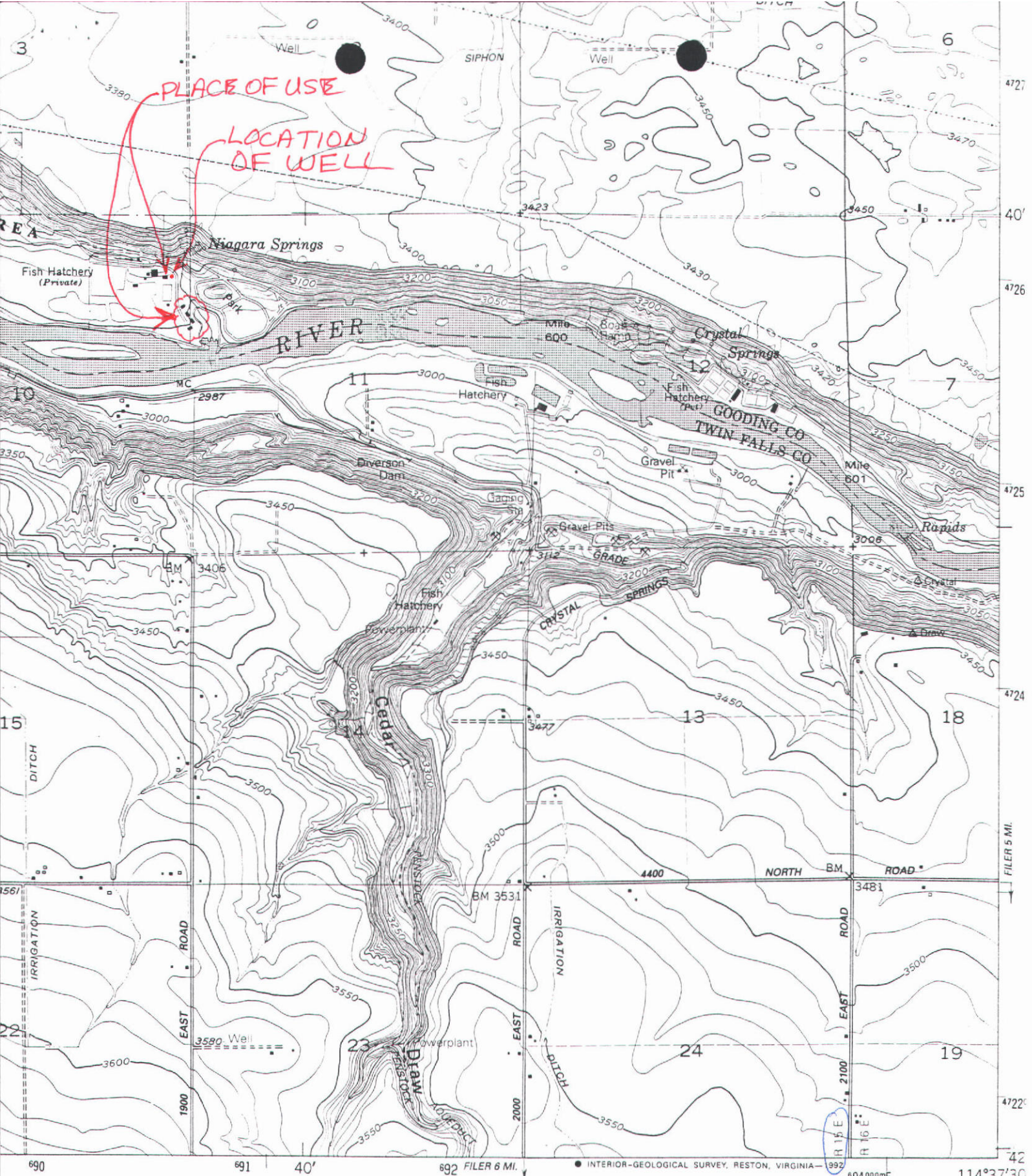




0 1000 2000 3000 4000 5000 6000 7000 FEET
1 KILOMETER

10 FEET
SURFACE 5 FEET
BOTTOM OF 1000

IDAHO

TOWNSHIP 09 S
RANGE 15 E
MICROFILMED

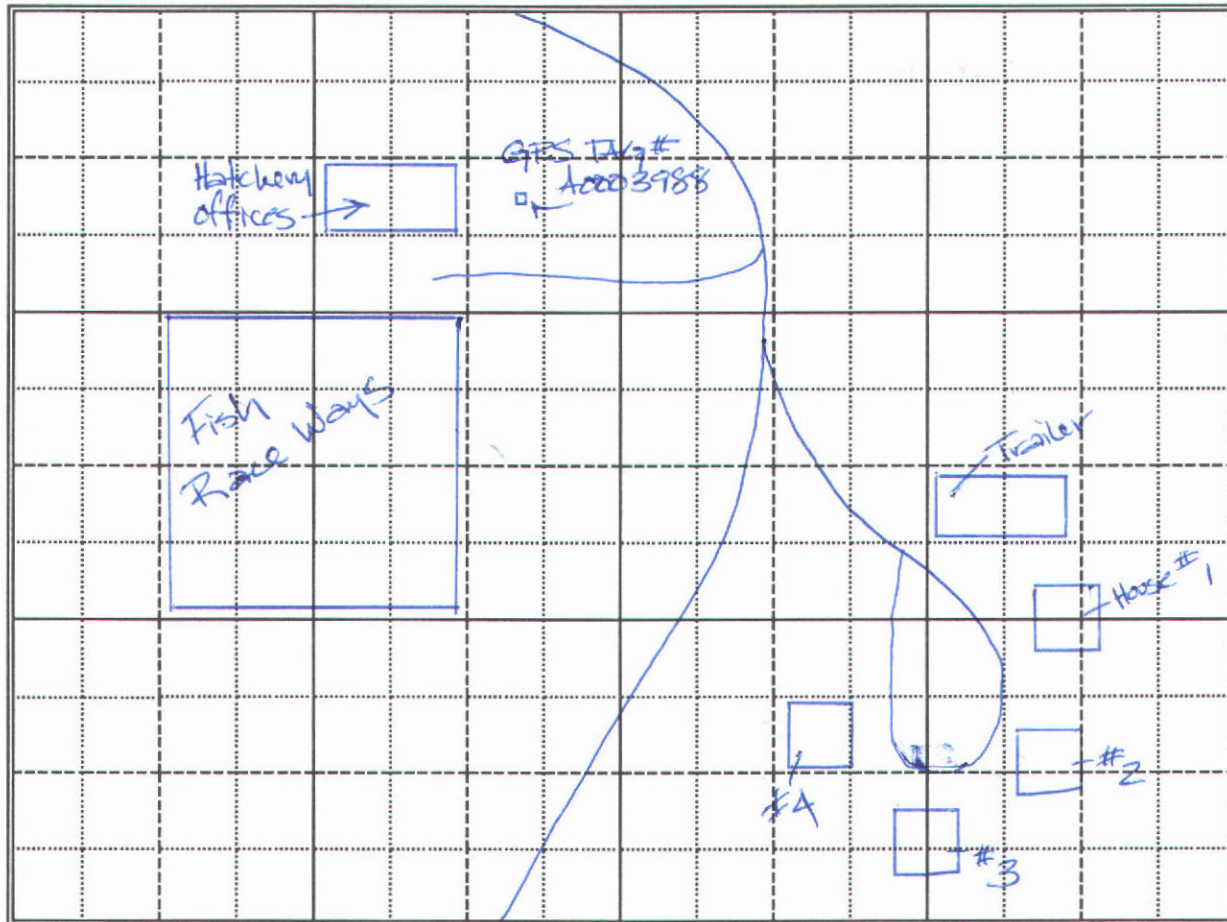
APR 10 1997
QUAD BB 21

ROAD CLASSIFICATION

Primary highway, hard surface	Light-duty road, hard or improved surface
Secondary highway, hard surface	Unimproved road
Interstate Route	U. S. Route
	State Route

36-08761
NIAGARA SPRINGS, IDAHO

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = 100'

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☐ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4. 95

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
<u>10003988</u>	<u>Franklin Elect</u>	<u>3</u>	<u>2823028310</u>		

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

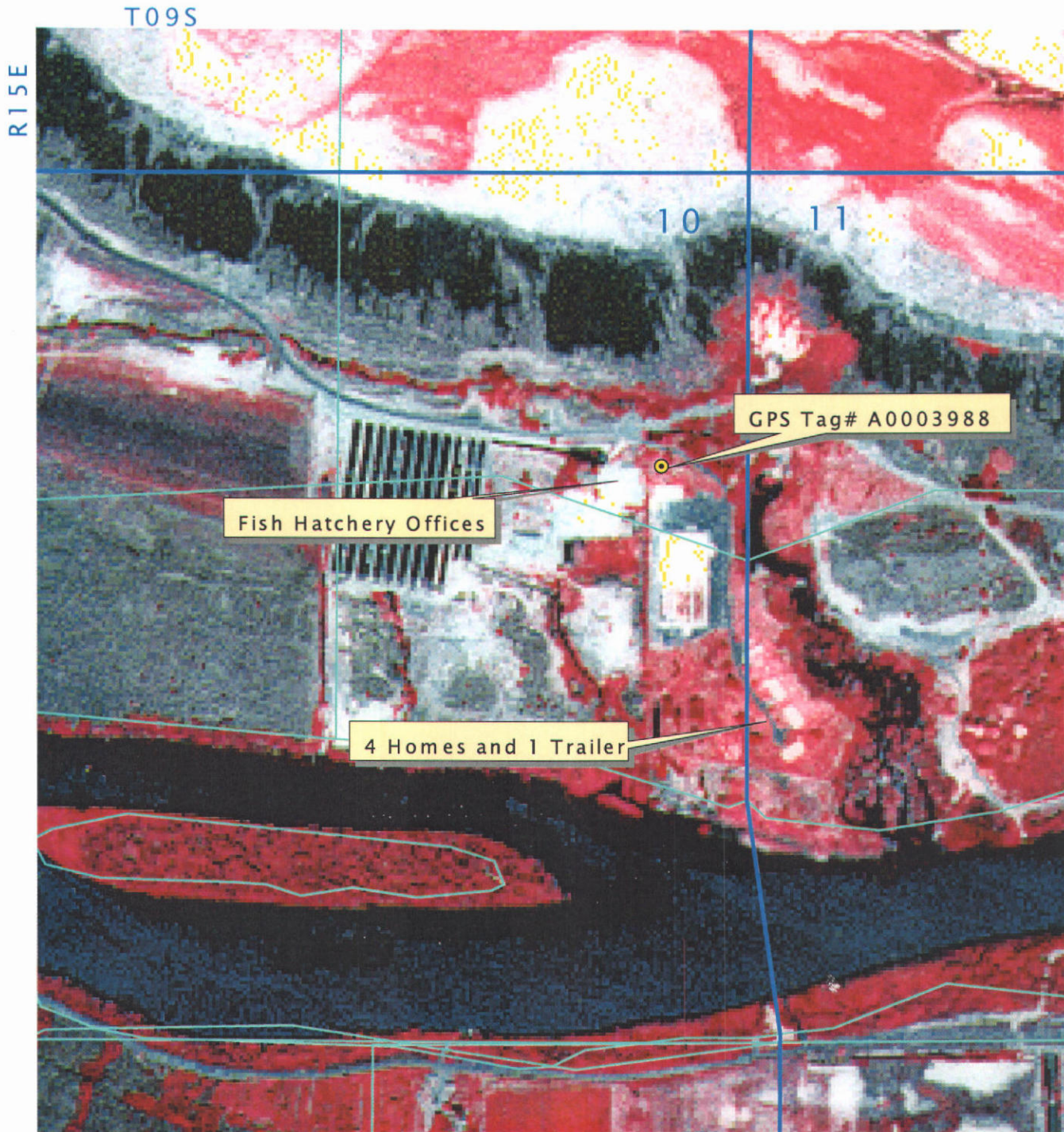
1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. **Measurements:** There was a meter recording 4gpm at the time of the exam. This obviously was not the capacity, so I used the theoretical which came to 0.16 cfs.

Idaho Department of Water Resource

Recommendation for Permit 36-08761 Idaho Power



● Point of Diversion

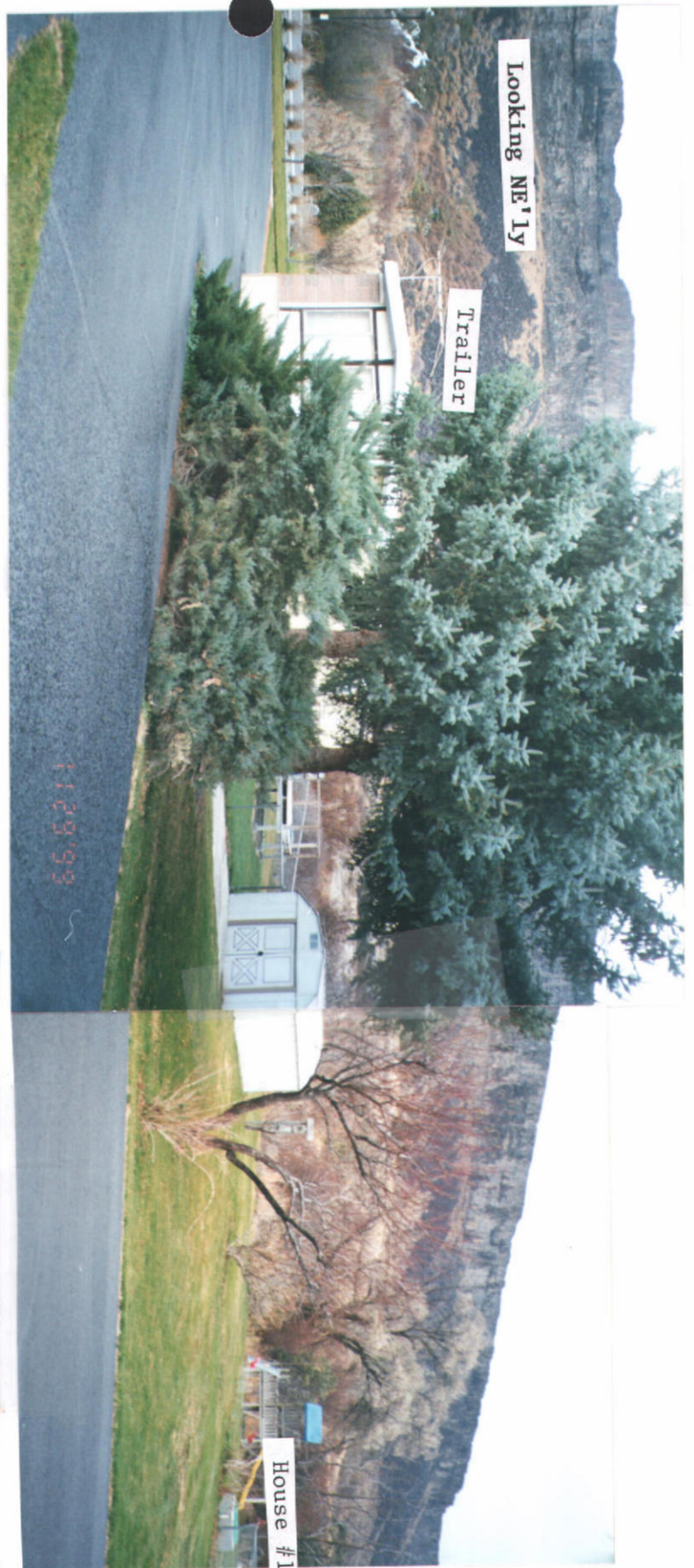
□ Quarter-quarter Lines

□ Section Lines

N
MICROFILMED
JAN 24 2002

Point of Diversion
T09S R15E S31
Data entry on Dec 13, 1999

Point of Diversion Presentation
1987/1988 NAPP Photography
Data Entry By: Amanda Folsom



Looking NE'ly

Trailer

House #1



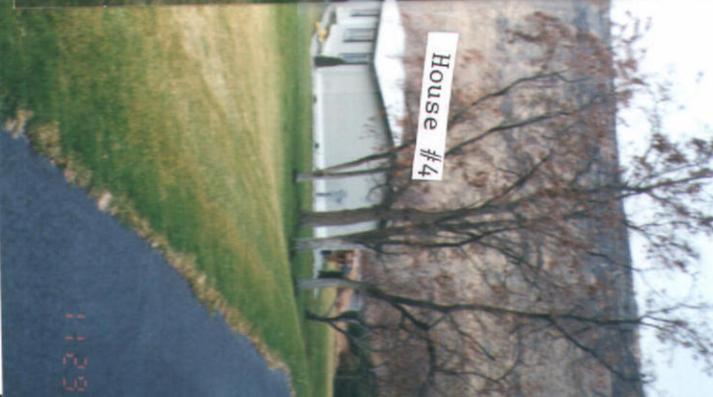
Looking SE'ly

House #1

House #2



House #3



House #4

MICROFILMED

Idaho Power Jerry Chapman

FE: Amanda Folsom

Date: Nov 29, 1999

10N 24 2002

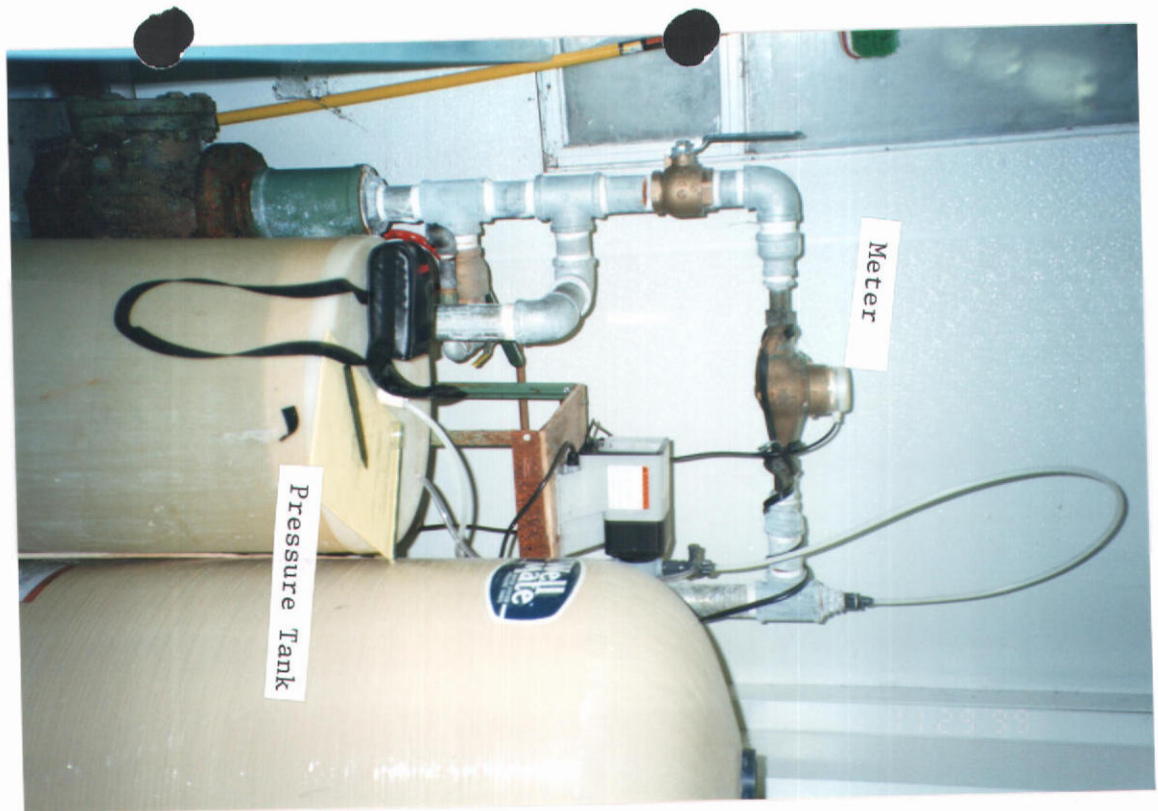
36-08761



MICROFILMED
JAN 24 2002

Idaho Power Jerry Champman
FE: Amanda Folsom
Date: November 29, 1999

36-08761



MICROFILMED
JAN 24 2002

Idaho Power Jerry Champman
FE: Amanda Folsom
Date: Nov 29, 1999

36-08761

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho }
County of Gooding } ss.

FEB 28 1997

Department of Water Resources
Southern Region

Patty Vance

being first duly sworn, deposes and says that she is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for

2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the

19 day of Feb., 1997.

and the date of the last publication was on the 26 day of

Feb., 1997.

Patty Vance

Subscribed and sworn to before me this 26th day of

February, 1997.

(SEAL)

Norma De Voe

NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2X

Applicant Fee \$2.25

Lines tabular at 365.06 7¢/Pica

Lines straight at 21.90 6¢/Pica

Subsequent lines at 365.06 18.25 5¢/Pica

TOTAL COST 42.40

MICROFILMED

APR 10 1997

COPY OF NOTICE

(Paste Here)

Appl. Water Permit - Idaho Power
TITLE OF NOTICE 36-08761

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Appl. Water Permit
BILL TO

NOTICE OF APPLICATION FOR WATER PERMIT

The following application has been filed to appropriate the public waters of the State of Idaho:

IDAHO POWER COMPANY
PO BOX 70

BOISE ID 83707

Application for Permit No. 36-08761

Source: groundwater

Diversion Pt(s): Lot 1 (NE1/4NE1/4), S10, T09S, R15E; Gooding County.

Use: Domestic (0.11 cfs) 1/1-12/31

In: Lot 1 (NE1/4NE1/4), Lot 9 (SE1/4NE1/4), S10; Lot 11 (SW1/4NW1/4), S11; all T09S, R15E.

Date Filed: 1/23/97

The permit will be subject to all prior water rights. A protest against any particular application must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before March 10, 1997. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director
Published in the Gooding County Leader on 2/19 & 2/26/97.

insertions 5¢/Pica

No 6426

14220

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 36-08761

Priority: January 23, 1997

Maximum Diversion Rate: 0.11 CFS
Maximum Diversion Volume: 3.0 AF

It is hereby certified that IDAHO POWER CO
PO BOX 70

BOISE ID 83707-0070 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated January 23, 1997; and has
submitted Proof of Beneficial Use on March 24, 1998. An examination indicates that the works have a
diversion capacity of 0.16 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
DOMESTIC	01/01 to 12/31	0.11 CFS	3.0 AF

LOCATION OF POINT OF DIVERSION:

GROUND WATER L1 NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 10, Twp 09S, Rge 15E, B.M., GOODING County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S 11E 10	X																
	L1																
09S 11E 11																	

CONDITIONS OF APPROVAL

1. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home nor 2,500 gallons per day for the office and restroom facility.
2. Domestic use is for 4 homes, the hatchery office building and public restrooms at Niagara Springs steelhead hatchery and does not include lawn, garden, landscape, or other types of irrigation.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 11th day of JANUARY, 2002.

Acting for 
KARL J. DREHER
Director

MICROFILMED

JAN 24 2002

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. 6641234
Receipt By: VS
Date Received: 3/24/98

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 24 1998

PROOF OF BENEFICIAL USE

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 who has been appointed by the department.

1. Permit No. 36-08761 Telephone No. 388-2353
2. Name(s) of Permit Holder(s): Idaho Power Company
3. Mailing Address: P.O. Box 70, Boise, Idaho 83707
4. Source of Water: Groundwater If **GROUNDWATER** (well), Date Drilled: mo. 09 / yr. 95
- a. Well Driller: Eaton Drilling & Pump Service Drilling Permit Number: 36-95-5-0184-000
- b. **OPTIONAL:**
- Pump Horsepower: 3 Pressure (psi): 40-60 PSI Dynamic pumping level (ft): 25-

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

Domestic (No. of households): 4 Stockwater (No. and type of stock): 0

Irrigation (No. of acres): 0 Other: 1 office building w/ 2 public restrooms

6. Total rate of diversion and/or volume for which proof is submitted: 0.11 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 <u> </u>	or	No <u>X</u>
	Has the measuring device been installed?	Yes <u> </u>	or	No <u>X</u>
Flow Measurement Port:	Is a flow measurement port required?	Yes <u> </u>	or	No <u>X</u>
	Has the measurement port been installed?	Yes <u> </u>	or	No <u>X</u>

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: Paul E. Abbott Telephone Number: 388-2353

Address: P.O. Box 70 Boise, Idaho 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 I relinquish any undeveloped portion of the permit to the State of Idaho.

MICROFILMED
MAY 08 1998

Signature of permit holder: Paul E. Abbott, Hatchery Biologist Date: 3-20-98
(include your title, if on behalf of company or organization)

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 36-08761

Proposed Priority: January 23, 1997

Maximum Diversion Rate:

0.11 CFS

This is to certify, that IDAHO POWER CO
PO BOX 70
BOISE ID 83707-0070

has applied for a permit to appropriate water from: GROUNDWATER

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>
-----------------------	----------------------	--------------------------

DOMESTIC	01/01 to 12/31	0.11 CFS
----------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: Lot 1(NENE), Sec. 10, Township 09S, Range 15E
GOODING County

PLACE OF USE: DOMESTIC

TWN RGE SEC

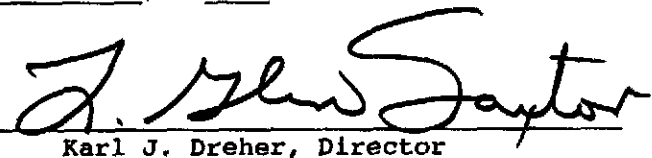
09S 15E 10	Lot 1(NENE)	Lot 9(SENE)
11	Lot 11(SWNW)	

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1998.
2. Subject to all prior water rights.
3. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home nor 2,500 gallons per day for the office and restroom facility.
4. Domestic use is for 4 homes, the hatchery office building and public restrooms at Niagara Springs steelhead hatchery and does not include lawn, garden, landscape, or other types of irrigation.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

1st day of April, 1997.


Karl J. Dreher, Director

for

MICROFILMED

APR 10 1997

RECEIVED

MAR 27 1997

RECEIVED
Form 208
10/92Department of Water Resources
STATE OF IDAHOIdent. No. 36-08761

JAN 21 1997

DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Southern Region

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Idaho Power Company Phone (208) 388-2300
 Post office address P.O. Box 70, Boise, Idaho 83707

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is _____ 1/4 of NE 1/4 of NE 1/4, Govt. Lot 01
 Sec. 10 Township 9S Range 15E B.M. Gooding County; additional
 points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.11 for domestic purposes from 1/1 to 12/31 (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)

5. Total quantity to be appropriated is (a) 0.11 and/or (b) _____
 cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well with 3hp pump

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
 reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
 _____ to _____ inclusive.

c. Proposed well diameter is 8" inches; proposed depth of well is 76 feet.

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

e. If well is already drilled, when? 9/14/95; Drilling firm Drilling permit #36-95-S-0184-000;

Well was drilled for (well owner) Idaho Power Company

7. Time required for the completion of the works and application of the water to be proposed beneficial use is

1 years (minimum 1 year). PER 01/23/97 TELECOM WITH SHARON STRICKLAND

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. 4
- e. Other; describe fully. _____

* 9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. 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	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	15E	10	L-1 D			L-9 D													
9S	15E	11						L-11 D											

* NENE SECTION 10 → LOT #01
SENE SECTION 10 → LOT #09
SWNW SECTION 11 → LOT #11

Total number of acres to be irrigated -0-

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

11. a. Who owns the property at the point of diversion? Applicant

b. Who owns the land to be irrigated or place of use? Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

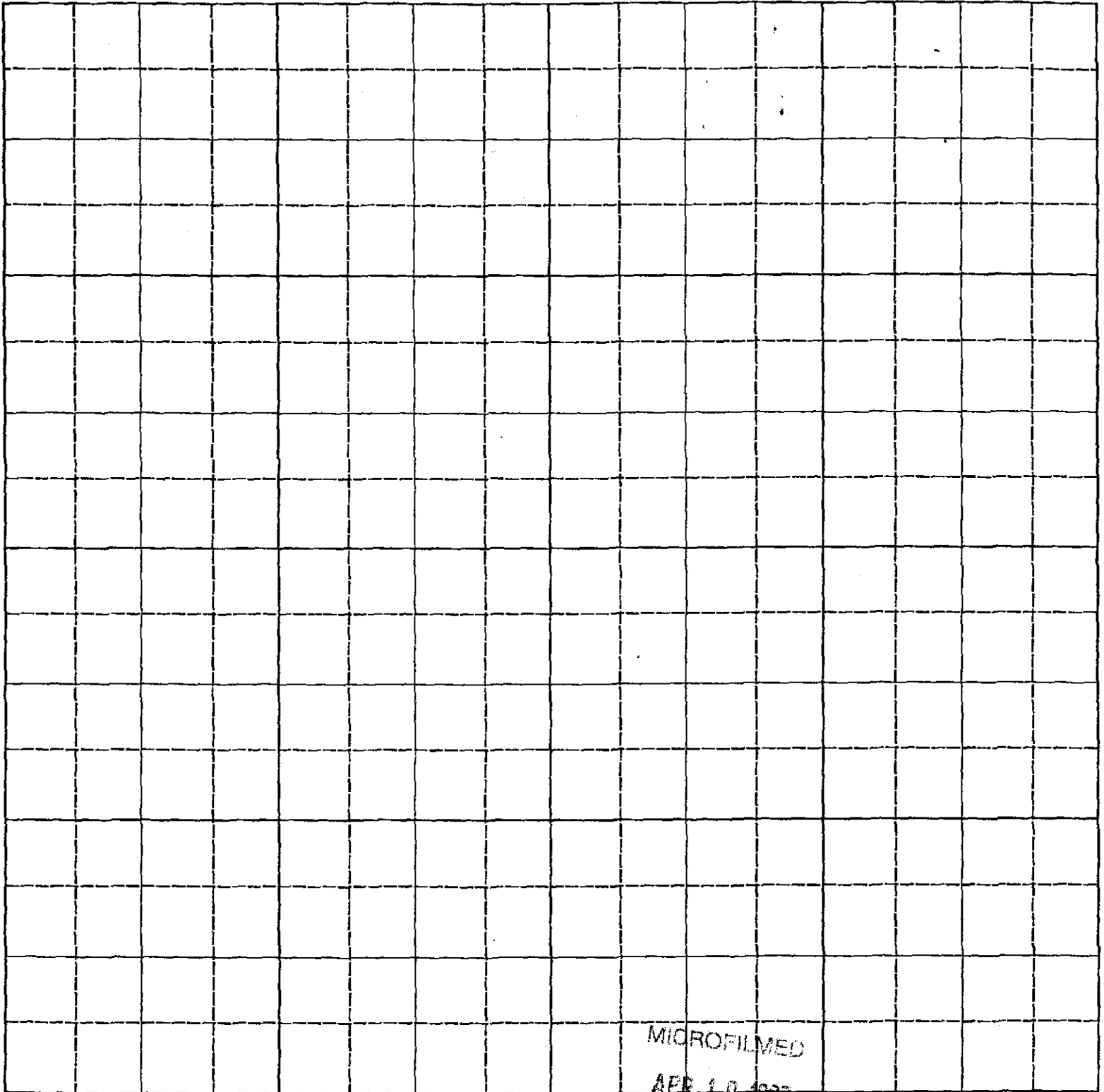
12. Remarks: Potable water supply for 4 households, the hatchery office building and public restrooms at Niagara Springs steelhead hatchery.

MICROFILMED

APR 10 1997

36-68761

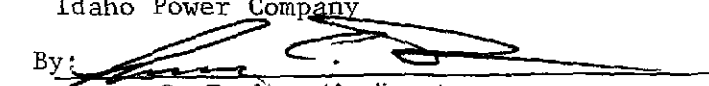
13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number. (See Attached Map)



Scale: 2 inches equal 1 mile.

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

Idaho Power Company

By: 
James C. Tucker (Applicant)
Attorney

36-08761

Received by CS Date 01/21/97 Time A.M. Preliminary check by _____
Fee \$ 50.00 CK# 25340 Received by CS # S019803 Date 01/23/97
Publication prepared by MB Date 2/10/97 Published in Gooding Co. Leader
Publication approved MB Date 2/28/97

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

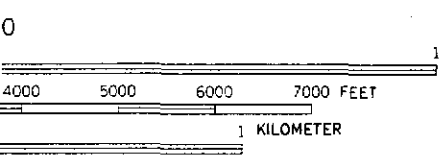
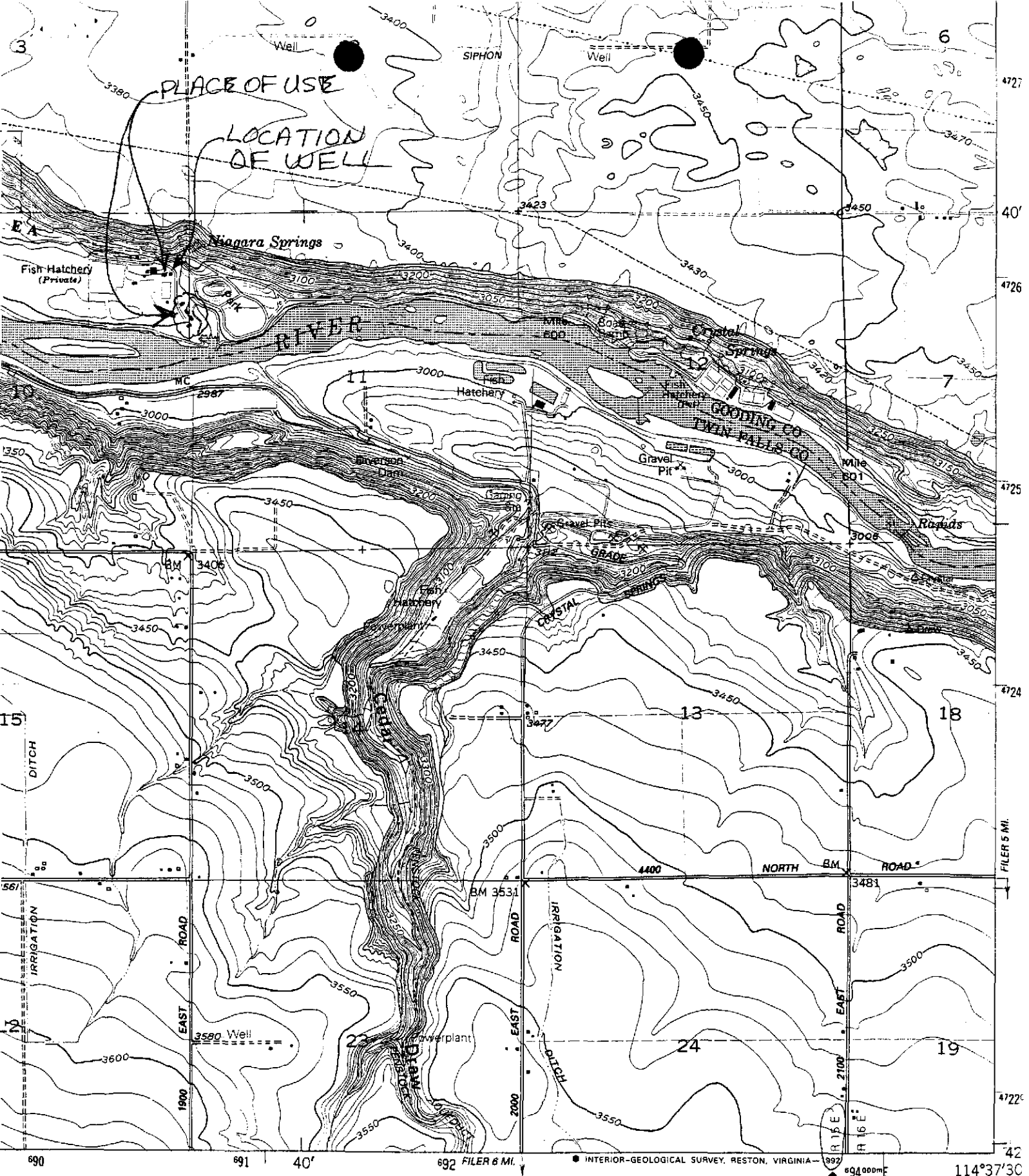
d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

MICROFILMED

APR 10 1997

36-68761



TOWNSHIP 09 S
RANGE 15 E

APR 10 1957
QUAD BB 21

ROAD CLASSIFICATION

Primary highway, hard surface ———— Light-duty road, hard or improved surface ————
Secondary highway, hard surface ———— Unimproved road ————

Interstate Route U. S. Route State Route

36-08761

NIAGARA SPRINGS IDAHO

APR 10 1957



LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

Idaho Power Company, an Idaho corporation, hereby nominates and appoints James C. Tucker of the law firm of Rosholt, Robertson & Tucker, with offices in Boise, Idaho, and Twin Falls, Idaho, as attorney-in-fact with full authority to act for and on behalf of Idaho Power Company, to authorize, prepare, and/or sign any and all documents, claim forms, amendments, or any other document or instrument required or necessary to protect the interest of Idaho Power Company related to its water rights, including, but not limited to, any and all documents necessary to be filed in the Snake River Basin Adjudication.

Idaho Power Company's agent is hereby authorized to sign, seal, and deliver, as its act and deed, those said instruments of writing that may be necessary or proper to carry into execution and effect all claims relating to Idaho Power Company's water rights as above-mentioned. Further, Idaho Power Company hereby declares that each and every agreement, receipt, or payment which shall be by its said agent given, made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had been signed, sealed, and delivered by Idaho Power Company in its own proper representative; and Idaho Power Company hereby undertakes at all times to ratify whatsoever its said agent shall lawfully do or cause to be done in or concerning the said premises by virtue of these presents.

IN WITNESS WHEREOF, Idaho Power Company has hereunto executed this Limited Power of Attorney this 14th day of August, 1992.

IDAHO POWER COMPANY

BY: [Signature]

ATTEST:

By: [Signature]

Secretary

MICROFILMED

APR 10 1997

36-08761

STATE OF IDAHO)
) ss.
County of Ada)

On this 14th day of August, 1992, before me, a Notary Public, in and for said County and State, personally appeared J. LaMont Keon and Robert W. Stahman, known or identified to me to be the Vice-President and Secretary, respectively, of the Idaho Power Company, the corporation that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.

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

Sally A. Chambers
NOTARY PUBLIC FOR IDAHO
Residing at: Bride
My commission expires: 12.31.92

MICROFILMED
APR 16 1997



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 16, 2002

IDAHO POWER CO
PO BOX 70
BOISE ID 83707-0070

RE: License No. 36-8761 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license 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.

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.

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

Sincerely,


Shelley W. Keen
Water Rights Supervisor

SWK:kit

Enclosure(s)

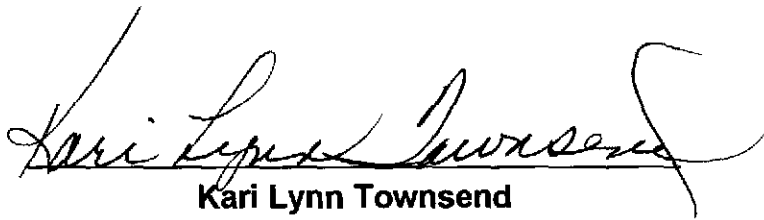
MICROFILMED
JAN 24 2002

CERTIFICATE OF MAILING

I hereby certify that on January 16, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 36-8761

**IDAHO POWER CO
PO BOX 70
BOISE ID 83707-0070**


**Kari Lynn Townsend
Secretary**

MICROFILMED
JAN 24 2002

**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.

LICENSE REVIEW CHECKLIST

Permit No. 36-8761 Date: 1-10-02 Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK

Point of Diversion: OK

Does change clarify original intended source? If no, void permit.
Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)
W36 (overlap)
W59 (subdivision description)

Place of Use OK

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps: Right(s): _____
File reviewed _____ Profile reports printed _____

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 0.11 cfs
Fee Limit 0.20 cfs
Measured 0.16 cfs
Theoretical 5 cfs

Recommended Total Diversion Rate 0.11

Water Uses OK

Change (P46)

Season of Use per new Standards

Irrigation _____ cfs _____ af
Stockwater _____ cfs _____ af
Domestic 0.11 cfs 3.0 af
_____ cfs _____ af
_____ cfs _____ af
Total 0.11 cfs 3.0 af

Irrigation - overlap(R58-R61, R62-R65, R66-R69)
supp. Gw (WB7/065/104)
overlap spec combined rts (W35)
<1 acre (W31)
Domestic (W01/Wb5/070/071/075)
Power (W42 or W43/025/027/R22 or R23)
Fish (042)
Fire (077)
Water Quality (106/R07)
Payette - (W22/047/27A)
Stockwater for US (R37)

*condition
as permitted*

*4 homes @ .6 = 2.4
1 office @ .4 = 0.4
restaurants @ .2 = 0.2
3.0 AF*

Volume Determination

_____ cfs x 1.9835 x _____ days = _____ af (vs) _____ acres x _____ (FHR) = _____ af

Remarks: _____

Additional Conditions _____ Watermaster Control
_____ GW Measurement/Measuring Device
_____ Other
Trust R55 - remove 051)
Non-trust (048)

GW Dist? _____
Water Msmt. Dist? _____
Crit. GWMA? _____
GWMA? _____
Government Lots? _____

Advance Priority? yes If yes, explain why below.
no

SRBA Claim?

No - not req'd

Adjust memo _____

Amend Letters _____ P87, S06

Second Amendment Notice _____ S06

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 340-08761

1. Owner: Blaho River Phone No. 208-388-2353

Current Address: PO Box 70 Boise ID 83707

2. Accompanied by: Jerry Chapman EXAM DATE: Nov 29, 1999

Address: _____ Phone No. 208-536-7283

Relationship to Permit Holder: Employee

3. Source: Ground Water tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None

2. Other water rights with the same point of diversion: None

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	01		NE	NE	10	09S	15E	Gooding	GPS TAG# 10003988

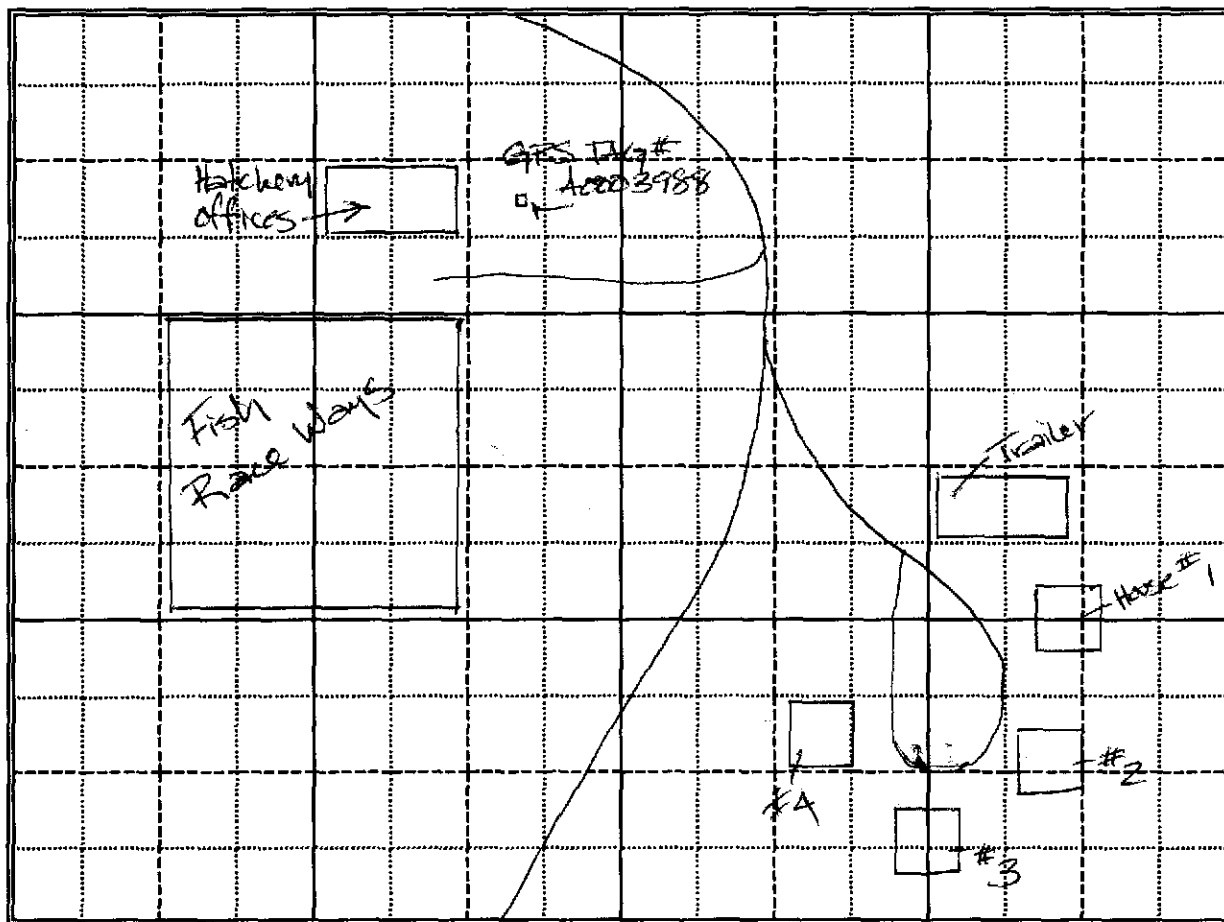
2. Place(s) of Use:

Indicate Method of Determination GIS

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	15E	10	01-D			09-D													
		11						11-D											

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3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☐ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4. GS

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
<u>A0003988</u>	<u>Franklin Elect</u>	<u>3</u>	<u>2823078310</u>		

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. **Measurements:** There was a meter recording 4gpm at the time of the exam. This obviously was not the capacity, so I used the theoretical which came to 116 cfs.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

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JAN 24 2002

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

Meter 4gpm

Theoretical $\rightarrow \frac{8.8(3)(.7)}{25 + (40 \cdot 2.31)} = \frac{18.48}{117.4} = 0.16 \text{ cfs}$

Permitted $\rightarrow 0.11 \text{ cfs}$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{I.R} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

$0.6(5 \text{ homes}) = 3 \text{ afa for homes}$

$50 \text{ gpd}(8 \text{ employees}) = 400(365) = \frac{146000}{375850} = 0.4 \text{ for office}$

$10 \text{ gpd}(20 \text{ picnickers}) = 200(365) = \frac{73000}{375850} = 0.2 \text{ for Public restrooms}$

H. RECOMMENDATIONS

1. Recommended Amounts

Total $\rightarrow 3.6 \text{ afa}$

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Domestic	1/1	12/31	0.11	3.6
Totals:			0.11	3.6

2. Recommended Amendments

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☒ None

☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

I. AUTHENTICATION

Field Examiner's Name

Amanda Brown

Date

Nov 3, 2000

Reviewer

Date

MICROFILMED
JAN 24 2001
SEAL

E. NARRATIVE/REMARKS/COMMENTS

FILE: 36-08761

FROM: Amanda Folsom

DATE: November 3, 2000

I met with Jerry Champan on November 29, 1999. He is one of the employees at the Idaho Power Plant and Fish Hatchery at Niagara Springs. This permit is for the four homes built for the employees near the hatchery, and for the offices of the hatchery.

The well is located in the NENE $\frac{1}{4}$ of Sec 10, Twn 9S, Rng 15E, to the east of the hatchery offices. As I mentioned above, this well supplies water for the offices, which includes two bathrooms on the outside of the building and one inside with a shower installed. However, upon the examination a trailer was also built for the employees next to the other four homes. So now instead of there being just four homes, there are five homes using the well water.

There was a meter on the well, which was measuring four gallons per minute. One of the other employees informed me that this was correct considering that no one was at the houses at the time of the exam, and the restrooms were not in use. So I calculated the capacity of the well using the Theoretical Rate. The capacity came to 0.16cfs. The permitted rate is 0.11cfs, which I am recommending.

The well is not used for any irrigation or for the hatchery itself, only for the five homes and the offices. Water right licenses 36-02704 and 36-02711 provide irrigation for the lawns from the Niagara Springs. However, there is no overlap present.

MICROFILMED
JAN 24 2002

Idaho Department of Water Resource

Recommendation for Permit 36-08761

Idaho Power



- Point of Diversion
- Quarter-quarter Lines
- Section Lines

N
MICROFILMED
JAN 24 2002

Point of Diversion
T09S R15E S31
Data entry on Dec 13, 1999

Point of Diversion Presentation
1987/1988 NAPP Photography
Data Entry By: Amanda Folsom



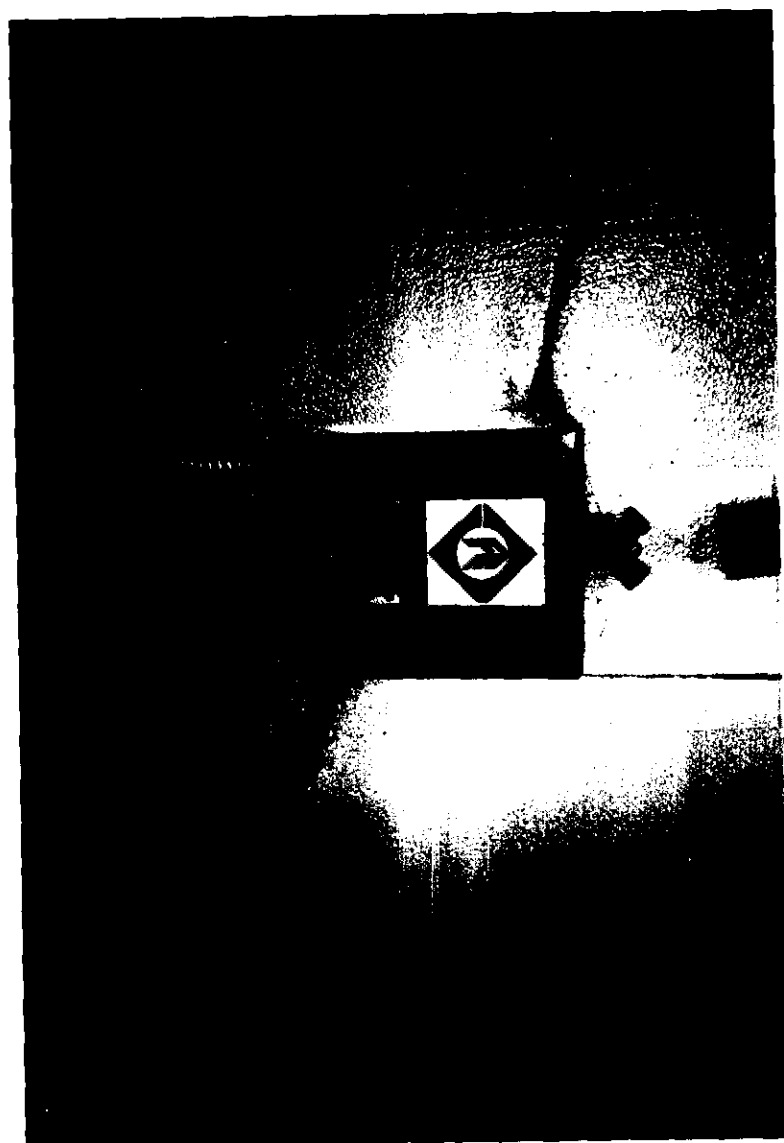
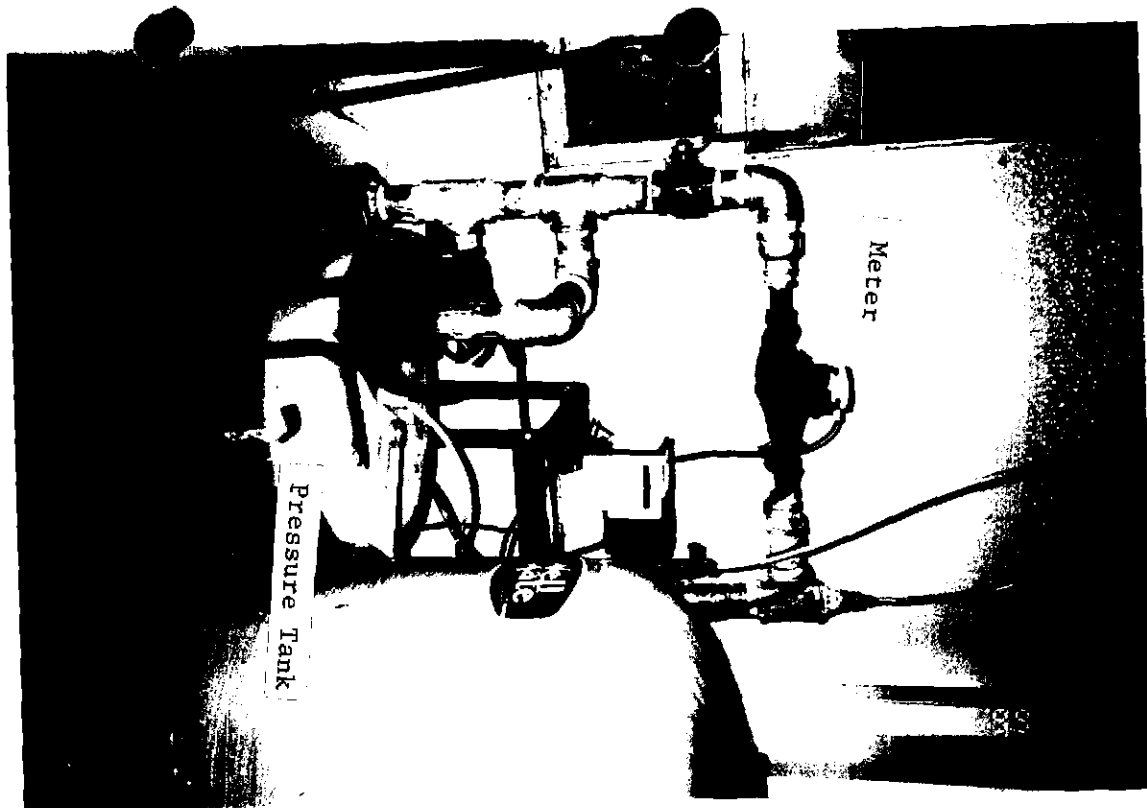
Idaho Power Jerry Champman
 FE: Amanda Folsom
 Date: Nov 29, 1999
 MICROFILMED
 JUN 24 2002
 36-08761



MICROFILMED
JAN 24 2002

Idaho Power Jerry Champman
FE: Amanda Folsom
Date: November 29, 1999

36-08761



MICROFILMED
SEP 24 2002

Idaho Power Jerry Champman
FE: Amanda Folsom
Date: Nov 29, 1999

36-08761

IDAHO DEPARTMENT OF WATER RESOURCES

STAFF ANALYSIS SHEET FOR BENEFICIAL USE FIELD EXAMS:

PERMIT NO.

36-08761

A. Items To Be Placed In Exam File (Items A & B to be Completed by Compiler:

- (☒) Blank Field Report & Notice of Completed Exam
(☒) Copy of App. for Permit, Approved Permit, Amendments, Orders, Assignments.
Proof of Beneficial Use, SRBA Claim (Claim Filed? _____ Required? _____)
(☒) Well Inspection Form, Dairy Water-Use Worksheet (if applicable)
() Well Log(s) & Groundwater Measurement Analysis Form (if applicable)
() Copy of Orthophotoquad Map
() 660-Scale Aerial Photo (Examiner Will Obtain If Applicable)
() Government Lot Plats (If Applicable)

RECEIVED

NOV 16 2000

Department of Water Resources

B.1. P/D Overlap - Yes or No? If Yes, Include Copy of Overlapping Rights & Claims

- If Yes, Type of Overlap: () Add Acres or Uses to Existing System
() Increase Rate of Flow or Volume

B.2. P/U Overlap - Yes or No? If Yes, Include Copies of Overlapping Rights & Claims

- If Yes, Type of Overlap: () Increase Rate of Flow or Volume
() Add Supplemental Water Source
() Increase Acres Within Tracts

C. Field Exam Appointment Made:

Date Nov 29, 1999Time 3:00Place Niagra Springs

Contact Person & Phone

Terry Chapman 536-2283

D. Post-Exam Review & Processing

Exam Completed Nov 29, 1999Notice of Completion Turned In 12-3-99Field Report Completed 11-3-00Amanda Tolson 12-3-99
Signature of Examiner & Date 11-3-00

Field Report Reviewed by Sr. Agent _____ (Initial & Date)

Field Report Reviewed by Region Mgr. 11/13/00 (Initial & Date)

Field Report Sent to S.O. _____ Region Card File Updated _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 1, 1998

Idaho Power Co
PO Box 70
Boise ID 83707

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 36-08761

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. 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.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right 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 questions concerning the field examination, please contact the department's **SOUTHERN** Regional Office in Twin Falls at (208)736-3033.

Sincerely,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED

MAY 0 8 1998

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 36-08761 Reviewed by [Signature] Date 5-1-98

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
yes Address same as permit?
yes Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

 Surface water source
✓ Ground water source
yes Drilling permit required?
NO Copy in the file? Drilling Permit No. 36-95-5-0184-000
35- Amount paid for permit NO YES Correct?
NO Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
50- Amount Submitted
yes Correct?
NO Required?
 Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received	<u> </u>
Date proof due	<u> </u>
No. of days late	<u> </u>
Priority Date	<u> </u>
New Priority Date	<u> </u>

DEFICIENCIES OR ACTION ITEMS

Proof Acceptable

DATA ENTRY

New Address X Proof Made 3-24-98



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

PAUL E. ABBOTT
Hatchery Biologist
Environmental Affairs

(208) 388-2353
(208) 388-6902 (Fax)

March 20, 1998

RECEIVED

MAR 24 1998

Department of Water Resources

Ms. Julie Yarbrough
Idaho Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, Idaho 83720-0098

Dear Ms. Yarbrough:

This letter is submitted in response to your January 31, 1998 Proof Due Notice for water permit # 36-08761 located at Idaho Power's Niagara Springs Hatchery. Pursuant to your request I am enclosing a completed copy of the proof of beneficial use form for the referenced water permit along with a check in the amount of \$50.00.

Please feel free to contact me if you need additional information.

Sincerely,

Paul E. Abbott
Hatchery Biologist

PEA
enclosures
c: Legal Dept.

MICROFILMED

MAY 08 1998

January 31, 1998

IDAHO POWER CO
PO BOX 70
BOISE ID 837070070

PROOF DUE NOTICE

RE: PERMIT NO. 36-08761

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 April 1, 1998.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete 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.

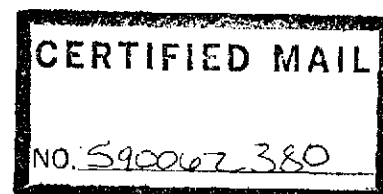
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

MICROFILMED

MAY 08 1998

Enclosures





State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 2, 1997

IDAHO POWER CO
PO BOX 70
BOISE ID 83707-0070

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 36-08761

Dear Permit Holder:

The Department of Water Resources (IDWR) 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 IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief 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.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address PRIOR TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address AFTER July 1, 1996, you must notify the department within 120 days of the change.

MICROFILMED

APR 10 1997

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosures

MICROFILMED

APR 10 1987

CERTIFICATE OF MAILING

I hereby certify that on the 2nd day of April, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 36-08761

IDAHO POWER CO
PO BOX 70
BOISE ID 837070070



Shelley W. Keen
Water Rights Supervisor

MICROFILMED

APR 10 1997

APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

01/97

No.: 36-8761 Name: Idaho Power Co Date: 3/31/97 Ad OK? ☒ ☒ Gvmt Lts: ☒

AREA OF CONCERN?

- No/Yes: ESRP Mor / GWMA / Trust / Non-trust
- 020 (Protest Agreement) or *W19 (Order)

~~PROTECTED:~~

SYSTEM COMPLETED:

Yes/proof filed
1 year/no proof
+1 year

- NA
- P16
- 26A-P17

GROUNDWATER: <✓ FLO-CH>

+ 0.24 cfs
=/- 0.24 cfs
=/+ 5 a.

- 01M (may report) or 028 (shall report)
- No MD
- 01M or 028; 065-079 (if GW use SW 1st-statewide)

DRILLING PERMIT:

Existing well
Included w/permit

- NA (pre 7/1/87; ✓ WDQ3)
- Permit No. 36-95-S-0184-000, P99
- ~~046-452-P28~~ (post 7/1/87)
- P05 (new well)

~~No WD permit~~
irr. in WD

SURFACE WATER <✓ FLO-CH> (Surface water that doesn't sink is regulated):

Water District (dom)
=/+ 0.24 cfs
- 0.24 cfs
In-WD =/+ 0.24 cfs
- 0.24 cfs
=/+ 5 a. irr.

- R04 (req) WD # <SEE MAP & LISTING>
- 01J (meas dev)-P08
- 01H (lock dev)-P01 or No MD
- 01M or No MD (in-stream stock or power)
- No MD
- 01M

RIVER BASINS (*Surface water):

Snake R (01)
(02/03-irr)
Boise River (63)
Payette River (65)

- 11A-P04, NA
- 007-P07 (w/ remark *WB9 if above Weiser), NA
- 05A (if WD), 11E (not 42-111 use), NA
- 064 (regulated uses), 047-P04 (Payette Lake), NA

USE:

Domestic (surface)
Domestic (+1 in concern area)
Fish Propagation
Irr <POU> =/- 5 a
+ 5 a
Mining
Power

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
- ~~070-074~~ use WBS - in house
- 07A-042 (req)-09E (WQ)-P10; 044 (North of 1000 Springs)
- 057 (0.03 cfs/acre)
- 03A (0.02 cfs/acre)
- 054 (req) & 09E-P10
- 17K-08A-025-01F(P19)-028-09E(P10); 027 (if no other cons. use);
17G (FERC) or 17M (FERC); 18B-P09; +25 cfs-P18
- 072 (req); 18A (multiple MD within district), 18B-P09 (+10' dam),

Storage (✓3 compo.)

LOCATION:

42-248 area
Boise Front LoGeo
In-stream dev.
Irr Dist/Canal Co.
Swan Falls Flag
Trust
Non-Trust <1>

- P84 (if in 20/30/40/50/60/70/80 (87) basin)
- 058 (-85° GW temp only)
- P52 (stream channel alteration)
- 023 (Twin Falls area)
- C <SEE CODE CHART>
- 051-052-053-P74 (Consumptive Uses), NA
- 048-049 (Consumptive Uses), NA

OWNERSHIP: Non-owner

- 004 (PD/PU)

OTHER CONDITIONS:

STANDARD REMARKS:

- 071

- ① WBS/4

BENEFICIAL USE DUE:

- 4/1/ 1998

COMMENTS:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY C. SKINNER DATE 01/30, 1997
APPLICATION NO. 36-08761

REQUIRED INFORMATION

* ~~OK~~ ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (see USGS quad for names of water sources)
☒ Point of diversion (10 Acres for spring, lot & block description, subdivisions, local name, flow &/or volume. LOT # 01)
☒ County
☒ Quantity (flow &/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. LOTS #01 AND #09 IN SECTION 10
☒ Map LOT #11 IN SECTION 11
☒ Signature (If applicant is corp., partnership, or municipality of signator is required) WALTER POWER FOR A POWER CO.
☒ Fee
☒ Yes ☐ No* In form to receipt PROPOSED PRIORITY DATE
JAN. 23 19, 97

ADDITIONAL INFORMATION

☒ Overlapping place of use (Describe source & relationship to pre application on the back. YES 36-02704 AND 36-15221)
☒ Overlapping point of diversion. NONE
Yes ☒ No ☐ Field check required
Field check by _____
Yes ☒ No ☐ Field report attached
Yes ☒ No ☐ Critical Ground water area
☒ Yes ☐ No ☐ Groundwater management area
Yes ☒ No ☐ Send Dam safety information
Yes ☒ No ☐ Send power requirement letter
Yes ☒ No ☐ Send fish farm requirement letter
Yes ☒ No ☐ Power residency affidavit.
Yes ☒ No ☐ Power efficiency form
Yes ☐ No ☐ Within trustwater boundary (If yes, attach trustwater supplementary analysis sheet.)
Yes ☒ No ☐ Diversion greater than 5 cfs or 500 acre ft. (If attach large diversion supplementary analysis sheet.)

See reverse side for additional information.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

* ~~OK~~ JUST OK CORP. DEEDS AS POWER CO. ATTORNEY
ITEMS HIGHLIGHTED ABOVE

Date Requested _____, 19____

ITEMS SUBMITTED 01/31/97

PROCESSING Yes No In form for Advertising
Yes No No Statewide Advertising
Yes No Fee amount, receipt date & No. recorded on app.

SEND COPIES TO: Idaho Dept of Health & Welfare USDI BLM
Idaho Dept of Fish & Game USFS
Idaho Dept of Lands Water Dist.
Adjudication Bureau Unit Other

FINAL REGIONAL PROCESSING REVIEW

X Yes No Affidavit of publication received.
X Yes No Application published correctly. If not, record action taken.

X Yes No Publication dates and paper, recorded on App.

Yes X No Protests received

Final date for Protest

N/A Yes No Protests, dates, resolution of protest, recorded on app.

Yes X No Recommendations attached

Yes X No Measuring device required

Yes X No Access port required

X Yes X No Will water be delivered by watermaster? If yes, what dist.

X Yes No Special conditions of approval or cover letter below.

046, 026, 021, 062

See below for additional information

Date of priority recommended 1/21, 1997

By ADN Date 2/25, 1997

STATE OFFICE REVIEW

See below for additional information

By Date, 19

ADDITIONAL INFORMATION:

Allen,

One of the IPCO applications with multiple home, single ownership, that we talked to Shelley Keen about. May need 42-111 limits as part of the approval conditions. Also, domestic uses appears to be covered under rights 36-02704 and 36-15221 out of Niagara Springs. IPCO memo, submitted by Sharon Strickland, addresses overlap. Sounds like application replaces domestic uses covered under 36-02704 and 36-15221.

C.S.

1946-1947

WATER RIGHT NO. 36- 08761

MICROFILMED
APR 10 1987

APR 10 1937

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho }
County of Gooding } ss.

FEB 28 1997

Department of Water Resources
Southern Region

Patty Vance, being first duly sworn, deposes and says that she is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for

2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the

19 day of Feb., 1997

and the date of the last publication was on the 26 day of

Feb., 1997

Patty Vance

Subscribed and sworn to before me this 26th day of

February, 1997

(SEAL)

Norma De Voe
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2X

Applicant Fee \$2.25

Lines tabular at _____ 7c/Pica

365.06 Lines straight at 21.90 6c/Pica

365.06 Subsequent lines at 18.25 5c/Pica

TOTAL COST 42.40 MICROFILMED

COPY OF NOTICE

(Paste Here)

Appl. Water Permit - Idaho
TITLE OF NOTICE 36-08761

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Appl. Water Permit
BILL TO

NOTICE OF APPLICATION FOR WATER PERMIT

The following application has been filed to appropriate the public waters of the State of Idaho:

BRAND POWER COMPANY
PO BOX 70

BOISE ID 83707

Application for Permit No. 36-08761

Source: groundwater

Diversion Pt(s): Lot 1 (NE1/4NE1/4), S10, T09S, R15E; Gooding County.

Use: Domestic (0.11 cfs) 1/1-12/31

In: Lot 1 (NE1/4NE1/4), Lot 9 (SE1/4NE1/4), S10; Lot 11 (SW1/4NW1/4), S11; all T09S, R15E.

Date Filed: 1/23/97

The permit will be subject to all prior water rights. A protest against any particular application must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before March 10, 1997. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director
Published in the Gooding County Leader on 2/19 & 2/26/97.

insertions 5c/Pica

No 6426

14220

APR 10 1997

**NOTICE OF APPLICATION FOR
WATER PERMIT**

The following application has been filed
to appropriate the public waters of the
State of Idaho:

IDAHO POWER COMPANY

PO BOX 70

BOISE ID 83707

Application for Permit No. 36-08761

Source: groundwater

**Diversion Pt(s): Lot 1 (NE1/4NE1/4),
S10, T09S, R15E; Gooding County.**

Use: Domestic (0.11 cfs) 1/1-12/31

**In: Lot 1 (NE1/4NE1/4), Lot 9
(SE1/4NE1/4), S10; Lot 11
(SW1/4NW1/4), S11; all T09S, R15E.**

Date Filed: 1/23/97

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water rights. A protest against any
particular application must be filed with
the Director, Dept. of Water Resources,
Southern Region, 1341 Fillmore St.,
Suite 200; Twin Falls, ID 83301
together with a protest fee of \$25.00 on
or before March 10, 1997. The
protestant must also send a copy of the
protest to the applicant.

Karl J. Dreher, Director

**Published in the Gooding County
Leader on 2/19 & 2/26/97.**

MICROFILMED

APR 10 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

February 12, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MAGIC VALLEY PUBLISHING CO
PO BOX 468
JEROME ID 83338

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates. If time allows, please submit a galley proof for review before publication.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

MICROFILMED

APR 10 1997

NOTICE OF APPLICATION FOR WATER PERMIT

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PO BOX 70
BOISE ID 83707

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Karl J. Dreher, Director

Published in the Gooding County Leader on 2/19 & 2/26/97.

MICROFILMED
APR 10 1997



State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

February 10, 1997

PHILIP E. BATT
GOVERNOR

SHARON HART STRICKLAND
CERTIFIED LEGAL ASSISTANT
ROSHOLT ROBERTSON & TUCKER
PO BOX 1906
TWIN FALLS ID 83303-1906

KARL J. DREHER
DIRECTOR

Re: Applications for Permit - Idaho Power Company

Dear Mrs. Strickland:

The Department of Water Resources acknowledges receipt of the four (4) water right applications for permit filed on behalf your client, Idaho Power Company. Each application has been assigned an identification number. Please refer to this number in all further correspondence.

This office has scheduled advertising the applications for two (2) consecutive weeks as listed below. A period of ten days following the second publication will be allowed for the submittal of protests.

<u>Application No.</u>	<u>County of P/D</u>	<u>Newspaper</u>	<u>Dates</u>
36-08761	Gooding	Gooding Leader	2/19 & 2/26/97
36-08762	Jerome	Northside News	2/19 & 2/26/97
45-07736	Twin Falls	Times News	2/20 & 2/27/97
47-08408	Twin Falls	Times News	2/20 & 2/27/97

If an application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If an application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely yours,

Corey Skinner, E.I.T.
Safety of Dams Engineer

cs:mb

FILED
FEB 11 1997



(Intra-Company Correspondence)

RECEIVED

JAN 31 1997

Department of Water Resources
Southern Region

Date: January 26, 1996

Re: Water Rights for New Potable Water Wells
Milner, Shoshone Falls, & Strike Hydro Projects
Niagara Springs Steelhead Hatchery

To: Nathan Gardiner

From: David Joerger

Please find attached the water right claim forms for the four subject wells. I have filled the claim forms in with red for your review.

The only question I had related to item 13 for the Shoshone Falls and Niagara Springs wells. Prior to drilling the wells, we utilized surface spring water for both domestic and irrigation uses at those projects. With the new wells, the domestic use is now from the new well rather than from the surface spring water source. However, the surface spring water source is still being used for irrigation purposes. I wasn't sure how to respond to item 13 in this situation, so I left it blank for you to fill in.

Please have your staff type up the final version of the claim forms after you complete your review. In addition, your staff will need to attach the photocopy of the location map onto the third page of each water right claim form.

Unless I hear otherwise from you, I'll assume you will complete the claim process for these wells from this point onward. Please call me at 2946 if you have questions.

attachments

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APR 10 1997 -1-

36-08761

NIAGARA SPRINGS
DOMESTIC USES
COVERED UNDER
~~36-02704~~

36-02704
and

36-15221

ROSHOLT, ROBERTSON & TUCKER

**Chartered
ATTORNEYS AT LAW**

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
JOHN K. SIMPSON
PATRICK D. MADIGAN
TIMOTHY J. STOVER
NORMAN M. SEMANKO

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

January 30, 1997

RECEIVED

JAN 31 1997

Department of Water Resources
Southern Region

Attn: Cory Skinner
Idaho Department of Water Resources
Southern Region
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RE: IDAHO POWER COMPANY/GROUNDWATER APPLICATIONS

Dear Cory:

This is in follow-up to your phone call concerning the recent groundwater applications filed for domestic uses at Idaho Power Company's sites at Shoshone Falls, Niagara Springs and Upper Salmon. Some checking of the Company's files turned up a couple of internal memos which address your question about whether these wells replace spring rights at Niagara, Shoshone and Upper Salmon "B" Plant. Copies of the memos with the pertinent information highlighted are enclosed.

Also enclosed, per your request, is a copy of the Power of Attorney authorizing Jim Tucker to sign the applications, and a listing of Idaho Power's corporate officers.

Please feel free to contact me if you need any additional information.

Sincerely,



SHARON HART STRICKLAND
Certified Legal Assistant

Encls.

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MICROFILMED

APR 10 1997

36-08761

IDAHO POWER COMPANY

Corporate Officers

<u>Name</u>	<u>Title</u>
J. W. "Joe" Marshall	Chairman of the Board & Chief Executive Officer
L. R. "Larry" Gunnoe	President & Chief Operating Officer
R. W. "Bob" Stahman	Vice President, General Counsel & Secretary
D. K. "Dan" Bowers	Vice President & Treasurer
J. L. "Lamont" Keen	Vice President & Chief Financial Officer

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APR 10 1987

36-08761

ROSHOLT, ROBERTSON & TUCKER

**Chartered
ATTORNEYS AT LAW**

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
JOHN K. SIMPSON
PATRICK D. MADIGAN
TIMOTHY J. STOVER
NORMAN M. SEMANKO

Twin Falls Office
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P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83721-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

January 20, 1997

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

RECEIVED

JAN 21 1997

Department of Water Resources
Southern Region

RE: APPLICATIONS FOR PERMIT/IDAHO POWER COMPANY

Dear Water Rights Agent:

Enclosed herewith, please find applications for permit for existing domestic wells at Idaho Power's sites as follows: Upper Salmon "B" Plant, Shoshone Falls Plant, Milner Power Plant, and the Niagara Springs fish hatchery. These wells were drilled in April 1995, September 1995, and January 1996; however, we are advised that no permits were obtained. Also enclosed is the filing fee in the aggregate amount of \$200.00.

Please feel free to contact me if you have any questions, and as always, thanks for your help.

Sincerely,



SHARON HART STRICKLAND
Certified Legal Assistant

Encls.

MICROFILMED

APR 1 1997

36-08761