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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: 13-4129

Date Rcd: 2-15-24

Receipt No: C117791

Claim Fee: \$50.00 **By:** gmr

**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): 12/31/1920

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	950	

7. Total quantity claimed (a) 950 (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.

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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 is per plant completion. Attached excerpts of FERC documents, from the IDWR water-right backfile for 13-4129, have been annotated by hand to confirm that the plant was completed in 1920, with the current capacity of 30,000 kilowatts. Decreed rights 13-967 and 13-968 provide for part of this capacity. The balance of the capacity is claimed under this claim (13-4129), and the claimed priority date of December 31, 1920 is per the record of plant completion.

Photo 1 shows the three turbine/generator units currently in place. The units are essentially identical, and each bears plaques like those shown in Photo 2 and Photo 3.



Photo 1. Three turbine/generator units currently in place.

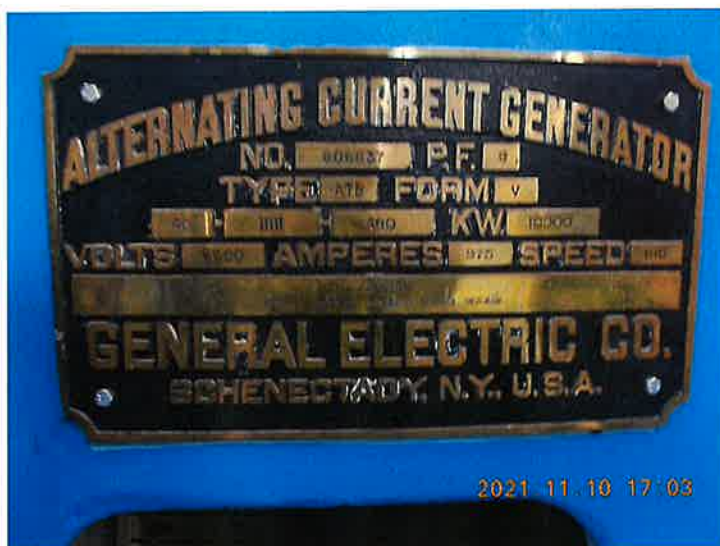


Photo 2. Generator plaque typical of the three units.



Photo 3. Turbine plaque typical of the three units.

2. Point of Diversion is as described in the Department's Water Right Report for 13-4129: 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 based on plant capacity, indicated in the attached 1920 and 1981 documents to be 3,450 cfs and in the attached 2003 document to be 3,290 cfs. Given an approximate 10% variation in required flow rate to develop full power, depending on the condition of turbine seals, the larger quantity is claimed in order to facilitate full beneficial use under the rights towards the end of each maintenance cycle.

The quantity claimed for this right is based on subtracting the flow rates from the two decreed rights from 3,450 cfs. The three rights together (this claim and the two decreed rights) relate as follows:

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

The original statutory claim 13-4129 was for 700 cfs, but this is insufficient to describe the historical and current plant capacity.

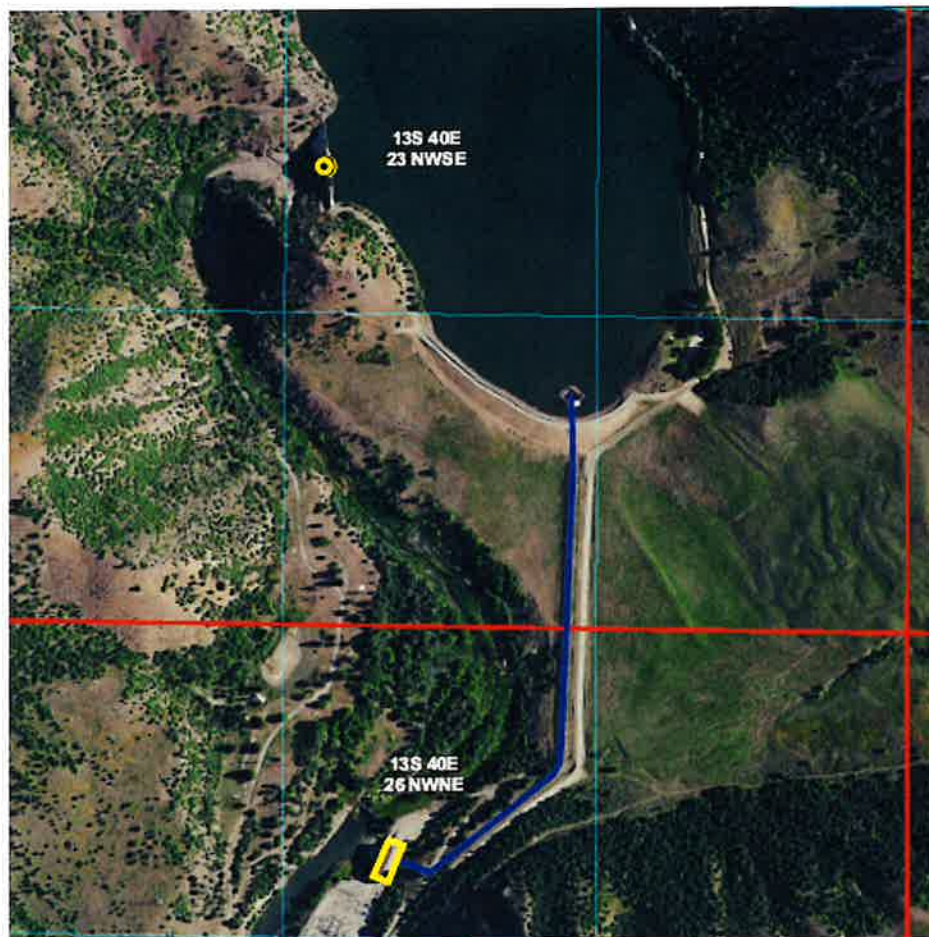
5. The Oneida Powerhouse, in Franklin County, Idaho, is the Place of Use.
6. An accompanying claim is for Power Storage at the Oneida reservoir and Power From Storage at the same Place of Use as this claim based on 13-4129. A number is not yet

assigned for the accompanying claim.

7. There are two attachments to this claim:
 - a. Annotated excerpts from FERC documents;
 - b. 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.

Conditions necessary to the definition and administration of the right.

8. 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.
9. Power use includes water from various sources.



- POD
- 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 ☒ (X)
Posted Notice ☐ ()
License ☐ ()
Permit ☐ ()
Decree ☐ ()

Court

Plaintiff v. Defendant

Decree Date

IDWR WR number if applicable 13-4129

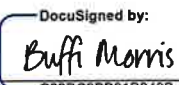
15: Signatures

(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
DocuSigned by:
C22DC3BB01B343B...

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 DocuSigned by: Erika Malmen Date February 9, 2024
E8C5C9BE14464A8...

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

(63)

EXCERPTS FROM IDWR WR BACKFILE 13-4129. CIRCLED NUMBERS ARE

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

PAGE NOS. FROM *.PDF
HAND ANNOTATIONS ARE
ADDED.

Utah Power & Light Company

Project No. 472 - Oneida

ORDER ISSUING NEW LICENSE (MAJOR)

(Issued May 1, 1981)

To June 30, 2000 7)

The Utah Power & Light Company (UP&L) has filed an application for a license under Part I of the Federal Power Act (Act) for the continued operation and maintenance of the Oneida Project No. 472. 1/ The project is located on the Bear River in Franklin County, Idaho, and occupies lands of the United States under the jurisdiction of the Department of the Interior and affects the interests of interstate or foreign commerce

Notice of the application has been published and comments have been received from interested Federal, State, and local agencies. None of the agencies objected to issuance of the license. The Attorney General of the State of Wyoming submitted a protest and the State of Idaho Water Resources Board (IWRB) was granted intervention. The significant concerns of the protestor, intervenor, and commenting agencies are discussed below.

PROJECT HISTORY AND DESCRIPTION:

Construction of the project was initiated in 1912 and commenced in stages until completion in 1920. In 1956 the dam intake structure and spillway piers were repaired, and the crest of the dam was raised two feet. In 1968 the dam was strengthened by installing post-tensioned cables. The project was originally issued a license effective July 5, 1923, for a term ending June 30, 1970.

The Oneida Project consists of a concrete dam, an earth dike, a storage reservoir, penstocks, a surge tank, a powerhouse containing three 10,000-kw generating units and electrical facilities to connect to a nearby substation.

A more detailed project description is contained in ordering paragraph (B).

1/ Authority to act on this matter is delegated to the Director, Office of Electric Power Regulation, under Section 375.308 (1980), as amended by 46 Fed. Reg. 14119 (1981).

PROJECT OPERATION:

The Bear River is controlled for irrigation purposes. At river mile 220, flows are diverted into Bear Lake from which water is released during the irrigation season. The Oneida Project is downstream from Bear Lake and utilizes the water released from Bear Lake and such inflow from below Bear Lake as is available. During the non-irrigation season, the only water available is the inflow from tributary streams below Bear Lake.

Normal operation of the project is to fill the reservoir during the night and early morning and then operate at capacity during those periods of the day when the need for power is the greatest on UP&L's interconnected system. The project has an installed capacity of 30,000 kW with a maximum water flow of 3,450 cfs, but the average load factor is only 21 percent because of the limited water supply. Even in an exceptionally good water year, such as 1965, when watershed yield in the Bear River basin exceeded that of any year since 1930, the load factor was only 33 percent. Between the years 1936 and 1966 water was spilled from the project reservoir only once. All of UP&L's projects on the Bear River 5/ are coordinated to derive the greatest possible benefit from the limited water supply.

The U. S. Army Corps of Engineers (Corps) recommended that releases from the project reservoir during flood periods be no greater than natural inflow. Article 34 provides for the Corps' recommendation.

COMPREHENSIVE DEVELOPMENT:

Project No. 472 is one of 14 hydroelectric projects in the Bear River Basin. The 14 projects are operated subject to the provisions of the Bear River Compact, an agreement entered into between the States of Idaho, Utah, and Wyoming which was consented to by Congress on March 17, 1958 (Public Law 85-348, 72 Stat. 38) and approved by the President. A major purpose of the Compact was to remove the causes of present and future controversy over the distribution and use of the waters of the Bear River and to provide for efficient use of water for multiple purposes. The Compact specifically provides that the waters of Bear Lake shall constitute a reserve for irrigation, and that such waters shall be used for power generation after release for

5/ Soda Project 20 is at river mile 175.
Grace-Cove Project 2401 is at river mile 160.
Oneida Project 472 is at river mile 130.
Cutler Project 2420 is at river mile 56.

<u>EXHIBIT</u>	<u>FERC DRAWING NO. 472-</u>	<u>TITLED</u>
J	9	General System Map
K-1	10	Detail Map of Project Area
K-2	11	Detail Map of Project Area

(2) Project works consisting of: (a) a 110-foot high and 380-foot long concrete gravity dam having five 15-foot wide Taintor gates; (b) an earth dike approximately 40 feet high and 1,100 feet long; (c) a 480-acre reservoir with 11,500 acre-feet of storage at normal water surface elevation 4,882.9 feet (USGS); (d) a steel pipe 16 feet in diameter extending 2,200 feet from the earth dike to a surge tank; (e) a steel surge tank 40 feet in diameter and 117 feet high; (f) 3 steel penstocks 12 feet in diameter; (g) a powerhouse containing three 10,000-kW generating units; (h) 6.6-kV generator leads, two 6.6/138-kV transformer banks, two 138-kV lines, and electrical facilities to connect to the Oneida 138-kV switchyard; and (i) appurtenant facilities.

The location, nature, and character of these project works are generally shown and described by the exhibits cited above and more specifically shown and described by certain other exhibits that also form a part of the application for license and that are designated and described as:

<u>EXHIBIT</u>	<u>FERC DRAWING NO. 472-</u>	<u>TITLED</u>
L-1	23	Plans, Elevations and Sections of Powerhouse
L-2	24	Powerhouse Cross-Sections and Surge Tank Details
L-3	25	Plans and Sections of Intake
L-4	26	Plan, Elevation and Sections of Gravity Dam



EXHIBIT "F"



STATEMENT OF POWER CAPACITY OF PROJECT

To Accompany Application for License
Under Act of June 10, 1920.

Orinda Power Plant
ORINDA POWER & LIGHT COMPANY

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1. Estimate of the power capacity of the Project.
2. Stream flow data involved in determining power capacity.
3. List of all present and proposed sources of power for the system of which the Project is a part.

(1) Estimate of Power Capacity:

(a) Average static head	- 140 ft
(b) Hydraulic capacity	- 2450 cfs*
(c) Flow Available, 70% of time	1715 cfs
(d) Power Capacity	12270 hp

*Flow assumed necessary to generate 30,000 kw.
the installed generator capacity.

(2) Stream Flow Data:

Owaida Plant receives its water supply from the Owaida main-
age on Bear River through one steel pipe 36" in diameter and
about 1 1/2 mile long. Immediately below the tailrace is installed
a Stevens Recorder - also a gaging cable - for the purpose of
obtaining a record of the stream flow passing this point.

The flow of Bear River is regulated by Bear Lake storage; hence
the record secured at the gaging station below the tailrace is a record
of the regulated flow of Bear River. The natural flow (or flow which
could have occurred without storage regulation) can be obtained by
considering the regulating effect (the storage change) secured by the
operation of the Bear Lake storage canals. This has been done in the
following sheets.

The inflow to Bear River below storage control does not exceed
the hydraulic capacity of the Owaida plant, therefore it has been
assumed that the available flow for Owaida plant for 70% of the time
is equal to the average flow that has occurred through the nine-year
period, 1914-1922; the entire period during which records have been
obtained.

FROM FERC LICENSE 2003

Project Nos. 20-019, *et al.*

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gravity section, a 99-foot-long gated spillway containing five Taintor gates, and an 86-foot-long gravity section with ice sluices; (2) a 40-foot-high, 1,100-foot-long embankment dam; (3) Oneida reservoir with an active storage capacity of 10,880 acre-feet and a surface area of 480 acres at an elevation of 4,882.90 feet (USGS datum); (4) a 50-foot-wide by 50-foot-high intake structure, containing six openings fitted with trashracks, with a transition to two, 16-foot-diameter circular outlets; (5) a 16-foot-diameter, 2,240-foot-long steel flowline (pipeline); (6) a 40-foot-diameter, 142-foot-high surge tank; (7) three, 12-foot-diameter, 120-foot-long steel penstocks extending from the surge tank; (8) a 32-foot by 162-foot powerhouse containing three vertical Francis units, each with an installed capacity of 10 MW and hydraulic capacities of 1,161, 1,161, and 968 cfs, respectively; (9) a 64-foot-wide by 118-foot-long rectangular channel tailrace; and (10) a substation containing step-up transformers, located immediately adjacent to the powerhouse, which also serves as the point of interconnection to the transmission grid system.

1,161
1,161
968

3,290

- (3) The project works generally described above are more specifically described in Exhibit A of the Project No. 472 application.
- (4) The following Exhibit F drawings for Project No. 472, filed on September 27, 1999:

<u>FERC's new Exhibit Label</u>	<u>Licensee's original Exhibit Label</u>	<u>FERC Drawing No. 20-</u>	<u>Showing</u>
F-18	F-1	1022	Gravity Dam, Plan, Elevations & Sections
F-19	F-2	1023	Concrete parapet Wall, Plans, Elevations & Sections
F-20	F-3	1024	Intake, Plans &

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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, Connelly 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

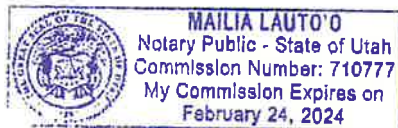


EXHIBIT A

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.