705

RE: Idaho Power Application for Water Rights

Idaho Power Co. is requesting this application in order to install a domestic well for the purpose of irrigating landscaped areas around our Boulder Substation.

Idaho Power Co. is irrigating approximately 2.8 acres of trees, shrubs and grasses as part of the conditions of approval required by the Valley County CUP for our Boulder Substation. Construction is now under way for this station and the landscaping is planned to be installed in October of this year.

If you have any questions, please call me at 388-2781.

Sincerely

Blaine O. Johnston, A.I.A.  
Project Architect

Cell # 861-5264

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MAR 20 2003

November 27, 2002

**Legal Notice Department**  
**STAR NEWS**  
**1000 1ST ST**  
**MC CALL ID 83638**

RE: Application for Permit No. 65-22719

**Dear LEGAL NOTICE DEPARTMENT:**

Enclosed you will find a legal notice which we wish to have published in your newspaper 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 12/23/2002. Your cooperation is appreciated.

Sincerely

Sue Taylor  
Senior Secretary

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MAR 20 2003

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

65-22719

IDAHO POWER CO  
PO BOX 70  
BOISE ID 83707

Point(s) of Diversion SESE S28 T18N R03E VALLEY County Source GROUND WATER

Use: IRRIGATION 04/15 To 10/31 0.09 CFS

Total Diversion: 0.09 CFS

Date Filed: 08/27/2002

Place Of Use: IRRIGATION

T18N R03E S28 SESE

Number of Acres 3

Remark: Applicant agrees to mitigate consumptive use in the future as needed.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 12/23/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Star News on December 5 and 11, 2002.

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MAR 20 2003