



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
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Governor Brad Little

Director Mathew Weaver

August 23, 2024

PACIFICORP
1407 W NORTH TEMPLE STE 110
SALT LAKE CITY UT 84116

Re: Request for Extension of Time to File Adjudication Claim(s)
Bear River Basin Adjudication Claims in Basin 13

Dear Claimant(s),

The Request for Extension of Time to File Adjudication Claim(s) has been approved and is enclosed. The new filing deadline is **February 7, 2025**.

Please enclose a copy of the approved extension request form when filing your claim.

Respectfully,

Craig L. Saxton
Adjudication Section Manager
322 E Front St
Boise ID 83720-0098
Craig.saxton@idwr.idaho.gov

Cc: ERIKA MALMEN
PERKINS COIE LLP
1111 W JEFFERSON ST STE 500
BOISE ID 83702-5391

RECEIVED

AUG 20 2024

DEPT. OF WATER RESOURCES

State of Idaho
Department of Water Resources
REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time to file an adjudication claim as allowed under Section 42-1409(8), Idaho Code.

PACIFICORP, AN OREGON CORPORATION

(801) 220-7803

Name of Claimant

Phone Number

1407 W NORTH TEMPLE STE 110

SALT LAKE CITY, UT 84116

Mailing Address

City

State

Zip

Bannock, Caribou, Franklin, and Oneida

OCTOBER 25, 2024 & FEBRUARY 7, 2025

County(ies) where place of use is located

Date claim originally due

PLEASE SEE ATTACHMENT

Identify water right(s) for which extension is requested

State why an extension of time is requested, explaining how a diligent effort has been made to meet the deadline:

PLEASE SEE ATTACHMENT

Claimant requests an extension to February 7, 2025

, 20

Signature

August 20

Date of request

, 2024

Attorney

Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [☒ granted] [☐ denied] for the following reasons:

The requested filing deadline extension leaves sufficient time for IDWR to conduct its review prior to submitting the Director's Report for claims in Basin 13.

and if granted the filing deadline is extended to February 7, 2025

Signed this 22nd day of August, 2024

Director or his designated agent

Mail to: Idaho Department of Water Resources
322 E. Front St., PO Box 83720
Boise, ID 83720-0098

**Attachment to PacifiCorp's Request for Extension of Time to File Adjudication Claims in
the Bear River Basin Adjudication**

Bear River Basin Adjudication (BRBA) claimant PacifiCorp is seeking an extension of time to file Notices of Claims for all of PacifiCorp's water rights in Basin 13, Group 3 and Group 4, with a place of use identified as Bear Lake and Caribou Counties. Such rights include but are not limited to:

13-7288
13-7297
13-957
13-958
13-4333
13-4334
13-4335
13-4336
13-7701
13-7702
13-7787
13-7934
13-962
13-963
13-7996
13-7998
13-7700
13-4338
13-893
13-976
13-977
13-978
13-979

Currently, the filing deadline for Group 3 is October 25, 2024, and the filing deadline for Group 4 is February 7, 2025. **PacifiCorp is requesting an extension to February 7, 2025**, to file its notices of claims for Groups 3 and 4.

PacifiCorp operates the "Bear River System". The "Bear River System" is composed of the "Bear Lake Facilities" and the "Downriver Facilities." The Bear Lake Facilities are the existing facilities used by PacifiCorp today to divert water from the Bear River and to store and release water from the Bear Lake Reservoir (Bear Lake and Mud Lake). The Bear Lake Facilities include Stewart Dam, Rainbow Canal, Rainbow Canal Headgate, Ream-Crockett Canal Intake, Ream-Crockett Canal, Bear Lake Causeway Inlet, Outlet Canal, Outlet Canal Headgates, Lifton Pump Station and Bear Lake Reservoir itself. The Downriver Facilities are PacifiCorp's hydroelectric and other facilities located on the Bear River below the Outlet Canal discharge.

The Bear River is an interstate river with a number of tributaries in the states of Utah, Wyoming and Idaho. Construction of the Bear River System was authorized by the Secretary of the Interior in 1907. Construction of the Bear River dams began in 1909 and was completed in 1927. Utah Power & Light, PacifiCorp's predecessor in interest, acquired water rights from various holders during these years in exchange for perpetual contracts to deliver certain amounts of irrigation water released from Bear Lake Reservoir. Management and delivery of PacifiCorp's water rights in the Bear River System are governed by court decrees, the Bear River Compact (as revised), contracts and other agreements.

PacifiCorp has and continues to make diligent efforts to investigate its claims. PacifiCorp has assigned several employees to work on the BRBA and has engaged consultants such as Rocky Mountain Environmental Associates and outside legal counsel to assist with investigation and confirmation of claims. Based on research to date, PacifiCorp believes it has over 50 claims to investigate in preparation for filing notices of claims in the BRBA. Given the number of claims, the interstate nature and complexity of the Bear River System, the 100+ year history of the Bear River System, the applicable court decrees in the Bear River Basin, and the numerous compacts and agreements involved, PacifiCorp is seeking more time to complete its investigation of its Groups 3 and 4 claims in the BRBA.

Further, as the Department is aware, PacifiCorp is pursuing development of pumped storage projects on the Bear River. This endeavor is consuming substantial resources and requires special attention and additional investigation to ensure BRBA claims are compatible with these projects and any associated applications.

PacifiCorp does not wish to inconvenience the Department and understands the Department's strong preference to receive and investigate claims well before issuance of a Director's Report. Based upon information provided in BRBA court filings, we understand the Director's Report for Basin 13 is anticipated to be published some time in 2026. A deadline of February 7, 2025, will provide at least one year for the Department to complete its investigation of PacifiCorp's claims. If this deadline is not acceptable to the Department, please let us know and PacifiCorp will work with the Department to set mutually agreeable deadlines for filing its notices of claims.