

**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: 11-4004

Date Received: 12/6/23

Receipt No: C117467

Claim Fee: 83.00 By: mb

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DEC 06
OCT 25 2023

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

IDWR/Preston

Please type or print clearly

1. Name of claimant(s) PacifiCorp Phone (801) 220-7803

Mailing address 1407 W North Temple Suite 110 Salt Lake City UT Zip 84116
Street or Box City State

Email address (optional) buffi.morris@PacifiCorp.com

2. Date of priority: (Only one per claim) 3/1/1894 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (✓) (a) St Charles Creek (Little Arm)
which is tributary to (b) Bear Lake/Bear River

4. a. Location of point of diversion is: Township 15S, Range 43E, Section 13,
NE 1/4 of SE 1/4, Govt. Lot _____, BM, County of Bear Lake

Parcel no. _____

Additional points of diversion, if any: _____

If available, GPS Coordinates 42d06'57.00" N 111d22'09.86" W

b. If instream flow, beginning point of claimed instream flow is:

Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,

Govt. Lot _____, BM, County of _____

Ending point is: Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,

Govt. Lot _____, BM, County of _____

5. Description of existing diversion works (dams, reservoirs, ditches, wells, pumps, pipelines, headgates, etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.

Water backed up in the little arm of St Charles Creek by means of a small dam which allows the water to flow into a ditch to transport the water. There is a headgate on the ditch to prevent water flow when not being used. Point of Diversion is shared by 3 water right owners, 11-7477, 11-7478 and this one, 11-4004

6. Water is claimed for the following purposes:

(dates are inclusive MM-DD) (cfs) (acre-feet)

For Irrigation purposes from 04/15 to 10/31 amount 0.5 or _____

For Stock water purposes from 04/15 to 10/31 amount 0.04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.5 (cfs) and/or (b) _____ (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) 200 cows/animal units

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 use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15s	44E	17							11	5.7									17
15s	44E	18				16													15.8
15s	44E	17							S	S									
15s	44E	18				S													

Parcel no(s). _____ Total number of acres irrigated 32.5

10. In which county(ies) are lands listed above as place of use located? Bear Lake

11. Do you own the property listed above as place of use? Yes (☒) No (☐)
If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (☒)

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

~~Based on decreed right 11-4004. Stock watering on the same Place of Use as the irrigation.~~
Place(s) of Use are Government Lots as labeled on the attached ma and as follows: SWNW of Sec 17 is L4;
SENW of 17 is L3; SENE of 18 is L2.
~~The Place(s) of Use are different than the decreed right and have been since PacifiCorp began irrigating the~~
property. This is an accomplished change.

Stock water is residual water left in the swells after irrigation no additional diversion occurs specifically for
stock watering

All irrigation and stock watering is on property owned by the applicant PacifiCorp.

Name of claimant(s) PacifiCorp Claim ID _____

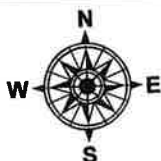


0 500 1,000 2,000 3,000 4,000 Feet

NAIP 2021

Legend

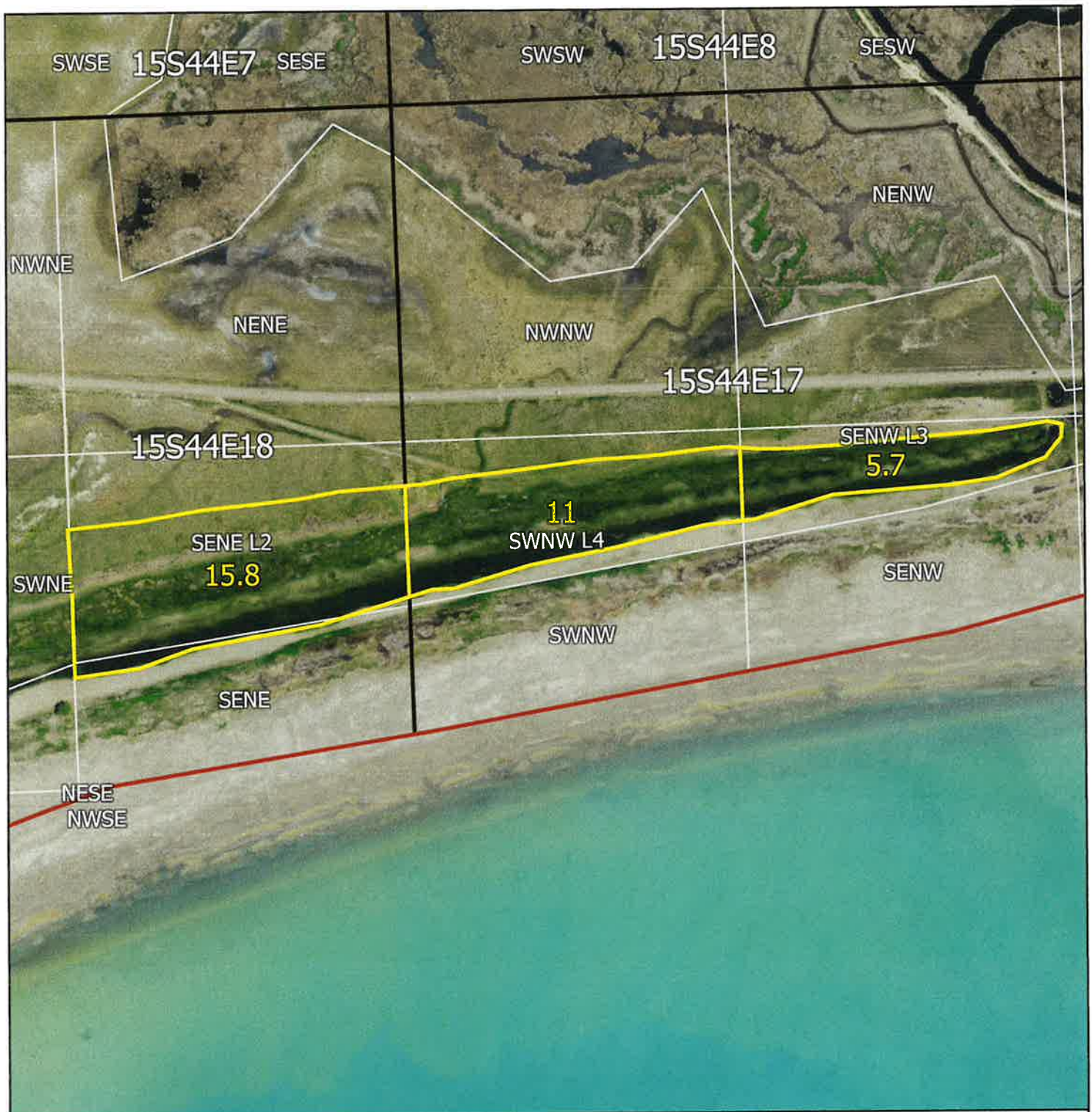
-  POD
-  POU
-  Township & Range
-  Sections
-  QQs



Water Right Claim 11-4004

T15S R44E Sections 17 & 18

Bear Lake County, ID

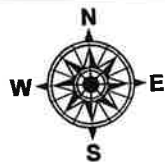


0 215 430 860 1,290 1,720 Feet

NAIP 2021

Legend

-  POD
-  POU
-  Township & Range
-  Sections
-  QQs



Water Right Claim 11-4004

T15S R44E Sections 17 & 18

Bear Lake County, ID

14. Basis of claim (Check one) Beneficial Use () Posted Notice () License () Permit () Decree (✓)

Court Dist Ct Eastern ID Decree Date July 14, 1920 Plaintiff v. Defendant Utah Power vs Last Chance

If applicable provide IDWR Water Right Number 11-4004

15. **Signature(s)**

(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 () do not (✓) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____

_____ Date: _____

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

Water Rights Administrator of Pacificorp
Agent's title (Please print) Name of organization (Please print)

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Bullfmon Date 10/25/2023

Printed Name of Authorized Agent Bullf monis

16. **Notice of Appearance:**

Notice is hereby given that I, (please print) _____, 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 _____

Address _____

Name of claimant(s) PacifiCorp Claim ID _____

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Claimant:
Claim ID:

Pacifcorp
11-4004

Instructions for Form No. 42 1400-1

Revised January 30, 2023

FILING FEES

Each claim submitted must include the filing fee. The filing fee for domestic and/or stockwater use claims diverting less than 13,000 gallons of water per day is \$25.00. However, if you are filing more than four (4) claims in which the only purpose of use listed is stockwater, only the first four (4) claims require the \$25.00 filing fee. All additional stockwater claims are fee exempt once the \$100.00 in filing fees has been paid for the first four (4) stockwater only claims filed after July 1, 2017.

The flat fee for filing all other claims filed is \$50.00 per claim. An additional variable filing fee based upon acreage, power generating nameplate capacity, cubic feet per second (cfs) amount, or an equivalent volume of storage water is required for claims for water uses other than domestic and/or stockwater uses diverting less than 13,000 gallons of water per day. Use Table 3 to calculate the variable fee. Add the calculated variable fee to the \$50.00 flat fee to determine the total fee for the claim. The exceptions are fire protection or ground water recharge which have a \$50.00 flat fee, and no variable fee.

Examples for a single claim to a water right with single source and same priority date:

Single family domestic and stockwater use, less than 13,000 gallons per day in total	\$25.00
100 acres irrigation, domestic and stockwater as above	\$150.00
Fish propagation, 4.2 cfs	\$92.00
Multiple family domestic, 1.6 cfs, irrigation of yards and gardens, 14 acres	\$224.00

TABLE 3. VARIABLE FEE SCHEDULE

		Each acre is charged only once.
Irrigation	\$1.00 per acre	
Power generation	\$3.50 per kilowatt of capacity	Manufacturer's nameplate rating, or \$250,000.00, whichever is less.
Aquaculture	\$10.00 per cfs	
Domestic, stockwater use in excess of 13,000 gallons per day	\$100.00 per cfs	
Municipal, industrial, commercial, mining, heating, cooling	\$100.00 per cfs	
Public instream flow, public lake level maintenance, wildlife	\$100.00 per cfs	
Exceptions: No variable fee is charged for fire protection or ground water recharge		

Rate/Unit	Unit	# Units	\$ Amount
	\$25 Claim		
	\$0 Claim		
	\$50 Claim	1	\$50.00
	\$1 Acre	33	\$33.00
	\$3.50 KW of Capacity		
	\$10 cfs		
	\$100 cfs		
	\$100 cfs		
	\$0 cfs		
	\$0 cfs or afa		
Total			\$83.00

De Minimis \$25 Claim
De Minimis Stock (> 4th claim) \$0 Claim
Non-De Minimis \$50 Claim
 Irrigation \$1 Acre
 Power Generation \$3.50 KW of Capacity
 Aquaculture \$10 cfs
 Municipal, industrial, commercial, mining, heating, cooling \$100 cfs
 Public instream flow, public lake level maintenance, wildlife \$100 cfs
 Fire protection \$0 cfs
 Groundwater recharge \$0 cfs or afa

Duplicate this worksheet once for each claim.

Note:
 No additional fee for de minimis stockwater use added to this claim

PERKINScoie

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Suite 500
Boise, ID 83702-5391

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📠 +1.208.343.3232
PerkinsCoie.com

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DEPARTMENT OF
WATER RESOURCES

Erika E. Malmen
EMalmen@perkinscoie.com

December 6, 2023

VIA HAND DELIVERY

Idaho Department of Water Resources
322 E. Front Street
Boise, ID 83702

**Re: PacifiCorp
Notices of Claims to Water Rights
Bear River Basin Adjudication**

To whom it may concern:

Enclosed please find a check in the amount of \$4,485.50 for the filing fees for the group of Notices of Claims to Water Rights filed by PacifiCorp on or about October 25, 2023, together with the filing fee pages for each submission. The following is a summary of the filing fees:

1. Ovid and Soda Stockwater Claims (9 claims)	\$ 100.00
2. Ovid Creek Irrigation Claims (7 claims + New)	\$1,547.00
3. Lifton Claim (11-4004)	\$ 83.00
4. Soda Domestic & Irrigation (11-2084 + New)	\$ 203.00
5. <u>Paris Claim (11-0086)</u>	<u>\$2,552.50</u>

Total: \$4,485.50

At your earliest convenience, please email the claim numbers assigned to each claim to: emalmen@perkinscoie.com. Thank you for your assistance. Please contact us if you have any questions.

December 6, 2023

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Sincerely,

A handwritten signature in black ink, appearing to read "Erika E. Malmen", followed by a horizontal line.

Erika E. Malmen

Enclosures