

Form I-243

7/98

Form 2

7/98

RECEIVED

DEC 23 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Claim No.

11-04356

Soda Springs Golf Course 11-98

250

CLAIM TO A WATER RIGHT

Department of Water Resources

Under the provisions of Section 42-243, *Idaho Code*, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. **The filing of this claim does not confirm the water right claimed.** Water rights presented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111, *Idaho Code*. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that PacifiCorp

(Name of Claimant)

1407 West North Temple, Suite 110, SLC, Utah 84140 Telephone No (801) 220-4029

(Mailing Address)

(Zip Code)

claims a right to the diversion and beneficial use of surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: (When the water was first applied to beneficial use) July 8, 1933
A claim is not acceptable for the sue of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water for domestic purposes as defined in Section 42-111, Idaho Code.
2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Bear River tributary to Great Salt Lake
3. Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs or af)	(Irrigation, Domestic, Stock, Etc.)	(Both dates inclusive) (MM/DD)	(MM/DD)
Quantity <u>1.4 cfs</u>	Use <u>Irrigation</u>	Period of Use from <u>Apr. 20</u>	to <u>Sep. 30</u>
Quantity _____	Use _____	Period of Use from _____	to _____
Quantity _____	Use _____	Period of Use from _____	to _____
Quantity _____	Use _____	Period of Use from _____	to _____
4. 1.4 (cfs or af) TOTAL QUANTITY USED.
5. A) Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$ Govt. Lot _____
Sec. 11 Township 9S Range 41E B.M., Caribou, County;
Additional points of diversion, if any: _____
B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities. Be specific. Describe any changes in the system and give the date of the change. Water for irrigation of the Soda Springs Golf Course is diverted from Soda Reservoir with a pump and pipeline to various locations on golf course.

6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below. If the use is for irrigation, describe the location by listing the number of irrigated acres within each 40-acre tract.

D - Domestic, S - Stockwater, M - municipal, C - commercial, I - Industrial, X - Other.

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Total Acres
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SE	SW	
9S	41E	11					4.6	17.6	22.8	8.6		0.8							54.4
9S	41E	10	1.4			6.4									2.0				9.8

Total Acres 64.20

B) If water is used for purposes other than irrigation, fully describe the use. Be specific.

7. Remarks: This claim is to document existing uses at the Soda Springs Golf Course that have continuously occurred since 1933. This claim represents no increase in historical uses for irrigation.
8. **Map** - Attach an 8 ½" x 11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7 ½ minute topographic quadrangle map is preferred.) Attach an **aerial photograph** of the place of use if available.

State of Utah)
) ss.
County of Salt Lake)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

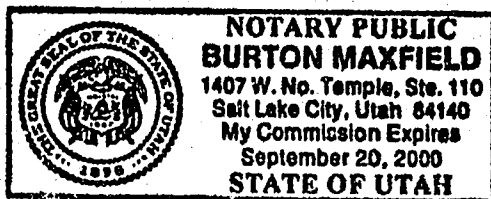
Sworn to before me this 4th day of November, 1998.

Mar. Paul Estate
Claimant's Signature (and title if claim is for an organization)

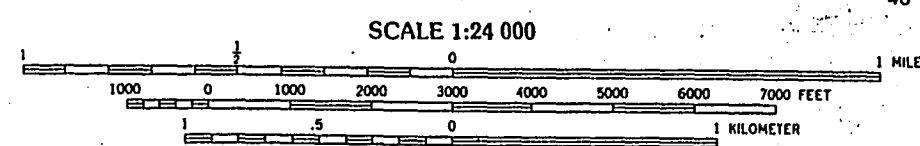
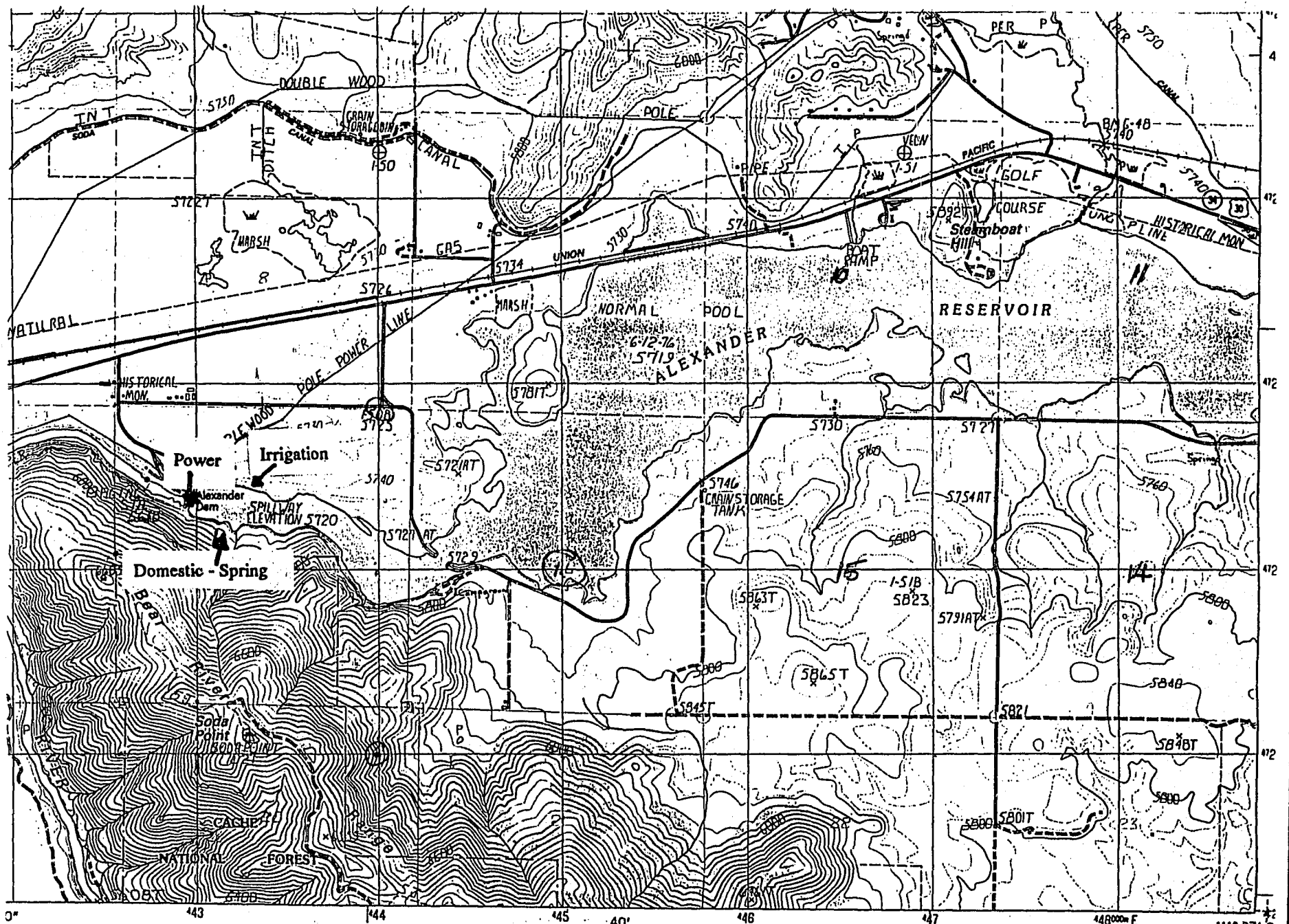
Burton Maxfield
Notary Public

Residing at: S.C. County

My commission expires: 9-20-2000



FOR DEPARTMENT USE ONLY
Received by HWT Date 11-6-1998 Published in Caribou County Sun
Prelim. Check by HWT Date 11-6-1998 Publication dates Nov 18 & 25th 1998
Fee 250.00 Receipt # E024608 Publication checked by SC Date 12/18/98
Receipt prepared by _____ Date _____ Exceptions filed by _____



CONTOUR INTERVAL 40 FEET
SUPPLEMENTARY CONTOUR INTERVAL 10 FEET

T95
R41E

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
SALE BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22029

1	2	3	1 Hatch
			2 The Dip
			3 China Hat
4		5	4 Tainage
			5 Soda Springs
			6 Grace Power Plant
6	7	8	7 Grace
			8 Soda Peak

ADJOINING 7.5' QUADRANGLE NAMES

ROAD LEGEND
Improved Road.....
Unimproved Road.....
Trail.....
Intestate Route U.S. Route State Route

ALEXANDER, IDAHO
PROVISIONAL EDITION 1982

42111-F6-TF-024

NOTICE OF CLAIMS TO WATER RIGHT

The Following claim(s) have been filed on water rights created
by diversion and beneficial use:

11-04356

PACIFICORP
1407 W NORTH TEMPLE STE 110
SALT LAKE CITY, UT 84140

Source: BEAR LAKE

Tributary: GREAT SALT LAKE

Diversion Pt: NWSENW Sec 11 T 09S R 41E in CARIBOU County.

Use: IRRIGATION (1.400 CFS)
Total Diversion: (1.400 CFS)

Claimed Priority: 7/ 8/1933

In: CARIBOU County
T09S R41E S10
S11

NENE
NENW
NWSW

SENE
NWNW

NESE
SWNW

SENW

64.2 ACRES TOTAL

Exceptions to a claim may be filed with the Director, Dept. of Water
Resources, Eastern Region, 900 N Skyline Ste A, Idaho Falls, Idaho 83402.

KARL J. DREHER, Director

Published: 11/18/1998 & 11/25/1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

NOVEMBER 10, 1998

Legal Notices Department
CARIBOU COUNTY SUN
P.O. BOX 815
SODA SPRINGS, ID 83276

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

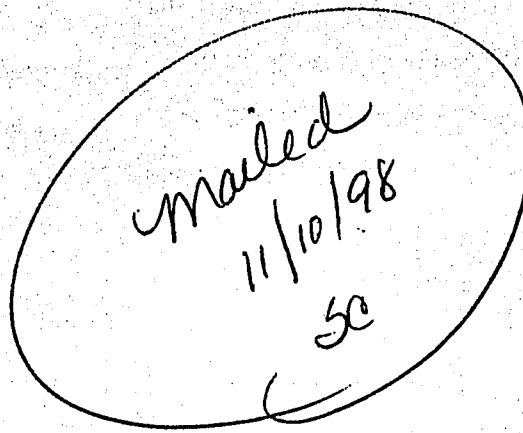
An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before DECEMBER 7, 1998.

Yours truly,

Sharla Cox
Secretary

Encl.





State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 17, 1998

PETE PETERSON
WATERMASTER #11
2483 RIVERDALE
PRESTON ID 83263

RE: Claim to a Water Right #11-04354, 11-04355, 11-04356, 11-04357,
11-04358, 13-04334, 13-04335, 13-04336, 13-04337, 13-04338

Dear Pete:

Please find enclosed a copy of the above referenced claim to a water right application. Please review the application and submit any comments you may have to our Department as soon as possible.

If you have any questions, please feel free to contact us.
Thank you for your cooperation in this matter.

Respectfully submitted,

Harold W. Jones
Water Right Supervisor

HWJ:sc

enc.

PUBLIC NOTICE

First Time Published

NOTICE OF CLAIMS TO WATER RIGHT

The following claim(s) have been filed on water rights created by diversion and beneficial use:

11-04354

PACIFICORP
1407 WEST NORTH TEMPLE
STE. 110
SALT LAKE CITY, UT 84140
Source: BEAR RIVER
Tributary: GREAT SALT LAKE
Diversion Pt: NWSNW Sec. 17 T 09S R 41E in CARIBOU COUNTY

Use: IRRIGATION (0.020 CFS)

Total Diversion: (0.020 CFS)

Claimed Priority: 1/1/1922

In: CARIBOU COUNTY T09S R41E S17 NENW NWNW, 1.0 ACRES TOTAL

11-04356

PACIFICORP
1407 WEST NORTH TEMPLE
STE. 110
SALT LAKE CITY, UT 84140
Source: BEAR LAKE
Tributary: GREAT SALT LAKE
Diversion Pt: NWSNW Sec. 11 T 09S R 41E in CARIBOU COUNTY

Use: IRRIGATION (1.400 CFS)

Total Diversion: (1.400 CFS)

Claimed Priority: 7/3/1933

In: CARIBOU COUNTY T09S R41E S10 NENE SENE NESE S11 NENW NWNW SWNW SENW NWSW, 64.2 ACRES TOTAL

11-04357

PACIFICORP
1407 WEST NORTH TEMPLE
STE. 110
SALT LAKE CITY, UT 84140
Source: BEAR RIVER
Tributary: GREAT SALT LAKE
Diversion Pt: NWSNW Sec. 17 T 09S R 41E in CARIBOU COUNTY

Use: POWER (400.000 CFS)

Total Diversion: (400.000 CFS)

Claimed Property: 1/1/1922

In: CARIBOU COUNTY T09S R41E S17 SWNW SENW

11-04358

PACIFICORP
1407 WEST NORTH TEMPLE
STE. 110
SALT LAKE CITY, UT 84140
Source: SPRING
Tributary: BEAR RIVER
Diversion Pt: SWSNW Sec. 17 T 09S R 41E in CARIBOU COUNTY

Use: DOMESTIC (0.080 CFS)

Total Diversion: (0.080 CFS)

Claimed Priority: 1/1/1922

In: CARIBOU COUNTY T09S R41E S17 NENW NWNW SWNW SWSE

13-04333

PACIFICORP
1407 WEST NORTH TEMPLE
STE. 110
SALT LAKE CITY, UT 84140
Source: GROUNDWATER
Tributary: BEAR RIVER
Diversion Pt: NESWNE Sec. 1 T 10S R 40E in CARIBOU COUNTY

Use: DOMESTIC (0.040 CFS)

Total Diversion: (0.040 CFS)

Claimed Property: 6/1/1905

In: CARIBOU COUNTY T10S R40E S01 SWNE

13-04334

PACIFICORP
1407 WEST NORTH TEMPLE
STE. 110
SALT LAKE CITY, UT 84140
Source: BEAR RIVER
Tributary: GREAT SALT LAKE
Diversion Pt: NESWNE Sec. 1 T 10S R 40E in CARIBOU COUNTY

Use: IRRIGATION (0.010 CFS)

Total Diversion: (0.010 CFS)

Claimed Priority: 6/1/1905

In: CARIBOU COUNTY T10S R40E S01 SWNE, 0.5 ACRES TOTAL

13-04335

PACIFICORP
1407 WEST NORTH TEMPLE
STE. 110
SALT LAKE CITY, UT 84140
Source: BEAR RIVER
Tributary: GREAT SALT LAKE
Diversion Pt: NWSWNE Sec. 1 T 10S R 40E in CARIBOU COUNTY

Use: IRRIGATION (0.060 CFS)

Total Diversion: (0.060 CFS)

Claimed Priority: 6/1/1905

In: CARIBOU COUNTY T10S R40E S21 NESW SESW, 3.0 ACRES TOTAL

13-04336

PACIFICORP
1407 WEST NORTH TEMPLE
STE. 110
SALT LAKE CITY, UT 84140
Source: SPRINGS
Tributary: BEAR RIVER
Diversion Pt: SWNENW Sec. 21 T 10S R 40E in CARIBOU COUNTY. SWSNW Sec. 21 T 10S R 40E in CARIBOU COUNTY. SESESW Sec. 21 T 10S R 40E in CARIBOU COUNTY

Use: DOMESTIC (0.200 CFS),

IRRIGATION (0.040 CFS), STOCKWATER (0.010 CFS)

Total Diversion: (0.250 CFS)

Claimed Priority: 6/1/1905

In: CARIBOU COUNTY T10S R40E S21 SWNE NWNW SWNW, 2.0 ACRES TOTAL

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, Eastern Region, 900 North Skyline Ste. A, Idaho Falls, Idaho 83402.

(s) KARL J. DREHER

Director

Published Nov. 19 and 26, 1998 in the Caribou County Sun.

Affidavit of Publication

County of Caribou
State of Idaho

ss.

Mark Steele

being first duly sworn on his oath, states:

That he is Publisher of the Caribou County Sun, a newspaper of general circulation in Caribou County, Idaho, published weekly at Soda Springs in said County that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement;

That the annexed notice was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof

for 2 successive weekly issues thereof, the date of the first publication being the

19th day of

November, 1998

The date of the last publication

being the 26th day of

November, 1998

On this 4th day of December

in the year of 1998 before

me, a Notary Public, personally appeared,

[Signature]
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.

[Signature]
Notary Public for Idaho
Residing at Soda Springs, Idaho
My commission expires:

March 11, 2000

RECEIVED

DEC 17 1998

Department of Water Resources
Eastern Region



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DECEMBER 9, 1998

PACIFICORP
1407 W NORTH TEMPLE STE 110
SALT LAKE CITY, UT 84140

Re: Claim No. 11-04356

Dear Claimants(s):

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have the information or evidence added at any time. Please refer to the claim identification number when corresponding with the office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Sincerely,

RONALD CARLSON
Eastern Regional Manager

RDC:sc

Enc

Holme Roberts & Owen LLP

RECEIVED

MAY 13 2003

Department of Water Resources

RECEIVED
MAY 05 2003
Department of Water Resources
Eastern Region



May 2, 2003

Harold Jones
Eastern Region
Idaho Dept. Water Resources
900 North Skyline Drive
Idaho Falls ID 83402-1718

Re: Soda Golf Course

Dear Mr. Jones:

PacifiCorp is withdrawing its above referenced claim previously used for irrigation at the Soda Golf Course in Soda Springs, Idaho. PacifiCorp no longer owns land at this site for irrigation and the Golf Course has acquired another water source. Please cancel it on the Idaho Department of Water Resources records.

Jody L. Williams

williajo@hro.com

Attorneys at Law

299 South Main Street
Suite 1800
Salt Lake City, Utah
84111-2263
Tel (801) 521-5800
Fax (801) 521-9639
www.hro.com

Salt Lake City
Denver
Boulder
Colorado Springs
London
Munich
San Francisco

Sincerely,

A handwritten signature in cursive script that reads "Jody L. Williams".

Jody L. Williams

JLW:bjw

cc: Jack Barnett
Claudia Conder

Form I-243
7/98
Form 243
7/98

SO 12/18/98

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Claim No.
11-04356

Soda Springs Golf Course 11-98

CLAIM TO A WATER RIGHT

250

Under the provisions of Section 42-243, *Idaho Code*, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. The filing of this claim does not confirm the water right claimed. Water rights presented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111, *Idaho Code*. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

RECEIVED

MAY 13 2003

Notice is hereby given that PacifiCorp

(Name of Claimant)

1407 West North Temple, Suite 110, SLC, Utah 84140 Telephone No (801) 220-4029

(Mailing Address)

(Zip Code)

Department of Water Resources

claims a right to the diversion and beneficial use of surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: (When the water was first applied to beneficial use) July 8, 1933
A claim is not acceptable for the sue of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water for domestic purposes as defined in Section 42-111, Idaho Code.
2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Bear River tributary to Great Salt Lake
3. Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs or af)	(Irrigation, Domestic, Stock, Etc.)	(Both dates inclusive)	
			(MM/DD)	(MM/DD)
Quantity <u>1.4</u> cfs	Use <u>Irrigation</u>	Period of Use from <u>Apr. 20</u> to <u>Sep. 30</u>		
Quantity _____	Use _____	Period of Use from _____ to _____		
Quantity _____	Use _____	Period of Use from _____ to _____		
Quantity _____	Use _____	Period of Use from _____ to _____		
4. 1.4 (cfs or af) TOTAL QUANTITY USED.
5. A) Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$ Govt. Lot _____
Sec. 11 Township 9S Range 41E B.M., Caribou, County;
Additional points of diversion, if any: _____
B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities. Be specific. Describe any changes in the system and give the date of the change. Water for irrigation of the Soda Springs Golf Course is diverted from Soda Reservoir with a pump and pipeline to various locations on golf course.

6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below.
If the use is for irrigation, describe the location by listing the number of irrigated acres within each 40-acre tract.
D - Domestic, S - Stockwater, M - municipal, C - commercial, I - Industrial, X - Other.

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Total Acres
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SE	SW	
9S	41E	11					4.6	17.6	22.8	8.6		0.8							54.4
9S	41E	10	1.4			6.4									2.0				9.8

Total Acres 64.20

B) If water is used for purposes other than irrigation, fully describe the use. Be specific. _____

7. Remarks: This claim is to document existing uses at the Soda Springs Golf Course that have continuously occurred since 1933. This claim represents no increase in historical uses for irrigation.
8. Map - Attach an 8 ½" x 11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7 ½ minute topographic quadrangle map is preferred.) Attach an aerial photograph of the place of use if available.

State of Utah)
County of Salt Lake) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 4th

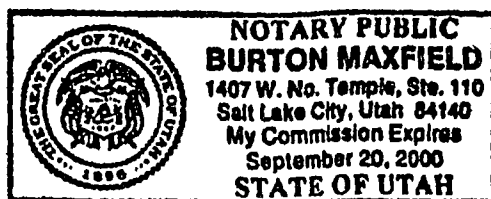
day of November, 1998

Claimant's Signature (and title if claim is for an organization)

Burton Maxfield
Notary Public

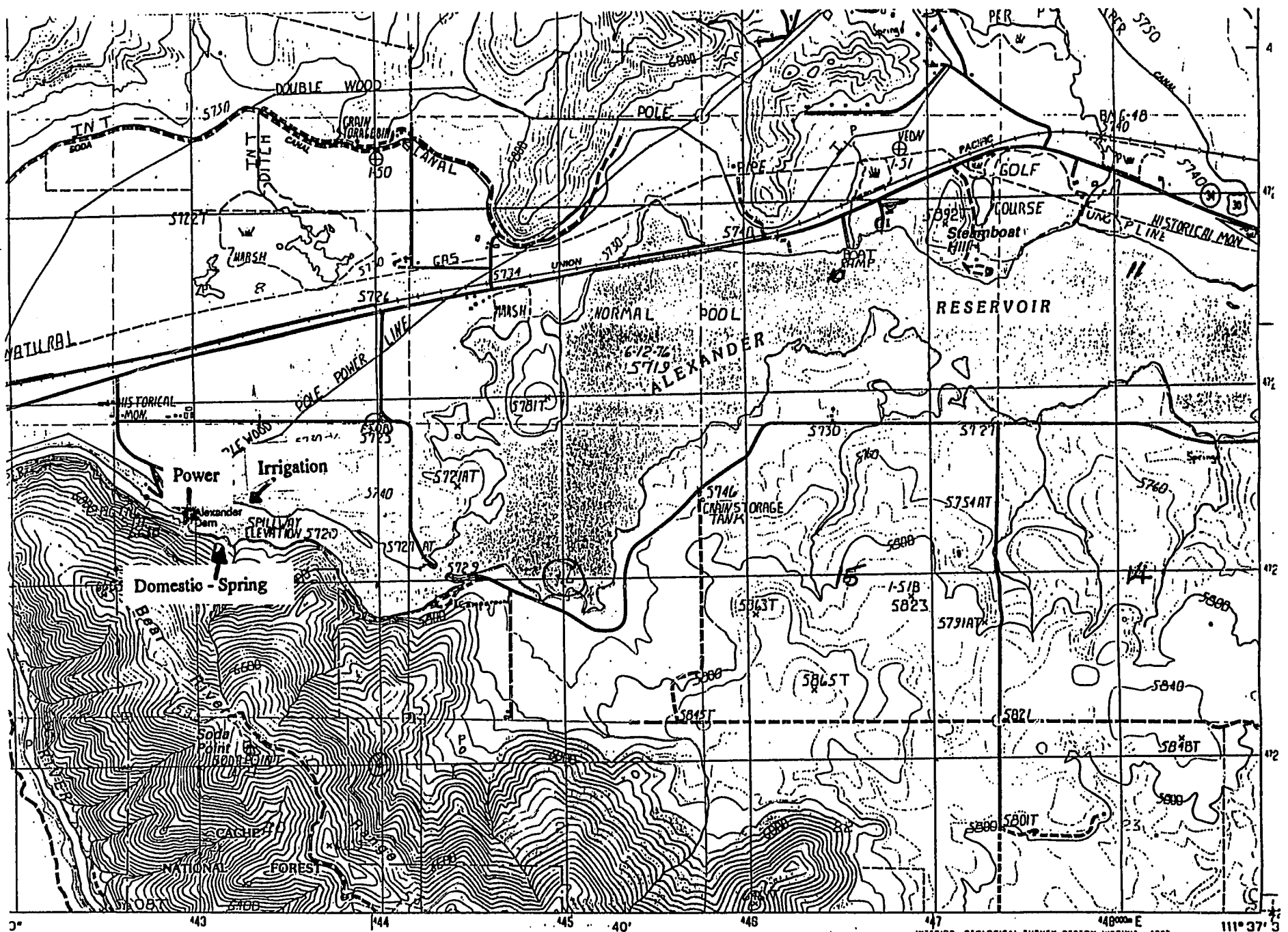
Residing at: S.L. County

My commission expires: 9-20-2000

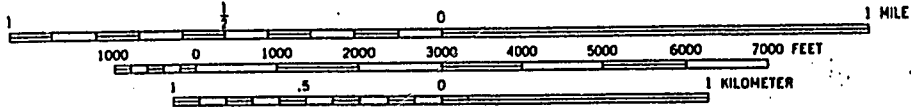


FOR DEPARTMENT USE ONLY

Received by HWT Date 11-6-1998 Published in Caribou County Sun
Prelim. Check by HWT Date 11-6-1998 Publication dates Nov 18 & 25th 1998
Fee 250.00 Receipt # E024608 Publication checked by _____ Date _____
Receipt prepared by _____ Date _____ Exceptions filed by _____



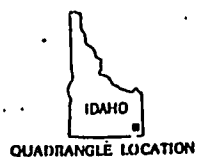
SCALE 1:24 000



CONTOUR INTERVAL 40 FEET
SUPPLEMENTARY CONTOUR INTERVAL 10 FEET

T95
R41E

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
SALE BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22029



1	2	3	1 Hatch
4	5	6	2 The Dip
7	8	7	3 China Hat
		8	4 Talmage
			5 Soda Springs
			6 Grace Power Plant
			7 Grace
			8 Soda Peak

ADJOINING 7.5' QUADRANGLE NAMES

ROAD LEGEND

- Improved Road.....
- Unimproved Road.....
- Trail.....
- Interstate Route
- U.S. Route
- State Route

ALEXANDER, IDAHO
PROVISIONAL EDITION 1982

42111-F6-TF-024



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

May 29, 2003

JODY L WILLIAMS
HOLME ROBERTS & OWEN LLP
299 SOUTH MAIN STREET
SUITE 1800
SALT LAKE CITY UT 84111-2263

RE: PacifiCorp Water Right Claim 11-4356

Dear Ms. Williams:

The Department of Water Resources (IDWR) has received your notice that PacifiCorp no longer has an interest in Water Right Claim 11-4356, which is for the diversion of water from the Bear River for irrigation of the golf course at Soda Springs. As you know, water rights are considered to be appurtenant to the land on which they are used, and they are conveyed with the land to a new owner unless there is clear documentation or evidence that the water right was not intended to be sold with the land. Because you indicated in your letter that PacifiCorp "no longer owns land" where the water is being used, IDWR wants to make sure there is not an ownership issue associated with the claim.

If PacifiCorp retained ownership of the claimed water right and now wishes to abandon use of the water, please submit documentation to that effect. Otherwise, the current owner of the land, who I assume is the owner of the golf course, should have an opportunity to submit a Notice of Change in Water Right Ownership to IDWR for the claim.

If you have any questions, please contact me at 208-327-7946 or at skeen@idwr.state.id.us.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

cc: Harold Jones, IDWR Eastern Region
Oregon Trail Golf Course of Soda Springs

Holme Roberts & Owen LLP

RECEIVED

JUN 20 2003

Department of Water Resources

June 18, 2003



Shelley W. Keen
Water Rights Supervisor
Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

Re: *PacifiCorp Water Right Claim 11-4356*

Dear Ms. Keen:

I am in receipt of your letter dated May 29, 2003 regarding PacifiCorp Water Right Claim 11-4356 for the diversion of water from the Bear River for irrigation of the golf course at Soda Springs. PacifiCorp previously requested that this claim be withdrawn and cancelled because PacifiCorp no longer owns the land.

Jody L. Williams
(801) 323-3278
williamj@hro.com

Attorneys at Law

299 South Main Street
Suite 1800
Salt Lake City, Utah
84111-2263
Tel (801) 521-5800
Fax (801) 521-9639
www.hro.com

Salt Lake City
Denver
Boulder
Colorado Springs
London
Munich
San Francisco

With respect to ownership of the appurtenant water rights, the land was conveyed by Quit Claim Deed excepting from the conveyance "any and all water rights that may be appurtenant to or used upon the property." A copy of the Quit Claim Deed conveying the property is enclosed for your review.

Although PacifiCorp no longer owns the land where the water was being used, PacifiCorp did not convey any of the water rights associated with that land when it transferred the property. The water claim was discussed at the time of the land conveyance and it was specifically agreed that it would not pass to the buyer with title to the land. The buyer has acquired another water source for the golf course. PacifiCorp has instructed the District 11 Watermaster not to account for any water used by the property against the water claim or PacifiCorp's Bear Lake storage water. Hopefully, this will resolve any question of ownership with respect to Water Right Claim 11-4356. If you have any further questions, please contact me at (801) 521- 5800.

Sincerely,

Jody L. Williams
Jody L. Williams

JLW:bjw

Enclosure

cc: Claudia Conder
Bill Ondrechen
Pete Peterson
Harold Jones

#148357 v1

When Recorded Return to:
Claudia Conder
PacifiCorp
1407 West North Temple #110
Salt Lake City, Utah 84140
PacifiCorp Parcel No. ICB00138

QUITCLAIM DEED

For good and valuable consideration, the sufficiency of which is hereby acknowledged and received, PACIFICORP, an Oregon corporation, successor in interest by merger to Utah Power & Light Company, ("Grantor") hereby quitclaims a fee simple determinable interest in the following described tract of land located in Caribou County, state of Idaho (the "Property"), to the CITY OF SODA SPRINGS, a Municipal Corporation of the state of Idaho, ("Grantee") for so long as the Property is used for a public golf course, and retaining in the Grantor the possibility of reverter such that when the Property is no longer so used, the interest of Grantee shall automatically terminate, and fee simple title shall revert to the Grantor, its successors and assigns, to wit:

A Parcel of land Situate in the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 11, T. 9 S., R. 41 E., B.M., and in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 10, Township and Range aforesaid, described as follows:

Beginning at the northeast corner of Section 10, T. 9 S., R. 41 E., B.M., thence South 1323.03 feet and East 653.55 feet, more or less, to the true point of beginning and running thence S. 0° 11' 11" W. 660.44 feet, thence N. 89° 55' 33" W. 1134.08 feet, thence along the west line of an existing road, being parallel to and 10 feet perpendicularly distant southwesterly from the centerline of said road the following fourteen (14) courses, S. 4° 18' 19" W. 65.93 feet, S. 9° 28' 15" W. 46.25 feet, S. 22° 15' 46" W. 18.17 feet, S. 15° 23' 33" W. 269.87 feet, S. 20° 40' 48" W. 140.55 feet, S. 13° 00' 38" W. 22.62 feet, S. 1° 52' 17" W. 17.32 feet, S. 10° 14' 26" E. 13.87 feet, S. 23° 35' 28" E. 48.78 feet, S. 28° 28' 5" E. 102.07 feet, S. 37° 19' 01" E. 23.12 feet, S. 55° 19' 17" E. 27.53 feet, S. 67° 32' 19" E. 26.73 feet, and S. 78° 41' 50" E. 33.07 feet, thence S. 76° 52' 03" E. 110.46 feet, thence S. 72° 50' 02" E. 41.82 feet, thence S. 66° 48' 50" E. 116.18 feet, thence S. 78° 14' 19" E. 160.30 feet, thence N. 77° 16' 59" E. 69.27 feet, thence N. 71° 10' 14" E. 134.62 feet, thence along the high water line of the Alexander Reservoir the following Twenty Nine (29) courses, N. 23° 43' 45" E. 272.85 feet, N. 18° 26' 08" E. 62.25 feet, N. 50° 42' 42" E. 46.63 feet, N. 61° 23' 26" E. 41.11 feet, N. 15° 15' 21" E. 37.41 feet, N. 33° 41' 28" E. 35.49 feet, N. 45° 00' 04" E. 41.76 feet, N. 17° 39' 03" E. 75.74 feet, N. 12° 05' 43" E. 46.97 feet, N. 25° 12' 07" E. 61.64 feet, N. 41° 38' 05" E. 39.51 feet, N. 67° 22' 51" E. 213.26 feet, N. 72° 48' 08" E. 144.25 feet, N. 66° 36' 56" E. 132.26 feet, N. 72° 33' 13" E. 120.37 feet, N. 63° 46' 08" E. 252.37 feet, N. 57° 43' 31" E. 73.73 feet, East 45.93 feet, S. 36° 01' 43" E. 44.62 feet, S. 67° 37' 15" E. 60.32 feet, S. 73° 18' 05" E. 34.25 feet, S. 84° 17' 23" E. 32.97 feet, S. 64° 59' 02" E. 54.31 feet, S. 59° 02' 14" E. 38.26 feet, S. 85° 14' 12" E. 39.51 feet, S. 78° 41' 26" E. 33.46 feet, S. 60° 56' 47" E. 33.78 feet, S. 68° 11' 58" E. 53.00 feet, S. 78° 41' 26" E. 33.46 feet, East 42.65 feet, S. 68° 57' 48" E. 45.70 feet, S. 63° 02' 6" E. 36.68 feet, S. 82° 24' 20" E. 99.30 feet, East 45.93 feet, S. 73° 36' 40" E. 55.54 feet, North 676.25 feet, N. 89° 45' 48" W. 577.38 feet, S. 0° 14' 20" W. 141.04 feet, N. 89° 45' 40" W. 284.00 feet, and N. 0° 14' 20" E. 141.03 feet, thence N. 89° 45' 48" W. 607.43 feet, more or less to the point of beginning, containing 36.59 acres, more or less.

EXCEPTING from the conveyance of the Property any and all water rights that may be appurtenant to or used upon the Property.

SUBJECT TO any and all easements, restrictions and rights of way currently of record and/or enforceable at law or in equity and the general property taxes for the current year and thereafter and Release of Mortgage.

The rights and obligations of the parties hereto shall be binding upon and shall benefit their respective heirs, successors and assigns.

ACKNOWLEDGEMENT

IN WITNESS WHEREOF, Grantor has executed this QuitClaim Deed by and through its duly authorized representatives this 1st day of August, 2000.

PACIFICORP, an Oregon Corporation
dba Utah Power & Light Company

W. J. Lander

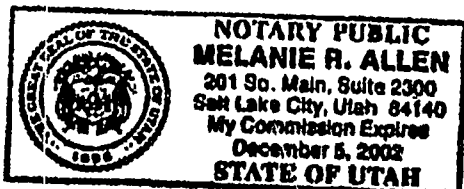
Vice President

STATE OF Utah)
COUNTY OF Salt Lake) :SS

On this 1st day of August, 2000, personally appeared before me William D. Jander who being by me duly sworn did state that he/she is a Vice President of PacificCorp, an Oregon Corporation, dba Utah Power & Light Company, and that the within and foregoing instrument was signed by authority of said corporation and said Vice President duly acknowledged to me that said corporation executed the same.

My Commission Expires:

12/5/02



Notary Public: Melanie R. Allen

Residing in: Salt Lake City, Ut.



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

June 24, 2003

JODY L WILLIAMS
HOLME ROBERTS & OWEN LLP
299 SOUTH MAIN STREET
SUITE 1800
SALT LAKE CITY UT 84111-2263

RE: PacifiCorp Water Right Claim 11-4356

Dear Ms. Williams:

I received your letter dated June 18, 2003, regarding PacifiCorp's intent to abandon its water right claim for the irrigation of the Oregon Trail Golf Course at Soda Springs. The attached quitclaim deed indicates that PacifiCorp quitclaimed a 36.59-acre parcel of land located in the S $\frac{1}{2}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, T9S, R41E, B.M., and in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, T9S, R41E, B.M. to the City of Soda Springs. The water right claim, however, suggests that 64.2 acres were irrigated, including lands in the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 11, T9S, R41E, B.M., and in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, T9S, R41E, B.M. Given this discrepancy, IDWR is still concerned that other landowners may have an interest in the water right claimed by PacifiCorp.

If PacifiCorp owns the remainder of the land listed in the place of use on the claim or has otherwise retained the water right used there, please submit documentation demonstrating ownership so that IDWR can remove the claim from the active water right records in accordance with your wishes.

If you have any questions, please contact me at 208-327-7946 or at skeen@idwr.state.id.us.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

cc: Harold Jones, IDWR Eastern Region