

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 45-07736

Priority: January 23, 1997

Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 0.6 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 13, 1998. An examination indicates that the works have a
diversion capacity of 0.02 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	0.02 CFS	0.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L8 SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 30, Twp 10S, Rge 21E, B.M., TWIN FALLS County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
10S 21E 30			X														
			L8														

CONDITIONS OF APPROVAL

1. Domestic use is for potable water at Milner Power Plant 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 31st day of AUGUST, 2001.

Acting for 
KARL J. DREHER
Director

MICROFILMED
SEP 07 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MAR 13 1998

Department of Water Resources

PROOF OF BENEFICIAL USE

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. 45-07736 Telephone No. 208-432-6681
2. Name(s) of Permit Holder(s): IDAHO POWER CO. - MILNER POWER PLANT
3. Mailing Address: ROUTE 1, BOX 144 MURTAUGH, ID. 83344
4. Source of Water: GROUNDWATER If GROUNDWATER (well), Date Drilled: mo. 9 / yr. 95
- a. Well Driller: EATON DRILLING Drilling Permit Number: 45-95-5-0068
- b. OPTIONAL:
Pump Horsepower: 1.0 Pressure (psi): 40 Dynamic pumping level (ft): 175
5. Use(s) (as authorized by the water right permit):
- Domestic (No. of households): N/A Stockwater (No. and type of stock): N/A
- Irrigation (No. of acres): N/A Other: DOMESTIC USE IN THE MILNER POWER PLANT
6. Total rate of diversion and/or volume for which proof is submitted: 0.023 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 <u>X</u> |
| | Has the measuring device been installed? | Yes _____ or No <u>X</u> |
| Flow Measurement Port: | Is a flow measurement port required? | Yes _____ or No <u>X</u> |
| | Has the measurement port been installed? | Yes _____ or No <u>X</u> |
8. Fee Enclosed: \$ N/A (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: RANDY W. HILL Telephone Number: 208-837-6103
- Address: P.O. BOX 300 HAGERMAN, ID. 83332

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.

Signature of permit holder: R.W. Hill - REGIONAL MANAGER Date: 3/16/98
(include your title, if on behalf of company or organization)

MICROFILMED

APR 16 1998

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 45-07736

Proposed Priority: January 23, 1997

Maximum Diversion Rate:

0.02 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:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

DOMESTIC

01/01 to 12/31

0.02 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 8(SWNE), Sec. 30, Township 10S, Range 21E
TWIN FALLS County

PLACE OF USE: DOMESTIC

TWN RGE SEC

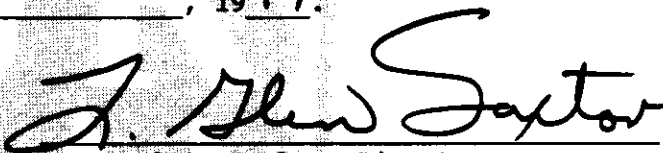
10S 21E 30 Lot 8(SWNE)

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. Domestic use is for potable water in the Milner Power Plant.

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

Department of Water Resources

Ident. No. 45-07736

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Form 202
10/92RECEIVED
JAN 21 1997Department of Water Resources
Southern Region1. Name of applicant Idaho Power Company Phone (208) 388-2300Post office address P.O. Box 70, Boise, Idaho 837072. Source of water supply Groundwater which is a tributary of _____3. Location of point of diversion is _____ $\frac{1}{4}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot 08Sec. 30 Township 10S Range 21E B.M. Twin Falls County; additional

points of diversion if any: _____

4. Water will be used for the following purposes:

* Amount 0.028 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) 0.028 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 1hp 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 6" inches; proposed depth of well is 205 feet.d. Is ground water with a temperature of greater than 85°F being sought? Noe. If well is already drilled, when? 9/22/95; Drilling firm Drilling permit #45-95-3-0068-000;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
* rounded to nearest 1/100th per dept. standards 3/31/97 93. STICKLAND

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. Milner Power Plant
- 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	
10S	21E	30			L-8 D														

* P.O.V. LOCATED IN LOT # 08

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 for use in the Milner Power Plant.

RECORDED
APR 10 1957

45-07736

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

[illegible]

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

45-07736

Received by CS Date 01/21/97 Time A.M. Preliminary check by C. SKINNER
Fee \$ 50.00 CK# 25340 Received by C.S. # SD19803 Date 01/23/97
Publication prepared by MB Date 2/10/97 Published in Times News
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.

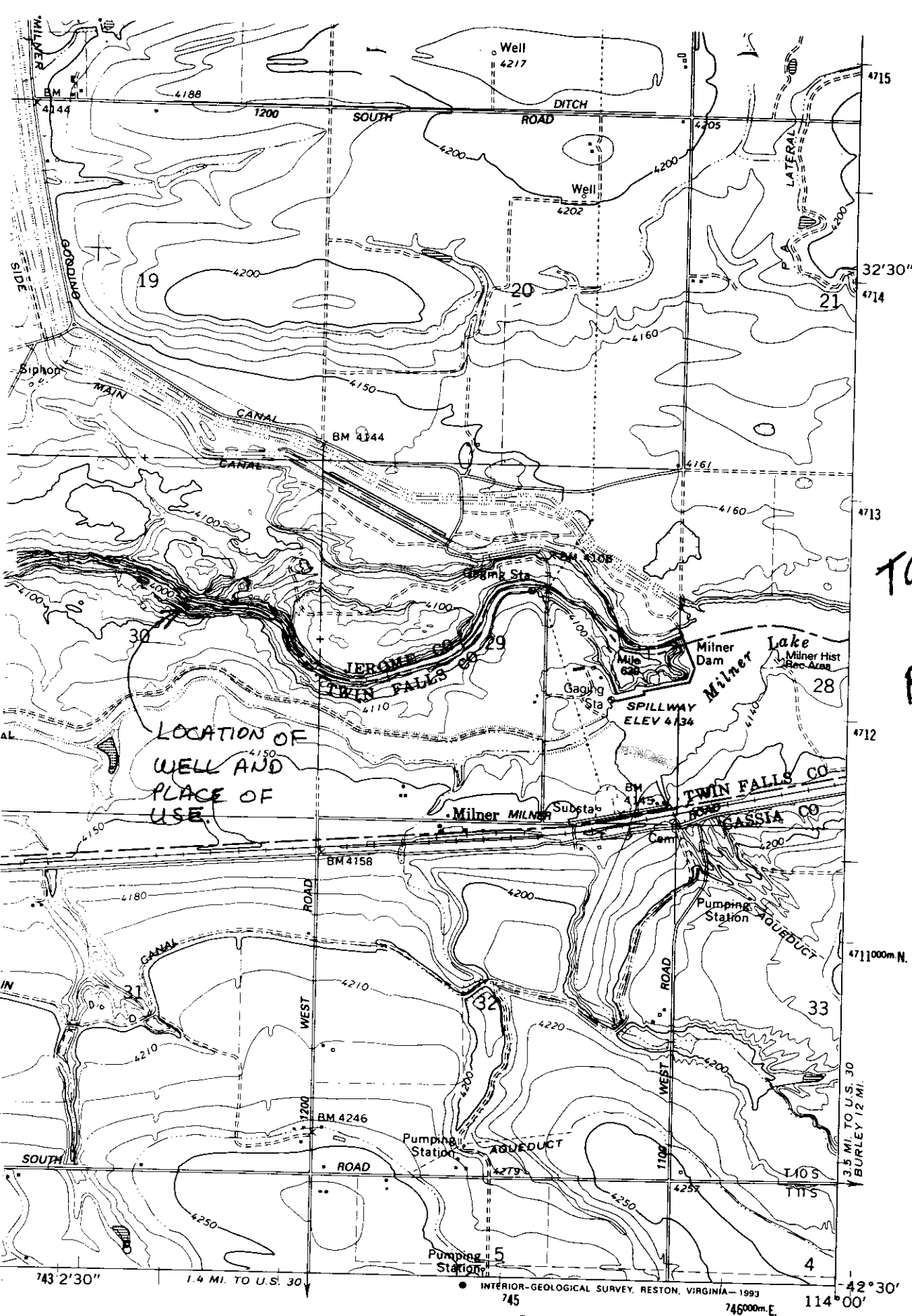
b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

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:

45-07736



TOWNSHIP
10 S
RANGE
21 E

QUAD 8876

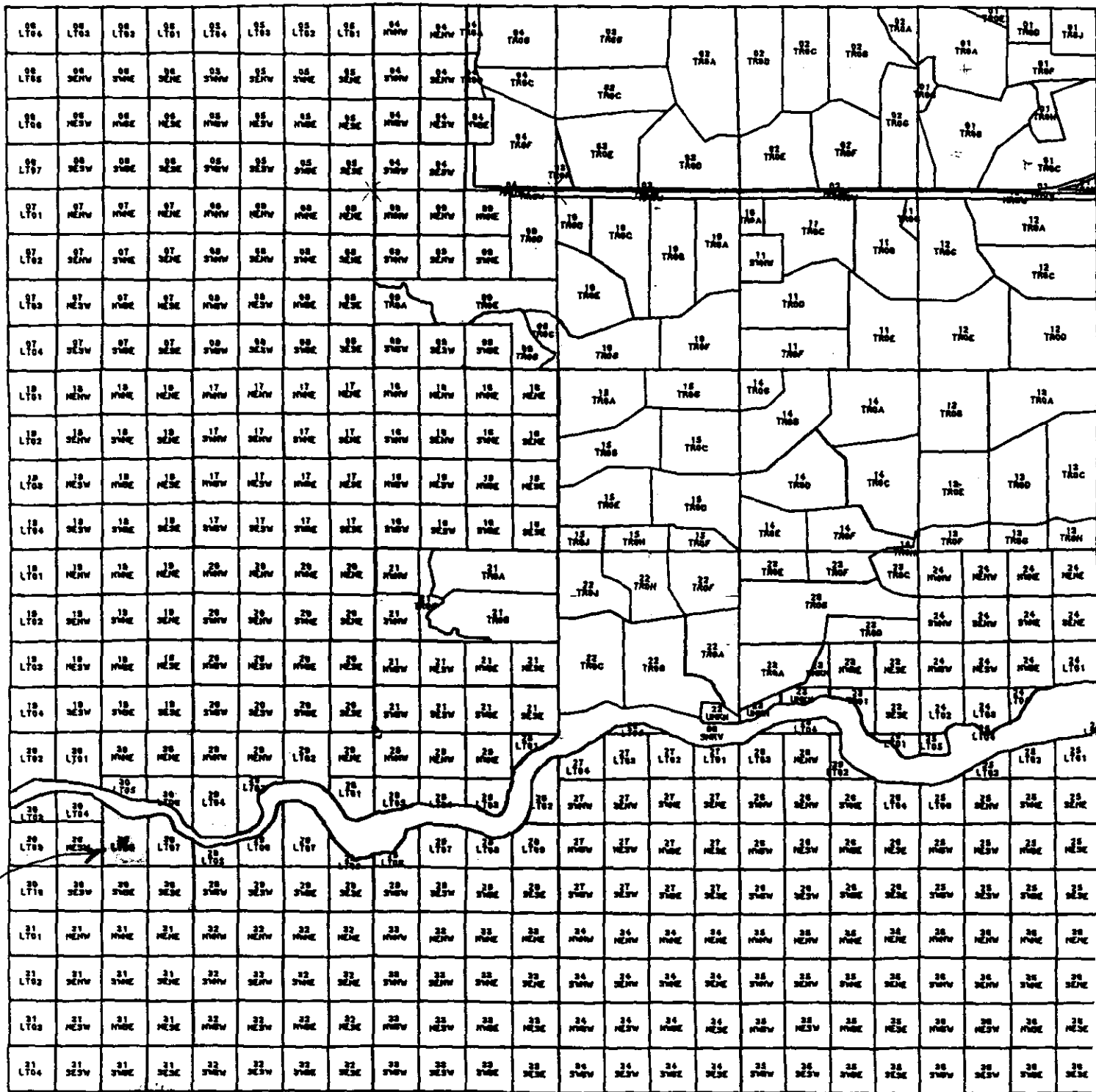
ROAD CLASSIFICATION

Primary highway, all weather, hard surface	Light-duty road, all weather, improved surface
Secondary highway, all weather, hard surface	Unimproved road, fair or dry weather

☐ Interstate Route ☐ U. S. Route ☐ State Route

45-07736

10S21E



APR 15 1957

45-07736

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

RECORDED
APR 10 1997

45-07736

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: Boise
My commission expires: 12.31.92

RECORDED
AUG 19 1992



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

September 4, 2001

IDAHO POWER CO
PO BOX 70
BOISE ID 83707-0070

RE: License No. 45-7736 - 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:klt

Enclosure(s)

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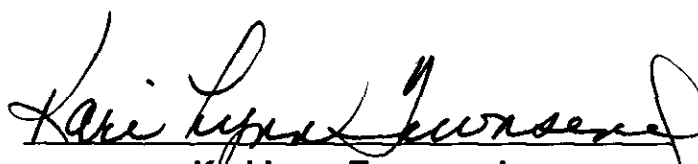
SEP 07 2001

CERTIFICATE OF MAILING

I hereby certify that on September 4, 2001 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. 45-7736

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

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

**MICROFILMED
SEP 07 2001**

**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 ~~parties~~ **UNRECORDED** proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

SEP 07 2001

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
MAY 31 2001
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 45-7736

1. Owner: Idaho Power Co - Milner Plant Phone No. 208-388-2300

Current Address: PO Box 70 Boise ID 837070070

2. Accompanied by: Kurt Benson EXAM DATE: March 30, 2001

Address: _____ Phone No. 736-3415

Relationship to Permit Holder: employee

3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

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
	8		SW	NE	30	10S	21E	Twin Falls	GPS'd site

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	
10S	21E	30			48 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 Quadrange 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.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
		1		Red Jacket	

*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: I took a bucket and stop watch measurement, which came to 2gal per 14sec. This calculates to be 0.02 cfs.

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E. NARRATIVE/REMARKS/COMMENTS**FILE:** 45-7736**FROM:** Amanda Folsom**DATE:** April 10, 2001

I met with Kurt Benson on March 30, 2001. Kurt is one of the employees of Idaho Power and operates the Milner Power Plant. This permit is for the use of one well, which supplies water to the bathroom and utility sink in the plant office. The well uses a Red Jacket 1 horsepower pump. In the bathroom there is one urinal, one toilet, and one sink. Adjoining off of the bathroom is the janitor's closet with one utility sink. This office is used everyday of the year.

I took a measurement from the utility sink using a stopwatch and bucket. The measurement came to 2 gallons per 14 seconds. This calculates to be 0.02cfs. My recommendation is:

Domestic	0.02cfs	0.6afa
Total	0.02cfs	0.6afa

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E. NARRATIVE/REMARKS/COMMENTS

Have conditions of permit approval been met? ☒ yes ☐ no

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SEP 07 2001

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

$$\frac{2 \text{ gal}}{14 \text{ sec}} \times \frac{60 \text{ sec}}{1 \text{ min}} = \frac{8.8 \text{ gpm}}{448.83} = \boxed{0.02 \text{ cfs}}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{LR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{LR} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Domestic	1/1	12/31	0.02	0.6
Totals:			0.02	0.6

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 Johnson Date 4/24/01

Reviewer _____ Date _____

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SEP 07 2001
SEAL



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

March 20, 1998

KARL J. DREHER
DIRECTOR

Idaho Power Co
PO Box 70
Boise ID 83707-0070

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 45-07736

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

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APR 16 1998

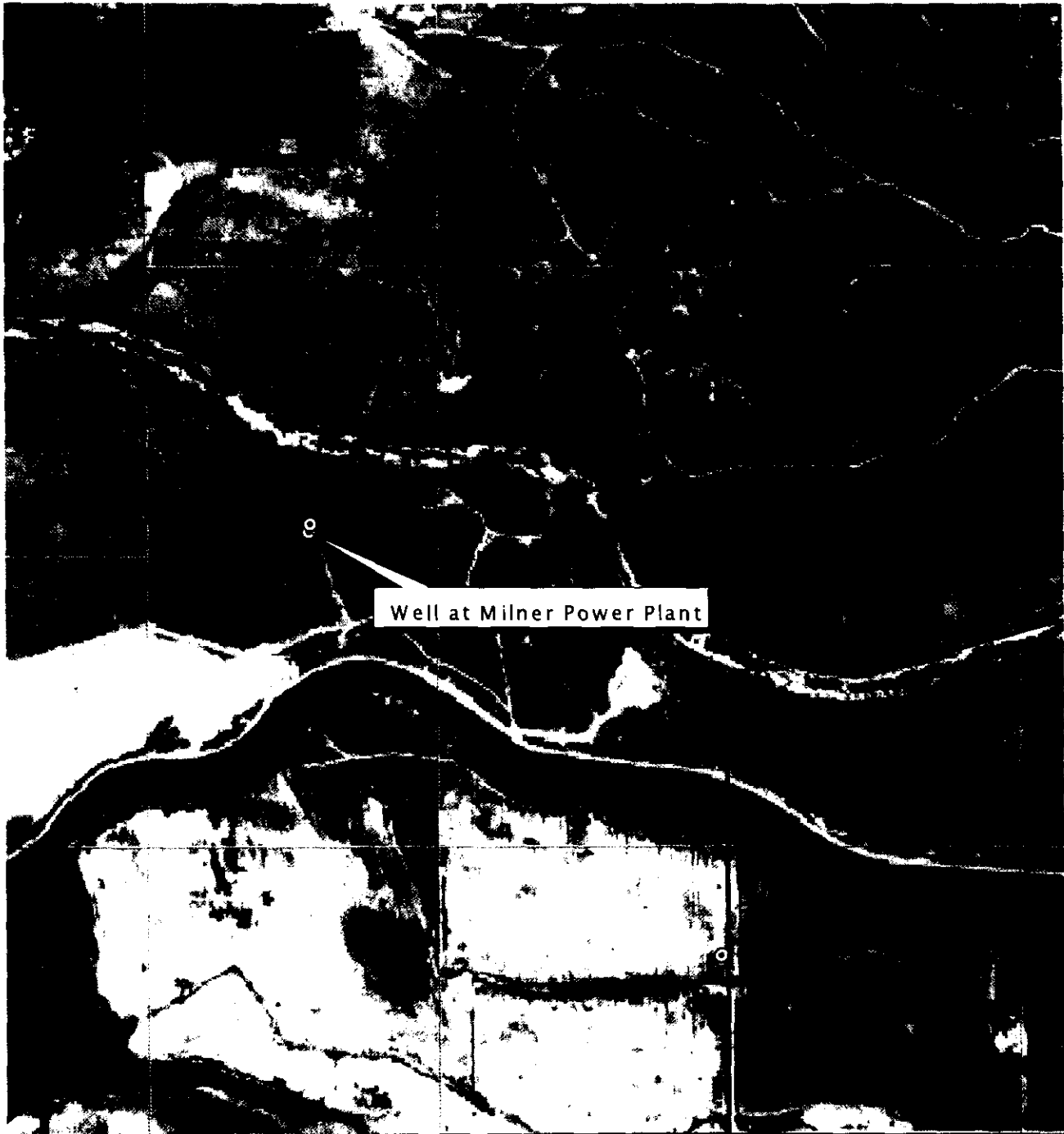
Idaho Department of Water Resource

Recommendation for Permit 45-07736

Idaho Power

T10S

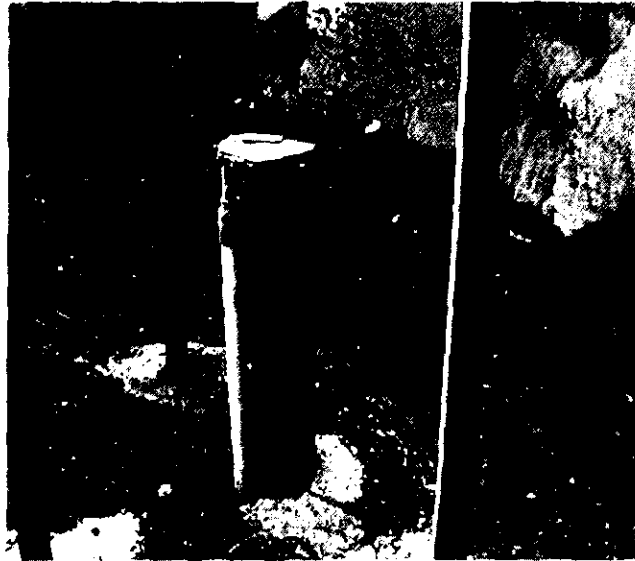
R21E



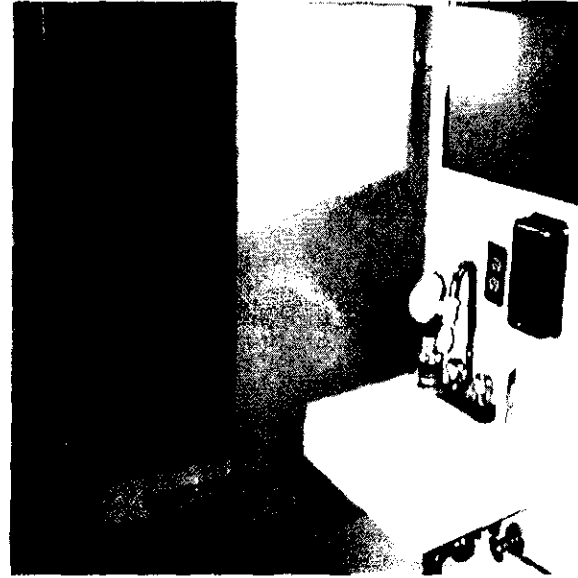
- ⊙ Points of Diversion
- Quarter-quarter lines
- Section Lines
- Place of Issue



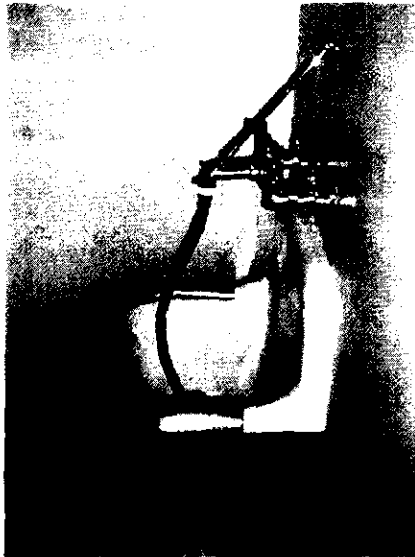
Points of Diversion on
T10S R21E S30 Lt 8
Data entry on April 11, 2000
Point of Diversion on Presentation
1987-1988 NAPP Photography
Data Entry by Amanda Folsom



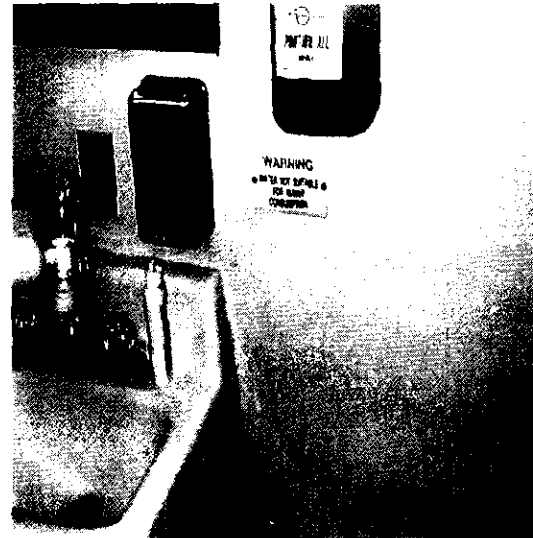
Well at Milner Power Plant. No GPS Tag.



Bathroom in Power Plant. One sink and toilet.



Utility Sink in janitor's closet
off of bathroom



Warning sign to not drink water.

January 31, 1998

IDAHO POWER CO
PO BOX 70
BOISE ID 837070070

PROOF DUE NOTICE

RE: PERMIT NO. 45-07736

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.

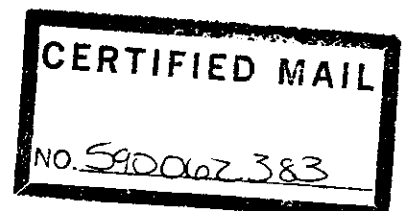
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

APR 1 8 1998





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. 45-07736

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.

RECEIVED

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 that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosures

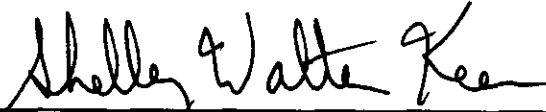
MICROFILMED
APR 10 1987

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. 45-07736

IDAHO POWER CO
PO BOX 70
BOISE ID 837070070



Shelley W. Keen
Water Rights Supervisor

RECORDED

APR 10 1997

REMITTANCE ADDRESS THE TIMES-NEWS - LEGAL P.O. BOX 548, TWIN FALLS ID 83303-0548		BILL TO DEPT WATER RESOURCES	
AD NUMBER 104239	CLASS 0050 LEGAL	SALESPERSON 5	BILLING DATE 02/27/97
AD DESCRIPTION 47-07736, 8407, 8408 Water Right ID Power & Edward Dale		START DATE 02/20/97	STOP DATE 02/27/97
PUBLICATION 4 THE TIMES NEWS LEGAL FLAT CHARGE TOTAL AD CHARGE	INSERTIONS 2	RATE LGS FC 76.80 76.80	NET AMOUNT 76.80 76.80
DAYS RUN		GROSS AMOUNT 76.80*	
PURCHASE ORDER		PAY THIS AMOUNT	

OK
mB
2/28/97

REC - 11 V EID
FEB 28 1997
Department of Water Resource
Southern Region

AD NUMBER 104239	CLASS 050 LEGAL	START DATE 02/20/97	STOP DATE 02/27/97
AD DESCRIPTION 47-07736, 8407, 8408 Water Right ID Power & Edward Dale		BILLING DATE 02/27/97	TELEPHONE NUMBER 208-736-3033

GROSS AMOUNT OF
76.80
DUE AFTER

SIGNATURE:

DEPT WATER RESOURCES
1341 FILLMORE, SUITE 200
TWIN FALLS, ID 83301

MICROFILMED

APR 10 1957

TOTAL AMOUNT DUE	
76.80	
ENTER AMOUNT ENCLOSED	
\$	

OK
MB
2/28/97

2040000000104239000000000000000000768000000076807

NOTICE OF APPLICATION FOR WATER PERMIT

The following applications have 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. 45-07736

Source: groundwater
Diversion Pt(s): Lot 8 (SW1/4NE1/4), S38, T10S, R21E; Twin Falls County.
Use: 1/1-12/31
Domestic (0.022 cfs)
In: Lot 8 (SW1/4NE1/4), S38, T10S, R21E.
Date Filed: 01/23/1997
EDWARD R. DALE
210 MEADOWOOD RD
HAILEY ID 83333
Application for Permit No. 47-08407

Source: groundwater
Diversion Pt(s): Lot 4 (NE1/4SE1/4), S19, T08S, R14E; Twin Falls County.
Use: 1/1-12/31
Domestic (0.04 cfs)
In: Lot 4 (NE1/4SE1/4), S19, T08S, R14E.
Date Filed: 1/24/97
IDAHO POWER COMPANY
PO BOX 70
BOISE ID 83707
Application for Permit No. 47-08408

Source: groundwater
Diversion Pt(s): (LOT 4) NW1/4NW1/4, S2, T08S, R13E; Twin Falls County.
Use: 1/1-12/31
Domestic (0.85 cfs)
In: Lot 4 (NW1/4NW1/4), S2, T08S, R13E.
Date Filed: 01/23/1997
The permits will be subject to all public 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. (Each application requires a separate protest.) The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Times News on 2/20 & 2/27/97.

Affirmavit of Publication

STATE OF IDAHO }
COUNTY OF TWIN FALLS } SS.

FEB 28 1997 No 29068

I, Emily McKnight Department of Water Resources, being first duly sworn upon oath, depose and say that I am Principle Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated February 20, 19 97, and ending with the issue dated February 27, 19 97.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 27th day of Feb in the year of 1997, before me, a Notary Public, personally appeared Emily McKnight, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Heera R. Feltman
Notary Public for Idaho
Residing at Twin Falls, Idaho.
My commission expires: 5/19/2000
OK MB 2/28/97 RECORDED
APR 10 1997

**NOTICE OF
APPLICATION FOR
WATER PERMIT**

The following applications
have 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.
45-07736

Source: groundwater

Diversion Pt(s): Lot 8
(SW1/4NE1/4, S30, T10S,
R21E; Twin Falls County.

Use: 1/1-12/31

Domestic (0.022 cfs)

In: Lot 8 (SW1/4NE1/4),
S30, T10S, R21E.

Date Filed: 01/23/1997

EDWARD R. DALE

210MEADOWBROODRD

HAILEY ID 83333

Application for Permit No.
47-08407

Source: groundwater

Diversion Pt(s): Lot 4
(NE1/4SE1/4), S19, T08S,
R14E; Twin Falls County.

Use: 1/1-12/31

Domestic (0.04 cfs)

In: Lot 4 (NE1/4SE1/4),
S19, T08S, R14E.

Date Filed: 1/24/97

**IDAHO POWER
COMPANY**

PO BOX 70

BOISE ID 83707

Application for Permit No.
47-08408

Source: groundwater

Diversion Pt(s): (LOT 4)
NW1/4NW1/4, S2, T08S,
R13E; Twin Falls County.

Use: 1/1-12/31

Domestic (0.05 cfs)

In: Lot 4 (NW1/4NW1/4),
S2, T08S, R13E.

Date Filed: 01/23/1997

The permits 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. (Each
application requires a
separate protest.) The

protestant must also send a
copy of the protest to the
applicant.

Karl J. Dreher, Director

Published in the Times News
on 2/20 & 2/27/97.

INCORPORATED

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

TIMES NEWS
PO BOX 548
TWIN FALLS ID 83301

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

RECORDED
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

MICROFILM

APR 10 1997

NOTICE OF APPLICATION FOR WATER PERMIT

The following applications have 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. 45-07736

Source: groundwater

Diversion Pt(s): Lot 8 (SW1/4NE1/4), S30, T10S, R21E; Twin Falls County.

Use: Domestic (0.022 cfs) 1/1-12/31

In: Lot 8 (SW1/4NE1/4), S30, T10S, R21E.

Date Filed: 01/23/1997

EDWARD R. DALE
210 MEADOWBROOD RD
HAILEY ID 83333

Application for Permit No. 47-08407

Source: groundwater

Diversion Pt(s): Lot 4 (NE1/4SE1/4), S19, T08S, R14E; Twin Falls County.

Use: Domestic (0.04 cfs) 1/1-12/31

In: Lot 4 (NE1/4SE1/4), S19, T08S, R14E.

Date Filed: 1/24/97

IDAHO POWER COMPANY
PO BOX 70
BOISE ID 83707

Application for Permit No. 47-08408

Source: groundwater

Diversion Pt(s): (LOT 4) NW1/4NW1/4, S2, T08S, R13E; Twin Falls County.

Use: Domestic (0.05 cfs) 1/1-12/31

In: Lot 4 (NW1/4NW1/4), S2, T08S, R13E.

Date Filed: 01/23/1997

The permits 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. (Each application requires a separate protest.) The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Times News on 2/20 & 2/27/97.

APR 18 1997

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

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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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RECEIVED

APR 16 1997

45-07736

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

RECORDED
APR 16 1967

45-07736

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 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.

45-07736