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DEPARTMENT OF
WATER RESOURCES

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

**IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE BEAR RIVER BASIN WATER SYSTEM**

CIVIL CASE NUMBER 79576

Claim ID: 13-967

Date Rcd: 2-15-24

Receipt No: C117791

Claim Fee: 6108,050 **By:** gmh

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1: Name of Claimant(s): PacifiCorp
Phone: 801-220-7803
Mailing Address: 1407 W North Temple Suite 110, Salt Lake City, UT 84116
E-mail Address: Buffi.Morris@PacifiCorp.com

2: Date of Priority (mm/dd/yyyy): 6/17/1910

3: Source of water: Ground Water () or Other (x) (a) Bear River
which is tributary to (b) Great Salt lake

4a: Location of Point of Diversion

T	R	S	QQ	Lot	County	Div. Name or Parcel
13 S	40 E	23	NWSE		Franklin	Oneida dam

5. Description of existing diversion works. The Oneida Project consists of a concrete dam approximately 387 feet long and 111 feet high; a 2,240-foot long conveyance system; a powerhouse; and three turbine generator units that yield a combined effective plant capacity of 30,000 kilowatts.

6. Water is claimed for the following purposes:

Purpose	From (date)	To (date)	cfs	(or) acre feet
Power	1/1	12/31	1000	

7. Total quantity claimed (a) 1000 **(cfs) and/or (b) (acre feet)**

8. Non-irrigation uses; describe fully: Hydropower generation at Oneida plant; three generating units of 10 MW each; hydraulic head 147 feet.

9: Description of Place of Use

			NE				NW				SW				SE				Total
Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Total
13S	40E	26		P															

Parcel no(s):

Total Acres N/A

10. In which counties are lands listed above as the place of use located? Franklin

11. Do you own the property listed above as place of use? Yes (X) No ()

If "no" explain in Remarks

12: Describe any other water rights used at the same place and for the same purposes as described above.

Three rights are used for the same purpose at the same place: 13-967, 13-968, 13-4129

or None ()

13. Remarks (include an explanation of the priority date selected):

Remarks to aid in claims review:

1. Priority date: Consistent with the court decree in *Utah Power & Light Co. v. Last Chance Canal Co., Ltd.*, (D. Idaho July 14, 1920) (In Equity No. 203) ("Dietrich Decree"), and further recognized in *Utah Power & Light Co. v. Richmond Irrigation Co.* (1st. Jud. Dist Utah Feb 21, 1922) ("Kimball Decree").
2. Point of Diversion is as described in the Department's Water Right Report for 13-967: NW¼ SE¼ T13S, R40E, Section 23, Franklin County. This is the location of the Oneida dam that impounds the Bear River.
3. Diversion works description is per *Order Approving Settlement Agreement and Issuing New License*, 105 FERC ¶ 62,297, December 22, 2003.
4. Quantity is per decree.

Three Bear River Basin Adjudication claims are presented for Power use at this plant. The three rights together relate as follows:

13-967 (this claim)	1,000 cfs
13-968	1,500 cfs
13-4129	950 cfs
Sum	3,450 cfs

5. The Oneida Powerhouse, in Franklin County, Idaho, is the Place of Use.
6. In addition to the primary non-irrigation use for Power, there are small non-consumptive uses of water inside the plant for cooling of the generators and other equipment that requires water for non-evaporative cooling. These additional uses are deemed implicit in the decreed hydropower use.
7. An accompanying claim is for Power Storage at the Oneida reservoir and Power From Storage at the same Place of Use as this claim based on 13-967. A number is not yet assigned for the accompanying claim.
8. There are two attachments to this claim:
 - a. Affidavit of Connely Baldwin, PacifiCorp Hydrologist and Senior Project Manager, describing general system operation, ongoing use of the right, and calculation of claimed volumes for the accompanying claim;
 - b. Annotated excerpts from Dietrich Decree.

Conditions necessary to the definition and administration of the right.

9. This right is not subordinated under Idaho law but its use may be governed by agreements that are not enforced by Idaho Department of Water Resources.
10. Power use includes water from various sources.



- POU
- POU
- Conveyance System
- Township
- Section
- QQ

Oneida Hydroelectric Project
Claims Based On
13-967, 13-968, 13-4129 and New Claim

400 0 400 800 Feet

Base Map:
UDSA NAIP 2021

Projection:
UTM 12N NAD83

14. Basis of Claim (Check one)

Beneficial Use ()
Posted Notice ()
License ()
Permit ()
Decree (X)

Court US District Court for Idaho, Eastern Division

Plaintiff v. Defendant Utah Power & Light Co. v Last Chance Canal Co. LTD

Utah Power & Light Co. v. Last Chance Canal Co., Ltd., (D. Idaho July 14, 1920)
(In Equity No. 203) ("Dietrich Decree")

Decree Date July 14, 1920

IDWR WR number if applicable 13-967

15: Signatures

(a) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Bear River Basin Water System Adjudication."

(b) I/We do (X) do not () wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2

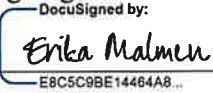
For Organizations: I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the Sr. Property Agent / Water Rights Administrator of PacifiCorp and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent  Date February 9, 2024

Printed Name of Authorized Agent Buffi Morris

16. Notice of Appearance

Notice is hereby given that I, Erika Malmen, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature  Date February 9, 2024

Address: Perkins Coie, LLP, c/o Erika E. Malmen, 1111 W. Jefferson Street, Suite 500, Boise, ID 83702

Erika E. Malmen, Bar No. 6185
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Attorneys for PacifiCorp

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE: THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER
FROM THE BEAR RIVER BASIN WATER
SYSTEM

CASE NO: 79576

**AFFIDAVIT OF CONNELLY K.
BALDWIN REGARDING
PACIFICORP'S ONEIDA
HYDROELECTRIC POWER
PLANT**

I, Connely K. Baldwin, certify and state as follows:

1. My current job title is Hydrologist & Senior Project Manager at PacifiCorp. I have held this position since 2018. I began the Hydrologist role in 2003. Since 2003, I have been responsible for water management at the Oneida hydropower plant. In addition to general water management, my duties include assuring the quality of streamflow and reservoir elevation data and many other aspects of hydropower production such as development of efficiency curves, evaluation of emergency backup power capabilities and identification of optimal operation parameters. I have been continuously responsible for managing the irrigation deliveries of natural flow and supplemental water from Bear Lake which pass through the Oneida hydropower

AFFIDAVIT OF CONNELLY K. BALDWIN REGARDING PACIFICORP'S ONEIDA
HYDROELECTRIC POWER PLANT - 1

164791549.3

plant generation units and have provided regular reports on Bear River operations to the Bear River Commission. For approximately 2 years I have personally created the daily power operations schedule used for daily operations at Oneida.

2. I currently coordinate with the Oneida power scheduler about daily power scheduling and provide advice on modifications that are periodically required to meet downstream contract irrigation deliveries. The Senior Project Manager promotion in 2018 expanded my duties generally but I continue to perform the Hydrologist role and responsibilities at Oneida.

3. The Oneida hydroelectric power plant consists of three electric generating units of 10 MW each for a total of 30 MW, with hydraulic head of approximately 147 feet.

4. Since 2003 I have observed that the Oneida hydroelectric power plant has been maintained at its full original capacity and can be utilized to its full capacity whenever water supply and electricity demand allow. There are periods of time when repairs temporarily limit plant capacity, but these always conclude with a return to full capacity. I have also observed that the plant generates power with any water that comes down the Bear River, regardless of its source, be it natural flow or Bear Lake storage water deliveries for downstream irrigation use.

5. Regarding the Oneida Reservoir, total storage is estimated to be 10,879 acre-feet. Active storage between high water (approximately 4882.9 feet) and low water (approximately 4855.9 feet) is estimated at 7,852 acre-feet and dead storage below low water is estimated to be 3,027 acre-feet. Power From Storage is approximately 17,700 acre-feet which is enough for all cycles of drawdown and refill that occurred in the most extreme 12-month period (February 1, 2017 through January 31, 2018). The explanation for this calculation is attached as Exhibit A.

6. Some additional water management context for the Oneida hydroelectric power plant operation within the Bear River basin may be helpful for evaluation of the “new” Bear River Basin Adjudication claim. PacifiCorp owns and operates the Lifton pumping station on Bear Lake Reservoir as well as the associated canals, dams and headgates necessary to divert Bear River water into Bear Lake Reservoir, manage water levels in Bear Lake Reservoir (which includes Mud Lake Reservoir) and return water back to the Bear River. Bear Lake is a natural lake operating as an off-channel reservoir relative to the Bear River water. PacifiCorp operates Bear Lake Reservoir for irrigation, flood control and power generation. While releases for power generation are currently incidental to releases for irrigation and flood control, all available Bear Lake storage water released for any purpose is used to its maximum extent for power generation at Oneida and all other PacifiCorp Bear River hydroelectric power plants.

7. PacifiCorp’s operation at Bear Lake Reservoir is designed to capture and store spring runoff each year and return water to the Bear River later during the irrigation season to provide supplemental water from storage such that the natural flow of tributaries downstream of Bear Lake is adequate for the full irrigation of lands served by the canal companies which hold irrigation water delivery contracts with PacifiCorp, subject to the availability of water. During periods of high inflow into Bear Lake Reservoir in excess of downstream needs, the excess flow can be passed downstream or stored in Bear Lake Reservoir. When Bear Lake Reservoir elevation exceeds operational targets after high runoff periods, water is released from storage to allow for subsequent flood control storage operations.

Date: 02-08-2024

Connely K. Baldwin
Typed/Printed Name


Signature

State of Utah

County of Salt Lake County

On the 8th day of February, 2024, before me, the undersigned Notary Public, personally appeared Connely K. Baldwin, proved on the basis of satisfactory name of document signer evidence to be the person(s) whose name(s) (is/are) subscribed to this instrument, and acknowledged to me that s/he executed the same.

Witness my hand and official seal.


Notary Public for Utah

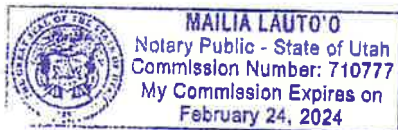


EXHIBIT A

PacifiCorp Calculations of Power from Storage for Oneida Reservoir

Connely K. Baldwin, Hydrologist and Project Manager

A narrative explanation of the calculations for power from storage follows. The spreadsheet containing the data and calculations is available upon request.

Data Inputs

The daily reservoir elevation readings (a single instantaneous value at midnight, end of the day) comes from reviewed electronic data. The elevation is used to lookup the reservoir contents from a table. The change in storage is just the difference between today's contents and yesterday's contents. The power flow comes from daily average discharge at the PacifiCorp-managed gaging station which is operated to United States Geological Survey standards and is overseen by the United States Geological Survey pursuant to PacifiCorp's Federal Energy Regulatory Commission license. The United States Geological Survey has made two check discharge measurements at each site every year since 2014.

The period of record used is January 1, 2016 through September 30, 2021, reflecting a 5-year period of interest for adjudication purposes. As explained below, the maximum 12-month period is not sensitive to the precise beginning or ending dates as the maximum 12-month period for Oneida Reservoir is February 1, 2017 through January 31, which includes the high runoff year of 2017.

Calculations

First, day-to-day change in storage contents is calculated and is then limited to the amount that can be explained by generated power and not spilled. That way, a spill that reduces storage contents and does not generate power is not counted as part of the "power from storage" volume.

Second, a formula is applied to the change in storage from power so that only the drawdown volume and not the subsequent refill is counted.

Third, the day-to-day reservoir releases attributable to power generation are summed to create a rolling 12-month total, calculated on the first of every month in the period of record.

The final result is the maximum power from storage calculated in the previous step which is then rounded to three significant digits to reflect the precision of measurement. The 12-month period for which the maximum occurs is also reported.

Results

The maximum 12-month period power from storage for Oneida Reservoir is 17,700 acre-feet for the period February 1, 2017 through January 31, 2018.

DATE OF
PRIORITY

AMOUNT IN
SECOND FEET

POINT OF DIVERSION AND
PLACE OF USE

ship 10 South, Range 40 East, B.B.M., to be stored therein, and withdrawn therefrom for use in connection with said Cove Plant, as authorized and provided for in Permit No. R-18, issued by the State Engineer of the State of Idaho.

~~1-0276~~ 13. Ethel H. Ellsmore:
1898—August 31

1.0 c.f.s.

13-0964

To be diverted from the natural flow of Bear River through a ditch known as the "Harris" Ditch, diverting on the West side thereof, at a point about 80 rods South of the Cove dam in the Southwest quarter of Section 21, Township 10 South, Range 40 East, B.M. for the irrigation of 47 acres of land in the Northwest quarter of the Southwest quarter of Section 33, and the Northeast quarter of the Northeast quarter of Section 32, Township 10 South, Range 40 East, B.M.

~~1-0271~~ 14. Frank W. Harris:
1898—August 31

0.9 c.f.s.

13-0965

To be diverted from the natural flow of Bear River, through the Harris ditch, last above described, for the irrigation of 43 acres of land in the Southeast quarter of the Southeast quarter of Section 29, the Northeast quarter of the Northeast quarter and the Northeast quarter of the Southeast quarter of Section 32; the Northwest quarter of the Northwest quarter and the Northwest quarter of the Southwest quarter of Section 32, Township 10 South, Range 40 East.

~~1-0272~~ 15. A. W. Harris.
1879—May 1

2.2 c.f.s.

13-0966

To be diverted from the natural flow of Bear River, through the Harris ditch, last above described, for the irrigation of 110 acres of land in the East half of the Northeast quarter of Section 32, the West half of the Northwest quarter of Section 33, Township 10 South, Range 40 East, B.M.

~~1-0273~~ 16. Utah Power & Light Company:
Oneida Power Plant:
1910—June 17

1000 c.f.s.

13-0967

Said water to be diverted by means of a dam in the channel of Bear River at a point North 74°08' West 7913 feet from the Northwest corner of Section 30, Township 13 South, Range 41 East, B.B.M., in Franklin County, Idaho, through a pipe line to the Oneida Power Plant, situate South 74°01' East 3173 feet from the Northwest corner of Section 26, Township

DATE OF
PRIORITY

AMOUNT IN
SECOND FEET

POINT OF DIVERSION AND
PLACE OF USE

13 South, Range 40 East, B.B.M., and there used for the generation of electric power or energy, and returned to the channel of Bear River.

~~11-0274~~ 13-0968

17. Utah Power & Light Company:
Oneida Power Plant:
1911-Jan. 18 1500 c.f.s.

~~11-0275~~ 13-0969

18. A. C. Bosen, Hyrum J. Smith,
Robert L. Smith and
Melvin Green:
1882-May 1 5.5 c.f.s.

Said water to be diverted by the dam, through the pipes, and used at the said Oneida Plant, as last above described.

Said water to be diverted from Bear River through what is known as the Smith-Vanoy Ditch with point of diversion from Bear River in the Southeast quarter of Section 16, Township 14 South, Range 40 East, B.B.M., said water to be measured at point where Siphon No. 1 of Twin Lakes Canal Company crosses Bear River, and used for irrigating 300 acres of land to be divided as follows:

.3 of this amount to Hyrum J. Smith for the irrigation of lands in the North half of the Southwest quarter of Section 2, the Southwest quarter of the Southeast quarter of Section 20, and 23 acres in the Northwest quarter of the Southeast quarter of Section 29, Township 14 South, Range 40 East, B.B.M.

.5 to A. C. Bosen, for the irrigation of 107 acres in the Northeast quarter of the Northeast quarter and the Southeast quarter of the Northeast quarter and North half of the Southeast quarter, Section 21, and a few acres in the Southwest quarter of the Northeast quarter and the Northwest quarter of the Southwest quarter of Section 22, Township 14 South, Range 40 East, B.B.M.

.2 thereof to Robert L. Smith and Melvin Green jointly, to irrigate 31 acres of land in the Southeast quarter of Section 20, Township 14 South, Range 40 East, B.B.M.

Said water to be diverted from Bear River at a point about 25 rods South of the Northeast corner of Section 20, Township 14 South, Range 40 East, B.B.M., for the irrigation of approximately 400 acres of

19. Nelson Ditch Company:
~~11-0276~~ 1880-May 1 6.5 c.f.s.

13-0970