

**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: 11-249

Date Rcd: 4/28/25

Receipt No: P002003

Claim Fee: 50.00 **By:** MB

RECEIVED

MAY 09 2025

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

IDWR/Preston

- 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):** 03/01/1911
- 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
13S	44E	34	NENE		Bear Lake	Stewart Dam
14S	45E	17	SENW		Bear Lake	Ream Crockett Canal headgate. Formerly known, and described in Dietrich Decree, as Dingle Inlet Canal headgate

5. Description of existing diversion works. Points of diversion (POD) for 11-248 and 11-249 are per IDWR records and are consistent with *Utah Power & Light Co. v. Last Chance Canal Co., Ltd.*, (D. Idaho July 14, 1920) (In Equity No. 203) ("Dietrich Decree"). The POD decreed to serve the "Dingle Inlet Canal" is now known as the Ream Crockett headgate, but its location and purpose have not changed.

Within the Bear Lake Reservoir which consists of Bear Lake and Mud Lake (the decreed place of use for storage under all four Bear Lake storage rights), additional structures exist to allow water to be moved/managed internally. These internal structures are not claimed as additional PODs but rather are components of the reservoir system.

6. Water is claimed for the following purposes:

Purpose	From (date)	To (date)	cfs	(or) acre feet
Diversion to Storage	1/1	12/31	2,500	
Power Storage	1/1	12/31		1,481,433
Irrigation Storage	1/1	12/31		1,481,433
Power From Storage	1/1	12/31		1,481,433
Irrigation From Storage	4/1	10/1		1,481,433
Irrigation	4/1	10/1		1,481,433

7. Total quantity claimed (a) 2,500 (cfs) and/or (b) 1,481,433 (acre feet)

PacifiCorp is entitled to divert “the entire flow of the waters of the Bear River . . .” Dietrich Decree at 8; Baldwin Aff. ¶ 7.

8. Non-irrigation uses; describe fully.

In addition to irrigation uses and uses incidental thereto, this right is used to store and release water for power generation.

Regarding storage, the Dietrich Decree authorizes PacifiCorp to “impound and store in the Bear Lake Reservoir, consisting of Bear Lake and Mud or North Lake... all of the waters of the Bear River to the extent of 5500 cubic feet per second of time, together with the waters naturally flowing into or arising in said lakes, all said waters to be stored in said Reservoir, and to be thereafter released from said reservoir at [PacifiCorp’s] pleasure...for use at various points of diversion now existing, or which may hereafter be established by [PacifiCorp] for the generation of electric power, and for such irrigation or other beneficial purposes, recognized by law, as [PacifiCorp] may devote or dedicate said released stored waters, by use, sale, rental, or otherwise.” Decree at 7-8.

Regarding release of water from Bear Lake/Mud Lake, the Dietrich Decree states “. . . and withdrawn [from Bear Lake Reservoir] from time to time as needed by [PacifiCorp], or its successors in interest, for the development of power or generating electric energy in any power plant which it may now have, or hereafter construct or acquire in or along Bear River, in the states of Idaho and Utah . . .” Decree at 14.

The Dietrich Decree also authorizes other incidental uses of water, including “culinary, domestic, and agricultural purposes connected therewith.” Decree at 10.

Storage water under decreed rights 11-248, 11-249, 11-250 and 11-251 is used to supplement the natural flow and storage rights used in downstream electric power generation. The power capacity in megawatts and hydraulic heads of the power plants are described in the claims for the water rights associated with the individual plants.

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

Parcel no(s):

Total Acres N/A

Storage

The place of use for Irrigation Storage and Power Storage is Bear Lake Reservoir (Bear Lake and Mud Lake), located in Rich County, Utah and Bear Lake County, Idaho. Dietrich Decree at 7.

Power From Storage

The Place of Use for Power From Storage is “any power plant [owned by PacifiCorp] which it may now have, or hereafter construct or acquire in or along the Bear River, in the states of Idaho and Utah.” Dietrich Decree at 14.

Irrigation and Irrigation From Storage

The Place of Use for Irrigation and Irrigation From Storage is “what is generally known as the Bear River Valley in said states.” *Id.*

10. In which counties are lands listed above as the place of use located? Bear Lake County, Caribou County and Franklin County, Idaho. Rich County, Cache County and Box Elder County, Utah.

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

If "no" explain in Remarks-please see remark #7 below.

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

The four decreed Bear Lake Reservoir storage rights 11-248, 11-249, 11-250 and 11-251 together describe the claimant's right to divert water, store it in the Bear Lake Reservoir, and “together with the waters naturally flowing into or arising” in Bear Lake and Mud Lake, withdraw it from the reservoir for use. *See* Dietrich Decree at 7. The first two rights (11-248 and 11-249) divert water “...from the Bear River, through what is known as the Rainbow and Dingle Inlet Canals... to be carried into and stored in what is known as the Bear Lake Reservoir and withdrawn therefrom from time to time.” Dietrich Decree at 14. The Dingle Inlet Canal is now known as the Ream Crockett canal. Rights 11-250 and 11-251 are known as “tributary” or “in-lake” rights.

Other water rights used at the same place of use for irrigation are PacifiCorp’s contractees’ irrigation rights. *See Baldwin Aff.* ¶ 14.

or None ()

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

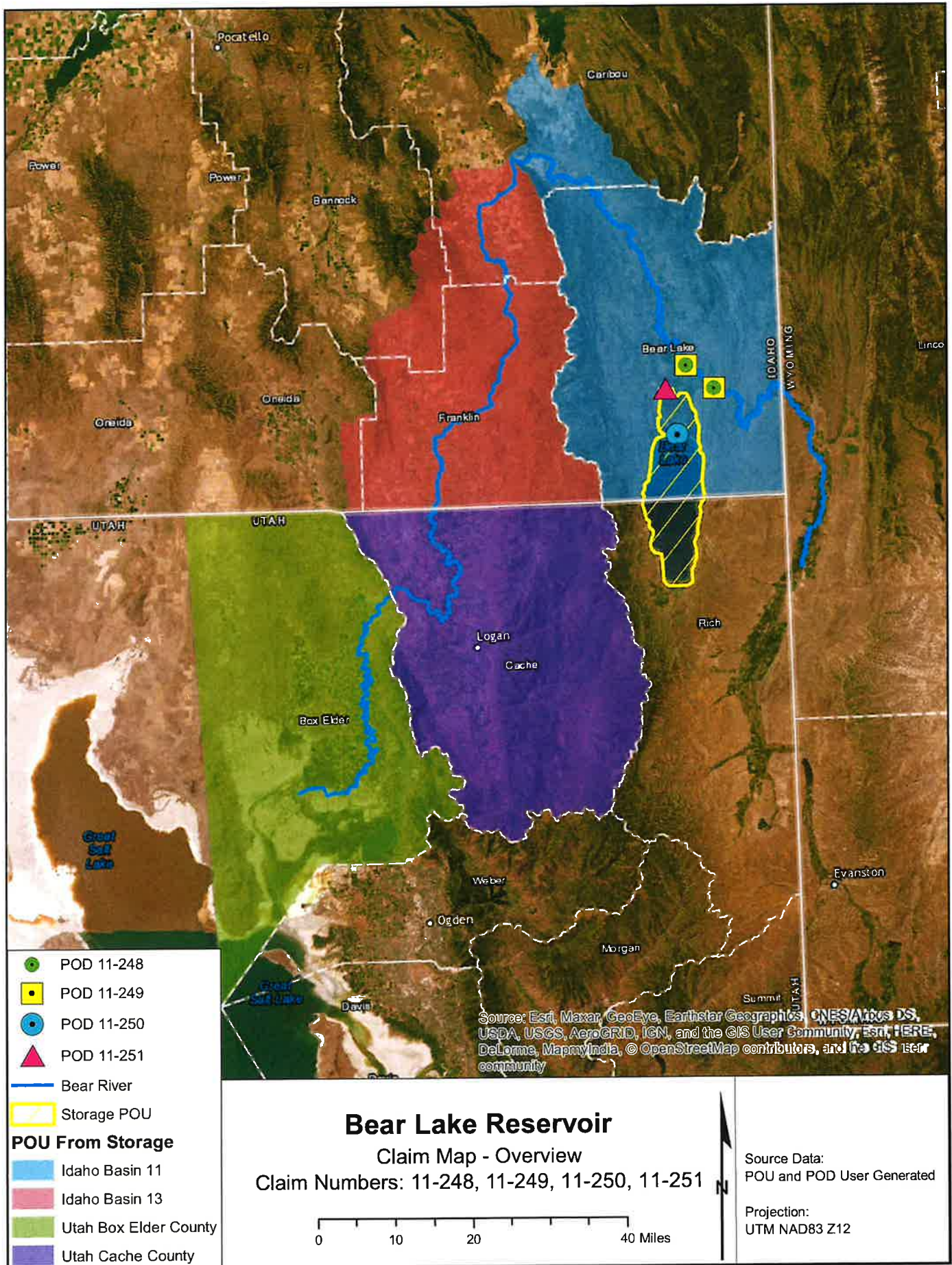
Remarks to aid in claims review:

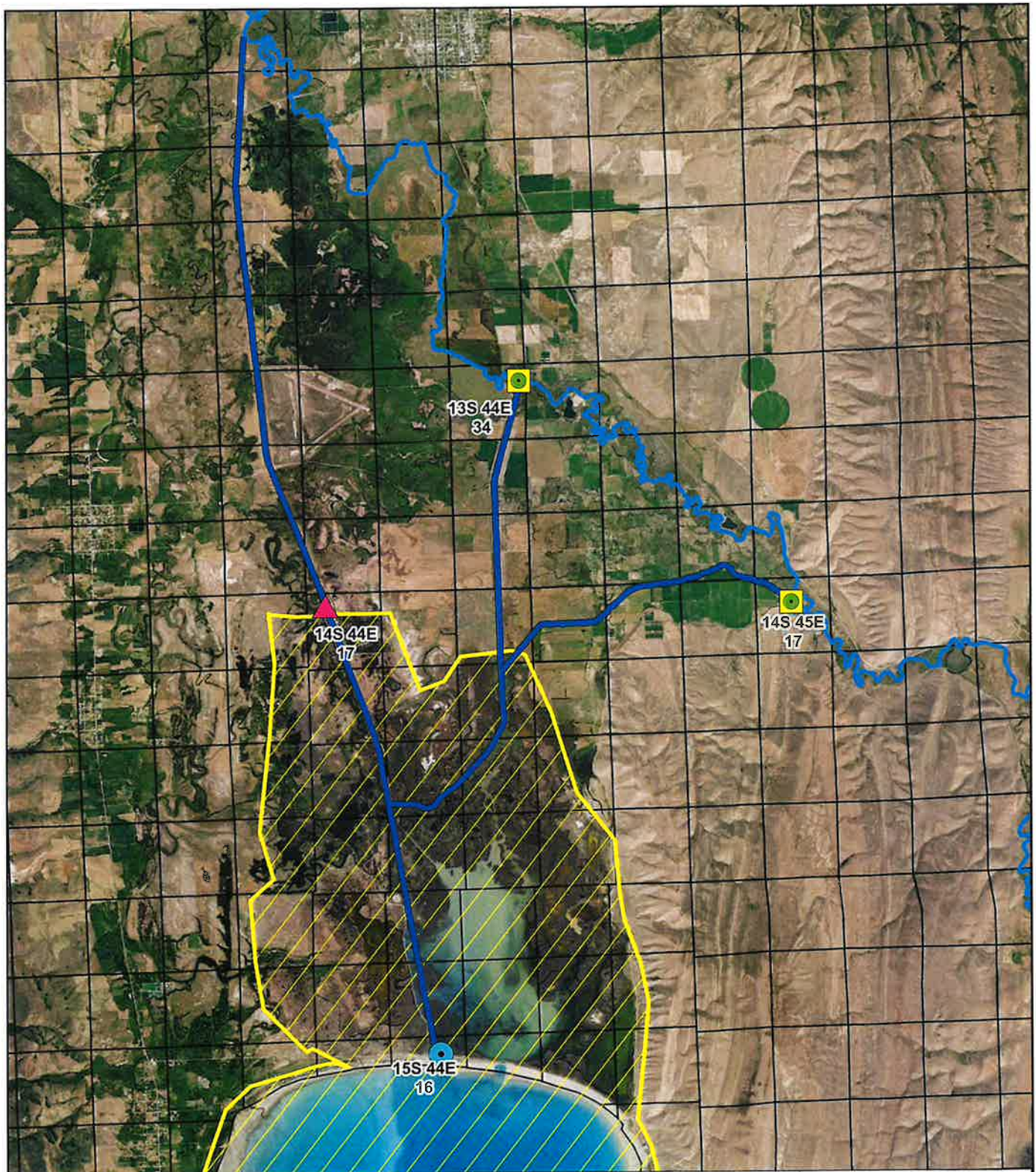
1. Priority date: Consistent with the court decree in *Utah Power & Light Co. v. Last Chance Canal Co., Ltd.*, (D. Idaho July 14, 1920) (In Equity No. 203) (“Dietrich Decree”), and further recognized in *Utah Power & Light Co. v. Richmond Irrigation Co.* (1st. Jud. Dist. Utah Feb. 21, 1922) (“Kimball Decree”).
2. The attached Affidavit of Connely K. Baldwin describes and supports the calculations and determination of storage volume.
3. The fees for Power Storage and Power From Storage have been or will be paid based on nameplate kilowatt capacity at the individual hydroelectric plants, with the claims for power generation water rights specific to the plants themselves.
4. The fees for the Irrigation Storage and Irrigation From Storage uses are based on an estimate of potential delivery of PacifiCorp storage water to 178,000 acres of irrigated land in Idaho and Utah, as of June 14, 2021. *See Baldwin Aff.* ¶ 13.
5. There are three attachments to this claim:
 1. Affidavit of Connely K. Baldwin, PacifiCorp Hydrologist and Senior Project Manager, describing general system operation, ongoing use of the right, and calculation of claimed volumes;
 2. Annotated excerpts from the Dietrich Decree;
 3. 1907 Right-of-Way.
6. The states of Idaho and Utah should coordinate the ongoing Idaho and Utah Bear River Adjudications to achieve as much unity and consistency as possible in the new decrees as was achieved in the Idaho Dietrich and Utah Kimball Decrees 100 years ago. This will provide more certainty and efficiency in the administration of these interstate water rights.
7. Authorization for Place of Use is found in the 1907 Right-of-Way and Dietrich Decree

Conditions necessary to the definition and administration of the right.

1. Rights 11-248, 11-249, 11-250 and 11-251 together are limited to the total storage volume described in section 7 above.
2. The diversion rate under this right is not subject to a combined-use limitation.
3. Because of the large size of the reservoir relative to inflows and outflows, at times the reservoir experiences a multi-year drawdown, which may be refilled in one year or over multiple years.

4. 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.
5. The administration of this right is further defined in the Dietrich Decree.
6. PacifiCorp is the decreed appropriator and fee title owner of the water rights. Among other beneficial and operational uses, PacifiCorp distributes water under its rights among several irrigators and irrigation entities in Idaho and Utah. The interests of the irrigators and irrigation entities are defined exclusively by contract.
7. PacifiCorp is entitled to divert the entirety of the Bear River, out of priority, as long as water is discharged through outlet control works to satisfy senior water rights. See Dietrich Decree at 8.
8. Irrigation use includes incidental uses of water, including culinary, domestic, and agricultural purposes connected therewith.



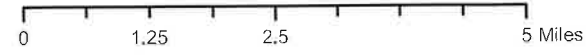


- POD 11-248
- POD 11-249
- POD 11-250
- ▲ POD 11-251
- Conveyance System
- Bear River
- Storage POU
- PLSS Sec

Bear Lake Reservoir

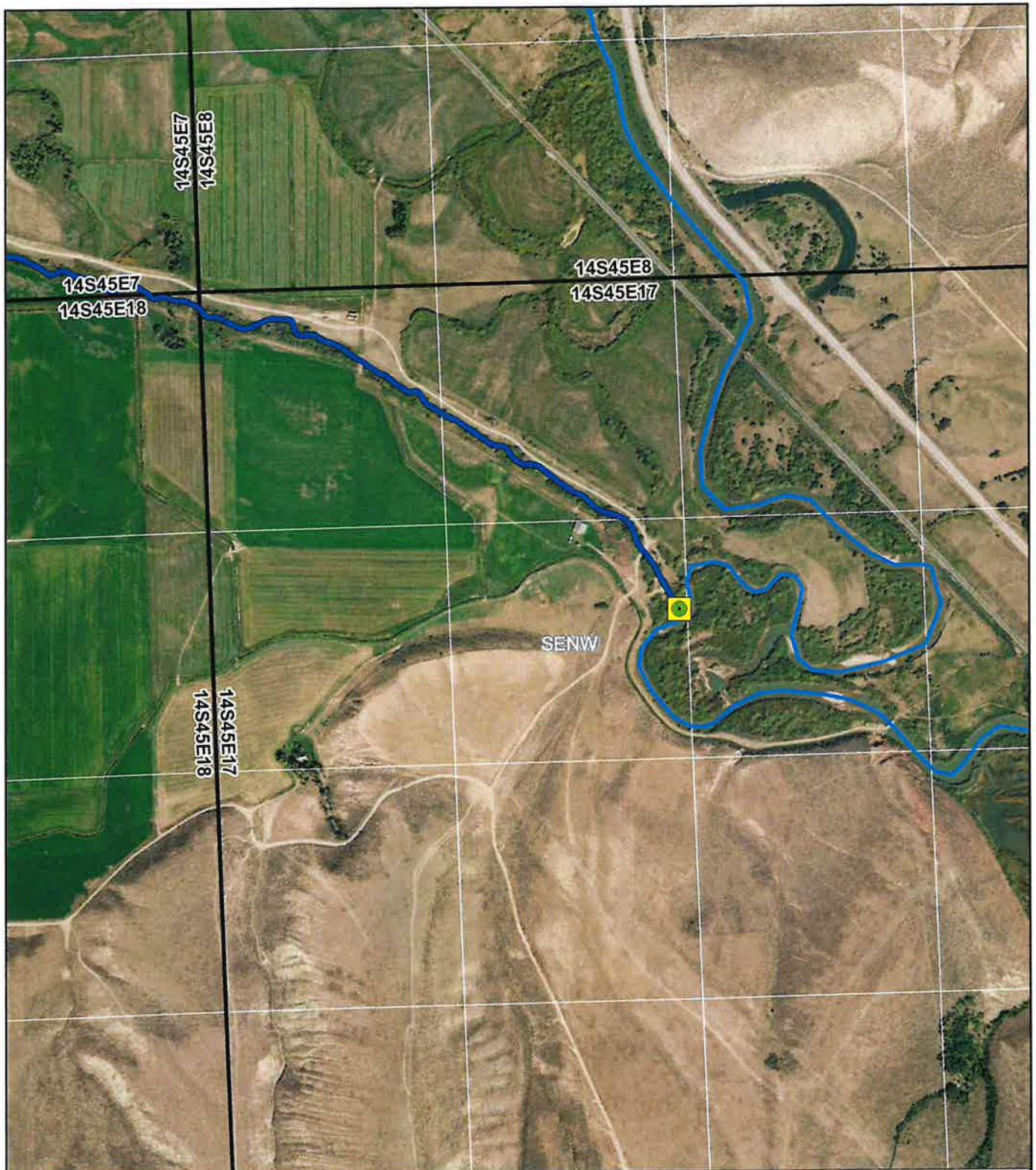
Claim Map - POD Overview

Claim Numbers: 11-248, 11-249, 11-250, 11-251



Source Data:
 Base Maps
 USDA NAIP 2021
 IDWR Cadastral Survey 2017
 POU and POD User Generated

Projection:
 UTM NAD83 Z12

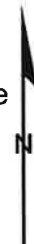


-  POD 11-248
-  POD 11-249
-  Conveyance System
-  Bear River
-  PLSS Sec
-  PLSS QQ

Bear Lake Reservoir

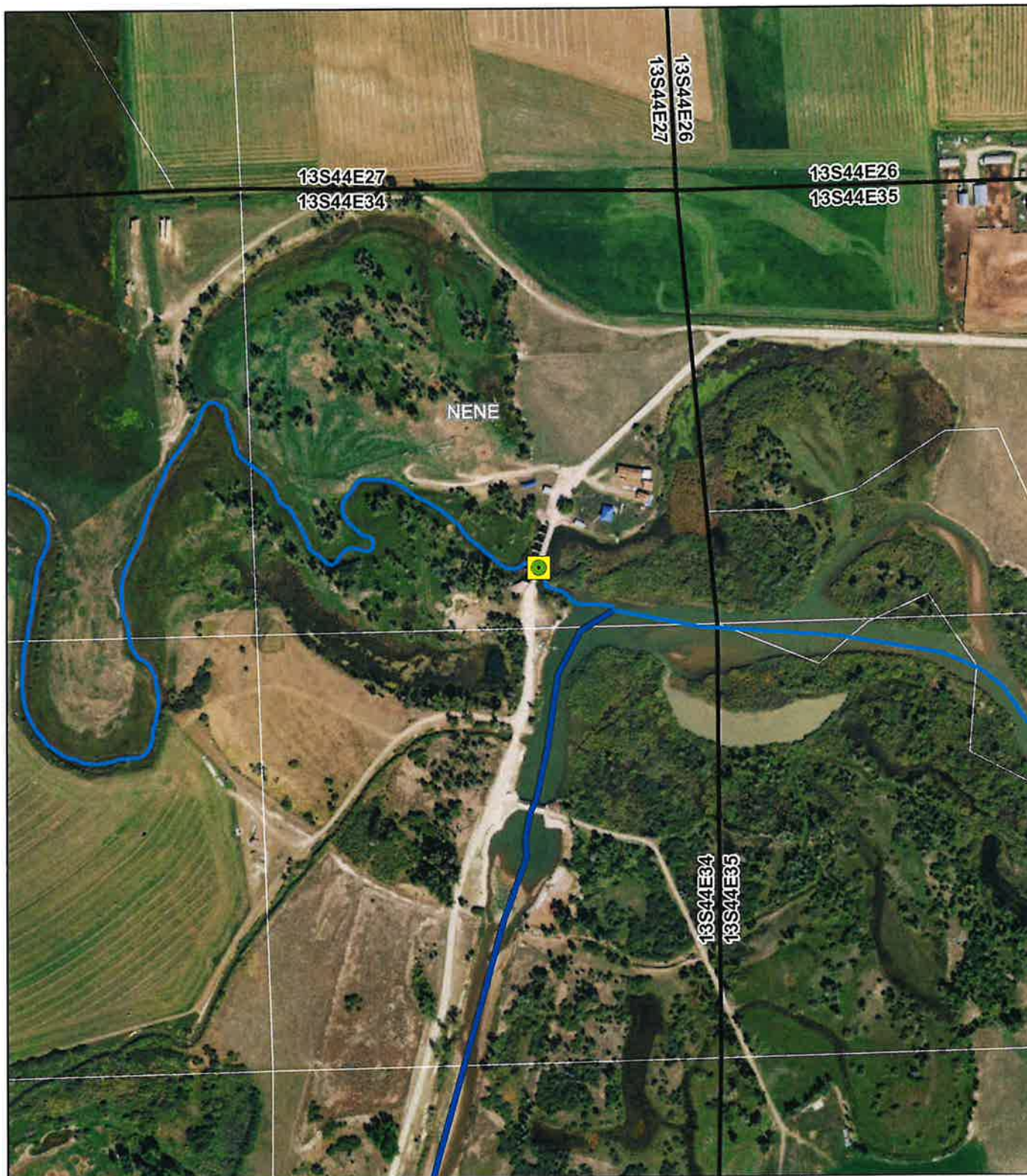
Claim Map - POD Detail Ream Crockett Headgate
Claim Numbers: 11-248 and 11-249

0 500 1,000 2,000 Feet



Source Data:
Base Maps
USDA NAIP 2021
IDWR Cadastral Survey 2017
POU and POD User Generated

Projection:
UTM NAD83 Z12



-  POD 11-248
-  POD 11-249
-  Conveyance System
-  Bear River
-  PLSS Sec
-  PLSS QQ

Bear Lake Reservoir

Claim Map - POD Detail Stewart Dam

Claim Numbers: 11-248 and 11-249

0 300 600 1,200 Feet



Source Data:
Base Maps
USDA NAIP 2021
IDWR Cadastral Survey 2017
POU and POD User Generated

Projection:
UTM NAD83 Z12

14. Basis of Claim (Check one)

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

Court US District Court for Idaho, Eastern Division (Dietrich Decree); Utah First District Court, Cache County (Kimball Decree)

Plaintiff v. Defendant

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

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

Decree Date Dietrich Decree July 14, 1920; Kimball Decree February 21, 1922

IDWR WR number if applicable 11-249

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: 3

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 Senior Property Agent / Water Rights Administrator of PacifiCorp and that the statements contained in the foregoing document are true and correct.

Signed by: Buffi Morris Date May 8, 2025

Signature of Authorized Agent _____

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.

Signed by: Erika Malmen Date May 8, 2025
Signature E9C5C98E14464A8...

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

Attachment 1

Erika E. Malmen, Bar No. 6185
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Sarah A. Hugues, Bar No. 10435
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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 IN SUPPORT OF
PACIFICORP'S BEAR LAKE
WATER RIGHT CLAIMS 11-
248, 11-249, 11-250 AND 11-251**

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 Bear Lake Reservoir including the Lifton Pumping Station. In addition to general water management of the Bear Lake Reservoir and Bear River System (defined below), my duties include assuring the quality of streamflow and reservoir elevation data and many other aspects of power 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 and have provided regular reports on Bear River System operations to the Bear River Commission. The Senior Project Manager promotion

AFFIDAVIT OF CONNELLY K. BALDWIN IN SUPPORT OF PACIFICORP'S BEAR LAKE
WATER RIGHT CLAIMS - 1

in 2018 expanded my duties generally but I have continuously performed the Hydrologist role and responsibilities at Bear Lake Reservoir and Lifton Pumping Station.

2. PacifiCorp is an investor-owned for-profit utility that serves approximately 2.1 million customers through its two unincorporated divisions, Rocky Mountain Power and Pacific Power. Rocky Mountain Power serves customers in Idaho, Utah, and Wyoming with headquarters in Salt Lake City, Utah. Pacific Power serves customers in Oregon, Washington, and California with headquarters in Portland, Oregon. PacifiCorp is regulated by state public utility commissions and the Federal Energy Regulatory Commission ("FERC") amongst other government entities.

3. The Bear River is an interstate water that traverses the states of Idaho, Utah and Wyoming. Agreements between these states (such as the Bear River Compact, as amended and ratified by the United States Congress) and other affected parties inform the operation of PacifiCorp's Bear River System. The Bear River System generally consists of five power plants downstream of Bear Lake--Soda, Last Chance, Grace, Oneida and Cutler.

4. PacifiCorp operates Bear Lake Reservoir primarily for irrigation and power generation. The storage rights associated with Bear Lake Reservoir (which includes Bear Lake and Mud Lake) are 11-248, 11-249, 11-250 and 11-251. All available Bear Lake storage water is used to the maximum extent possible for power generation. Storage water under decreed rights 11-248, 11-249, 11-250 and 11-251 is used to supplement the natural flow used in downstream generation for PacifiCorp's power plants.

5. 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 irrigation entities 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 may be released from storage for flood control. Water released for flood control is used for power generation.

6. I have observed that PacifiCorp routinely diverts all available water at Stewart Dam, and through the Rainbow Canal as well as its Ream Crockett Canal (aka Dingle Inlet Canal) in seasons of flood water. *See Dietrich Decree at 8.*

7. The Dietrich Decree allows for diversion of the “entire flow of the waters of Bear River” and in practice this is what occurs since the Stewart Dam spans the entire width of the Bear River. *See Dietrich Decree at 8.* Water rights 11-248 and 11-249 authorize the diversion of the entire flow of the Bear River.

8. Water rights 11-250 and 11-251 authorize PacifiCorp to capture and store water from tributaries that flow into its storage facilities at Bear Lake Reservoir as well as waters that naturally flow into or arise in Bear Lake. *See Dietrich Decree at 7.* PacifiCorp regularly defends its Bear Lake Reservoir and Bear River water rights by tracking and often-times protesting new or transfer applications from these sources to prevent injury to PacifiCorp’s water rights.

9. As provided for in the Dietrich Decree, when there is insufficient natural flow to satisfy downstream senior water right holders, PacifiCorp has and does bypass water diverted into its Rainbow (and Dingle) Inlet canals through its Bear Lake Outlet Canal to satisfy these senior water rights. *See Dietrich Decree at 8-9.*

10. The total storage volume for Bear Lake Reservoir is estimated to be 1,481,433 acre-feet. This volume is broken down as follows: 1,421,244 acre-feet max Bear Lake full (at elevation 5923.65); 60,189 acre-feet max Mud Lake full (at elevation 5924.1). The Mud Lake total includes the following individual wetland units created by the Bear Lake National Wildlife Refuge that are connected to Mud Lake: Mud Lake, Bloomington, Bunn Lake, North Dingle, Rainbow, Rainbow Sub, Salt Meadow, and South Dingle.

11. Because of the large size of the reservoir relative to inflows and outflows, at times the reservoir experiences a multi-year drawdown, which may be refilled in one year or over multiple years.

12. PacifiCorp has contracts with irrigation entities for delivery of Bear Lake supplemental storage water. For purposes of distributing the water to the various points of delivery for the irrigation contracts, PacifiCorp treats the water released from storage "...as though kept and conveyed within an artificial channel" in accordance with the Decree. PacifiCorp's rights to the water released by it for storage "continue throughout the portion of the stream brought under [the Dietrich Decree] for use both in Idaho and beyond the Utah state line...." See Dietrich Decree at 8.

13. The acres for the calculation of the fees required to accompany a notice of claim are based on an estimate of potential delivery of PacifiCorp storage water to 178,000 acres of irrigated land in Idaho and Utah, as of June 14, 2021. Please see attached Exhibit A for an explanation of how I arrived at the number of irrigated acres for purposes of estimating claims fees. Points of delivery for contracted storage water are determined by Water District 11.

14. The claims fees submitted may need adjustment depending on the notices of claims filed by irrigators for their natural flow rights. Irrigators are required by contract to use

contracted storage water on the same acres as their natural flow rights. Storage water delivered by PacifiCorp is supplemental to irrigators' natural flow water. It is my understanding that PacifiCorp contractees do not hold water rights or legal title to any of PacifiCorp's Bear Lake Storage rights.

Date: 4/29/2025

Connely K. Baldwin
Typed/Printed Name

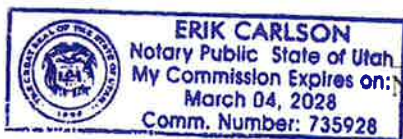
[Signature]
Signature

State of Utah

County of SARSLAKE

On the 29th day of APRIL, 2025, 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.



[Signature]

Notary Public for Utah

**EXHIBIT A TO AFFIDAVIT OF CONNELLY K. BALDWIN IN SUPPORT OF PACIFICORP'S BEAR
LAKE WATER RIGHTS CLAIMS 11-248, 11-249, 11-250, AND 11-251**

Background

The fee schedule found in Idaho Code § 42-1414 does not address claim fees for storage uses, nor does it provide a fee schedule based on acre feet. Idaho Department of Water Resources ("IDWR") practice has historically been to calculate fees for storage to support irrigation based on the acreage to which storage water may be applied. This attachment describes the methodology used to calculate the number of irrigated acres to which PacifiCorp's Irrigation Storage, Irrigation From Storage, and Irrigation are applied, as of June 14, 2021.

The sole and exclusive purpose of the calculations described herein are for estimation of claims fees given the lack of statutory instruction. These calculations predate Bear River Basin Adjudication ("BRBA") determinations, are based on best available information, should not be interpreted to inform, presuppose or constrain the authorizations decreed and historically used by PacifiCorp, or to inform or constrain BRBA claims or recommendations of PacifiCorp or the contractees to whom PacifiCorp provides storage water under contract.

Summary

The acreages calculated here are of four types, as shown in the Table 1 summary:

- 1) Small-Irrigator contracts for Idaho users. The contracts specify acreage.¹
- 2) Small-Irrigator contracts for Utah users. The contracts specify acreage.
- 3) Canal-company contracts. Acreage is based on review of water-right authorizations and combined-use limitations.
- 4) Provision for enlargement of acres that may have occurred within Idaho canal companies. The provision made likely is an overestimate, in a good-faith effort to be sure that the fees paid are adequate.

Table 1: Summary of Acreage Calculations for Determination of Fees

Class	Acres
Idaho Small Irrigators	7,916.47
Utah Small Irrigators	11,124.53
Canal Companies	150,307.05
Potential Enlargements (rounded to 100 acres)	8,200
Sum (rounded to 1,000 acres)	178,000

¹ See attachment for list of acreages for Utah and Idaho contractees.

Details

Utah and Idaho Small Irrigators Associations

The small-irrigators acreages are derived from the April 7, 2005, Bear Lake Storage Water Agreement between PacifiCorp and the Idaho Small Irrigators Association and the February 22, 2005, Bear Lake Storage Water Agreement between PacifiCorp and the Utah Small Irrigators Association.

Canal Companies

Table 2 provides the water-right review relied upon for estimation of acreages for canal companies that receive PacifiCorp storage water.

Entity	WR No.	Comment	Nominal Acres	Acreage Limit	Acres for Fees
Bear River Canal Company	Utah a39048	2013 global change application		65,019.04	
	Utah 29-2549		66,337.20		
	Company Total.	To be inclusive, use the larger of the two entries. If the global change application superseded 29-2549 then this total is small over-estimate of acres for the purpose of fee calculation.			66,337.20
Cub River Canal	Idaho 13-26B	Limit is for this right alone. No overlap language		1,530	
	Idaho 13-222	No overlap language		5,560	
	Idaho 13-2066	No overlap language		6,280	
	Idaho 13-7279	Limited to lands already under irrigation under 13-222 and 13-2066	5,560		
	Idaho Total	Sum of 13-222 and 13-2066 authorization. 13-26B acreage was not included because the proposed acreage slightly exceeds GIS-calculated acreage of combined Place of Use polygons for all rights, even without adding 13-26B nominal acreage.			11,840
	Utah Total	https://www.waterrights.utah.gov/forms/waterCompanies.asp?companyId=72			27,000
Last Chance Canal	Idaho 11-262	IDWR Condition: "Nos. 11-00262, 13-00991C, 13-00992C, 13-00955 and 13-00956 shall not exceed the total combined irrigation of 29,000 acres in the place of use described above in a single irrigation season."		29,000	
	Idaho 13-955	"		29,000	
	Idaho 13-956	"		29,000	
	Idaho 13-991C	"		29,000	
	Idaho	"		29,000	

EXHIBIT A TO AFFIDAVIT OF CONNELLY K. BALDWIN IN SUPPORT OF PACIFICORP'S BEAR LAKE WATER RIGHTS CLAIMS 11-248, 11-249, 11-250, AND 11-251

Entity	WR No.	Comment	Nominal Acres	Acreage Limit	Acres for Fees
	13-992C				
	Company Total	Per IDWR combined-use limitation		29,000	29,000
West Cache Canal	Idaho 13-946A	Combined limit is for 13-946A and 13-974 together. IDWR condition authorizes irrigation in Utah.	8,928.9	14,832	
	Idaho 13-974	“	14,832	14,832	
	Utah 25-5132		1,297.85		
	Utah 25-11572	Per “Details for E5931 Change Order,” this appears to be overlapped with Idaho 13-974 and not additive	14,000		
	Company Total	Combined limit of Idaho 13-946A and Idaho 13-974, plus acreage of Utah 25-5132			16,129.85
Total					150,307.05

Allowance for Enlargement

The Idaho acreages in Table 2 are pre-BRBA acreages, and it is possible that, as of June 14, 2021, there have been extra-legal enlargements that may become authorized retroactively through the statutory enlargement provision of the BRBA. To ensure that PacifiCorp pays appropriate fees for the irrigation uses that occur, a subjective estimate of 20% enlargement was applied to the Cub River and Last Chance acreages. This assumes that the Utah acreages are current, and that the bulk of West Cache Canal irrigation occurs within Utah.

This estimate is meant to be generous, to ensure that adequate fees are paid. However, Idaho Code § 42-1414 provides that fees only need to be paid once for each irrigated acre. To the extent that the estimates provided here are adequate, this provides a windfall for the contract holders who utilize PacifiCorp storage. If acreage is under-estimated here, IDWR will be kept whole through its ability to assess water users at the time of claims taking, for additional acres not already paid by PacifiCorp.

***NOTICE:** The number of acre feet listed in this Exhibit is the maximum volume of water Irrigator is allowed to divert under Irrigator's State approved water rights and is not in any way a quantification or guarantee of a specified quantity of supplemental Bear Lake Storage Water.

Name	Water Right No.	Priority Date	POD	Acre Feet	Acres Irrigated	Location (Sec., T & R)
IDAHO			IDAHO			IDAHO
Barthlome, Chris	11-00267		10080105		235.2	
Cook, Clyde	11-04033	1953	10067725	927.5	265	
Eight Mile Ranch	11-7474	1889			461.6	
Forsgren, Danny	11-00267		10080105		324.8	
Foster, Ron	13-02027		10091460	105	30	
Fox, Lawrence	13-02128B		10072550 10083505	283.5	81	
Gentile Valley Irrigation Co.	13-00959 13-00964 13-00965	1889	10080105		1638	
Hardcastle, Leon	11-01103	1960	10067705	259.0	74.0	
Henderson, Robert	13-7254	1980		36.8	10.5	
Higley, John	13-00972		10089880		8	
Inglet, Alex	13-04107	1926	10091503	294	84	
	13-04244			297.5	85	
	13-04278			140	40	
Isen, Floyd	13-02148	1943	10091455	521.5	149	
	13-07129					
	13-02253					
Johnson, Ben Family Farm (Ralph Johnson)	13-04299	1883	10091110	815.5	233	
Lamont, Bruce	13-04304	1926	10091503	500.5	143	
Nebeker, Conrad (Jonathan R.)	11-00245			1.36 cfs	117.7	
Nelson Ditch Co.	13-00970			525	150	
Phelps, Grove M & Son's Partnership	11-01105	1950	10068210	297.5	85	
Porter, Terry	13-07048	1973	10091495	784	224	
	13-07069	1974				
Riverdale Irr. Co.	13-00973	1882	10089950	2800	800	
Riverdale Preston Irrigation Co	13-00972	1902	10089880		607	
	13-00971	1883	10089960			
David Skabeland	13-00960B	1901	10081650		336.67	
	13-00960F	1901	10082550			

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Name	Water Right No.	Priority Date	POD	Acre Feet	Acres Irrigated	Location (Sec., T & R)
Thatcher Irr. Co.	13-00960E	1901	10080105		1280.3	
Wanlass, George	13-00960D	1901	10080385		121.7	
Janet Wheeler	13-00621	1883	10080355	423.5	121	
	13-00681B	1884				
	13-00682B	1884				
	13-00683	1884				
Whitney, Carroll The Whitney Gift Trust	13-4234		10092755	441	126	
	13-4235			28	8	
	13-4236			70	20	
	13-4237			35	20	
	13-2194			129.5	37	

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Name	Water Right No.	Priority Date	POD	Acre Feet	Acres Irrigated	Location (Sec., T & R)
Allen, Gary	25-4187	1964	76	476.4	119.10	Sec 3 T 14N R 1E
Allen, John E.	25-3264 25-6914 & 25-7048	1955 1917 1927	9	400 254.8	100 63.7	Sec 1 T 12N R 1W
Andersen, Howard G.	25-6833 25-7866	1976 1978	T09A	517.2 83	129.3	Sec 31 T 14N R 1E
Archibald, Cecil	25-8949	1988	53	300	75	Sec 15 T 12N R 1W
Archibald, Cecil & Benson Bear- Lake Irrigation	25-6318 E802	1917 1974	11B	200	50	Sec 11 T 12N R 1W Sec 1 T 12N R 1W
Ballard, Kenneth	25-6913 25-6855	1917 1976	10	172	43	Sec 1 T 12N R 1W
Ballard, R. MelRoy	25-6856 25-7047 25-6939 25-6910 25-6855	1976 1927 1917 1917 1976	8 8 8 10 10	50.8 192.8 58	12.7 48.2 14.5	Sec 1 T 12N R 1W
Ballard, Melvin Landell	25-6855 25-6911	1976 1917	10	256.56	64.14	Sec 1 T 12N R 1W
Ballard, Nolan	25-6855 25-6912	1976 1917	10	144.4	36.1	Sec 1 T 12N R 1W
Ballard, Todd N.	25-6855 25-6911	1976 1917	10	10.24	2.56	Sec 1 T 12N R 1W
Ballard, Todd N. & Norene R., Trustees of the Todd N. Ballard Family Trust	25-9778 25-10078 25-9014	1989 1989 1989	55	104.4 12 1048.76	291.29	Sec 33 T 13N R 1W
Beckstead Dairy Farm, Inc. (William)	25-6917	1920	25	144.8	36.2	Sec 22 T 14N R 1W
Benson Bear Lake Irrigation Company	25-6318	1917	11	1421.6	355.4	Sec 11 T 12N R 1W
Benson, Garth J.	25-2990	1891	Ex3	580	145	Sec 29 T 13N R 1W

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Name	Water Right No.	Priority Date	POD	Acre Feet	Acres Irrigated	Location (Sec., T & R)
Benson, Janice Trust	25-7329 25-8297	1977 1981	46	208.8	52.2	Sec 30 T 13N R 1W
Brough, Laura Simmonds	25-9944	1918	A14	62.8	15.7	Sec 22 R 14N R 1W
Bullen Farms	25-6691 25-3382	1975 1960	37	1610 785.2	402.5 196.3	Sec 9 T 12 N R 1W Sec 33 T 13N R 1W
Buttars, Lloyd J.	25-6838 25-6891 25-8211 25-6892	1976 1917 1976 1917	13	439.6 170	109.9 42.5	Sec 36 T 14N R 1W
Cardon, Paul G. & Benson Bear – Lake Irrigation	25-8346	1917	11C	148	37	Sec 10 T 12N R 1W
Cardon, Paul G.	25-3031 25-3041	1915 1920		1489.72	372.43	Sec 3 T 12N R 1W Sec 34 T 13N R 1W
Cowley, June W. Trustee	25-6262 25-5785	1974 1973	42 T18	720 200	180 50	Sec 4 T 12N R 1W Sec 23 T 12N R 1W
Dairy Farmers of America	25-6366	1975	T10 (71)	2.84 cfs		Sec 19 T 13N R 1E
Dorius, Floyd Family Trust	25-7162 25-8015	1977 1979	44	176 34.8	44 8.7	Sec 11 T 14N R 1W
Falslev, Harold	25-5977 25-3311	1922 1957	27 34	196 188	49 47	Sec 1 T 12N R 1W Sec 11 T 12N R 1W
Falslev, LaRon	25-6320	1919	22a	260	65	Sec 2 T 12N R 1W
Falslev, Larry	25-6908 25-6319 25-3296 25-4550	1918 1919 1956 1956	15, 15a 22 33	437.6 203.6 113.2 228	109.4 50.9 28.3 57	Sec 2 T 12N R 1W Sec 11 T 12N R 1W

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Name	Water Right No.	Priority Date	POD	Acre Feet	Acres Irrigated	Location (Sec., T & R)
Falslev, Rulon Estate of c/o Larae Falslev	25-4321	1965	16	790.4	197.6	Sec 35 T 13N R 1W
	25-6909	1918				Sec 2 T 12N R 1W
Fisher, John L.	25-6324	1917	7	138	34.5	Sec 25 T 13N R 1W
Galloway, Nick	E581	1972	36	40	10	Sec 15 T 12N R 1W
	25-3461	1960				
Geddes Trust	25-3291	1956	T11 (72)	283.6	70.9	Sec 2 T 14N R 1E
	25-3292	1952	T12 (73)	691.2	172.8	Sec 35 T 15N R 1E
Goodwin, Elner Family Trust	25-3040	1919	14	348.7	87.16	Sec 15 T 14N R 1W
	25-6467	1894				
	25-6624	1918				
Gossner Farms Ed Gossner	25-4911	1969	4	106.8	26.7	Sec 19 T 13N R 1W
Griffin, Duane	25-7174	1977	45	152.8	38.2	Sec 30 T 13N R 1W
Griffiths, Robert	25-6301	1920	63 (T04)	480	120	Sec 1 T 12N R 1W
	25-6517	1860				Sec 12 T 12N R 1W
Harris, C. Zan	25-3268	1955	66	800	200	Sec 22 & 28 T 14N R 1E
Hill Irrigation Company	25-6925	1919	17 (A) 17 (B)	778.4	194.6	Sec 22 T 14N R 1W
Hobbs, Larrel G.	25-3318	1958	74 (T14)	698	174.5	Sec 33 & 34 T 15N R 1E
	25-4735	1967				Sec 34 T 15N R 1E
Hughes, Warren	25-6467	1894	1	29.72	7.43	Sec 15 T 14N R 1W
	25-3040	1919				
Hyer, Cliff	EX1093	1977	57	72	18	Sec 35 T 12N R 1E

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Name	Water Right No.	Priority Date	POD	Acre Feet	Acres Irrigated	Location (Sec., T & R)
Hyer Family Limited Partnership	25-3263	1955	65 (T7)	160	40	Sec 21 T 14N R 1E
	25-3265	1955	65 (T7)	198.24	49.56	Sec 21 & 28 T 14N R 1E
Johnson, Kimber & Benson Bear – Lake Irrigation	25-6318 E581	1917 1972	11A	154	38.5	Sec 11 T 12N R 1W
Johnson, Kimber	25-7196 E1093	1977 1977	57	152.32	38.08	Sec 12 T 12N R 1W
Johnson, Norval	25-3462	1960	36	302	75.5	Sec 15 T 12N R 1W
	25-3379 E581	1960 1972				
King Irrigation	25-5087	1921	12	1759.2	439.8	Sec 36 T 13N R 1E
KSK Limited Partnership	25-7162	1977	44A	126	31.5	Sec 11 T 14N R 1W
Kunzler, Darrell	25-3324	1953	77	549.2	137.3	Sec 13 T 12N R 1W
Larkin, Clair Coe & Laron Heber Family Trust	25-8178	1919	20	465.6	116.4	Sec 18 T 13N R 1E
	25-6167	1974				
Larsen, Boyd A T Larsen Estate	25-3269	1955	(T21) 82	204.4	51.1	Sec 10 T 14N R 1E
Larsen, Gene	25-4962	1899	(T22) 83	130.8	32.7	Sec 10 T 14N R 1E
Lindley, William	25-3367	1960	49	500	125	Sec 26 T 13N R 1W
	25-8272	1981		340	85	Sec 27 T 13N R 1W
	25-3304	1956	58	320	80	Sec 29 T 13N R 1E
	25-4436	1956				
	25-6119	1864				
	25-6121 E2604	1864 1988				
Marchant, Raymond & George	25-6978	1976	21	648	162	Sec 8 T 13N R 1E
	25-8167	1919				Sec 18 T 13N R 1E
	25-9334	1919				

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Name	Water Right No.	Priority Date	POD	Acre Feet	Acres Irrigated	Location (Sec., T & R)
Mather, Gerold & Rosaura	25-6349 25-8332	1975 1919	19	175.2	43.80	Sec 18 T 13N R 1E Sec 18 T 13N R 1E
Munk, A. Robert & Jeannine Trust	25-6322 25-3058	1917 1929	7 28	191.8 74.8	47.95 18.7	Sec 25 T 13N R 1W Sec 30 T 13N R 1E
Munk, A. Robert & Sons Trust	25-6861 25-7045 25-3517 25-3378 25-8263 25-8397 25-8148	1976 1916 1918 1960 1981 1982 1980	5 & 5a 50	344.8 1514.8	86.2 378.7	Sec 35 & 36 T 13N R 1W Sec 27 T 13N R 1W Sec 35 T 13N R 1W
Munk, Jorgensen Pump	25-3505 25-6236	1899 1916	2	533.2	133.3	Sec 36 T 13N R 1W
MRC Trust c/o Regan Wheeler	25-6923	1920	26	75.6	18.9	Sec 14 T 14N R 1W
Nebeker, Sidney	23-3576	1991		80	71.4	Sec 36 T 14N R 6E
Nelson, Jean S. Trust	25-6017	1973	40	26.4	6.6	Sec 36 T 14N R 1W
Pitcher, Larry	25-6625 25-6083	1918 1973	14a 41	112.8 127.68	28.2 31.92	Sec 22 T 14N R 1W Sec 15 T 14N R 1W
Pitcher, Seletta & Willard Trust	25-6971	1920	25	218.8	54.7	Sec 22 T 14N R 1W
Rasmussen, Max	25-3552 25-8389	1858 1982	48	600	150	Sec 5 T 12N R 4E Sec 26&27 T 13N R 1W
Reese, Bert D & Son	25-7523 25-7522	1899 1880	80 60	93.2	23.3	Sec 1 T 12N R 1W
Reese Clark Pump c/o Wendell Munk	25-4647	1966	39	348.8	87.2	Sec 36 T 13N R 1W

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Name	Water Right No.	Priority Date	POD	Acre Feet	Acres Irrigated	Location (Sec., T & R)
Reese, Lowell S. Estate	25-6915 25-7049	1917 1927	8	152	38	Sec 1 T 12N R 1W
Reese, W. Lee & D'on	25-6299 25-6300 25-6274	1860 1860 1974	60 & 61 80	210.4 154.8 148.4	52.6 38.7 37.2	Sec 1 T 12N R 1W Sec 6 T 12N R 1E
Rich, Wayne	25-8128 25-8183	1980 1980	47	1072 352	268 88	Sec 8 T 13N R 1E
Ricks, Gordon	25-4958 25-5305	1970 1971	64 78	40.4 318	10.10 79.5	Sec 11 T 12N R 1W Sec 13 T 12N R 1W
Rigby, Jay Golden	25-3358	1960	35	640	160	Sec 33 T 13N R 1W
Robbins, Wilson Kalmar Trust	25-6688	1977		108.88	27.22	Sec 1 T 13N R 1W
Samuelson, Valoran A. & Colleen L.	25-6881 25-6882	1894 1919	1	60.16	15.04	Sec 15 T 14N R 1W
Saunders, Merlin	25-7196 E1093	1977	57	8.0	2.0	Sec 12 T 12N R 1W
Seamons, Joseph D. & Debra	25-8268 25-4557	1981 1966	51	601.60	150.4	Sec 27 T 13N R 1W
Serrano, Rudy	25-8511 25-7866	1976 1978	T09C	368.8 59.2	92.2	Sec 31 T 14N R 1E
Skidmore, Claine	25-6739 25-6015 25-7866	1976 1900 1978	T09	1130.4 181.5	282.6	Sec 31 T 14N R 1E
Simmonds, Jerry or Thelma	25-6627 25-6628	1918 1918	14	244.4 94	61.1 23.5	Sec 22 T 14N R 1W
Smithfield West Bench	25-4523	1919	18	790.8	197.7	Sec 18 T 13N R 1E
Spackman Brothers Holdings LLC	25-7136 25-8311 25-8062	1976 1981 1979	T10 T10	512.4 40.0	128.10 10.0	Sec 32 T 14N R 1E Sec 27 T 14N R 1E
Spackman, Neil C	25-3266	1955	56	72	18	Sec 25 T 14N R 1W

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Name	Water Right No.	Priority Date	POD	Acre Feet	Acres Irrigated	Location (Sec., T & R)
Spackman, Perry & Michael W.	25-6017	1973	40	95.6	23.9	Sec 36 T 14N R 1W
Spackman, Perry, Sandra, Michael & Anne	25-6890 25-8212	1917 1976	13	65.6	16.4	Sec 36 T 14N R 1W
Spackman, Robert & Linda	25-6893	1917	13	391.6	97.9	Sec 36 T 14N R 1W
	25-8213	1976				
	25-8211	1976	13	74.4	18.6	
	25-6892	1917				
Stewart, Wendy	25-9014	1989	55	32	8	Sec 33 T 13N R 1W
Tarbet, George Estate	25-6323	1917	7	196.2	49.05	Sec 25 T 13N R 1W
Thain Dairy, Inc. c/o Paul Thain	25-7046	1916	6	400	102.8	Sec 36 T 13N R 1W
	25-6874	1976				
Thompson, Randy	25-7196	1977	57	3.28	0.82	Sec 12 T 12N R 1W
	E1093	1977				Sec 35 T 12N R 1E
TOPAZ Marketing LP	25-6917	1920	25	132.4	33.1	Sec 22 T 14N R 1W
Utah State	25-8991	1989	54	641.2	160.3	Sec 32 T 13N R 1W
Utah State	25-3259	1955	31	642	160.5	Sec 29 T 13N R 1W
	25-3260	1955	32	908	227	Sec 32 T 13N R 1W
Watterson, James T. Family Inter – Vivos Revocable Trust	25-6023	1932	30	415.6	103.9	Sec 10 T 12N R 1W
Watterson, James T. Family Inter-Vivos Revocable Trust & Benson Bear Lake Irr. Co.	25-6318	1917	11a	25.2	6.3	Sec 11 T 12N R 1W
	E581					
	25-6318 E1194	1917	11c	544	136	

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Name	Water Right No.	Priority Date	POD	Acre Feet	Acres Irrigated	Location (Sec., T & R)
Watterson, Wayne	25-4647	1966	39A		40	Sec 36 T 13N R 1W
Webb, Dona	25-7103 25-7866	1976 1978	69	475.6 76.3	118.9	Sec 31 T 14N R 1E
Weeks, Merlin C.	25-7162	1977	44	57.1	14.28	Sec 11 T 14N R 1W
Wheeler, Allen	25-8723 25-8724 25-6924	1919 1986 1920	26	553.6 99.6	138.4 24.9	Sec 18 T 13N R 1E Sec 15 T 14N R 1W Sec 14 T 14N R 1W
Wheeler, Regan	25-7813	1930	29	315.2	78.8	Sec 15 T 14N R 1W
Wood, Charles W	25-3518	1920	24	412	103	Sec 26 T 14N R 1W

Attachment 2

This is a duplicate copy
made of the original because
of the poor quality of orig. from wear & tear.
11-2

~~Original can be found in this court file~~
In the District Court of the United States for the
District of Idaho, Eastern Division.

UTAH POWER & LIGHT COMPANY,

Plaintiff

vs.

THE LAST CHANCE CANAL COMPANY,
Limited, et. al.

Defendants.

In Equity
No. 203.

FINAL DECREE

Before HON. F. S. DIETRICH,
District Judge.

Filed July 14, 1920.

W. D. McREYNOLDS,
Clerk.

By PEARL ZANGER,
Deputy.

MAY 14 1925

In Equity No. 203

**In the District Court of the United States
for the District of Idaho, Eastern Division**

UTAH POWER & LIGHT COMPANY, a Corporation, *Plaintiff,*

vs.

The Last Chance Canal Company, Limited; The Tanner Canal Company, Limited; The Central Canal Company, The North Extension Canal Company, Limited; West Branch Canal Company, Limited; The Turner Canal Company, Limited; The East Branch Canal Company, The Bench Canal, and Budge Land & Live Stock Company, Limited, corporations; W. H. Larkins, Jas. Ellsmore, Geo. Hogan, Lewis S. Pond and Alex Harris as Trustees of the Gentile Valley Irrigation Company, Limited, late a corporation; The Thatcher Irrigation Company, Limited, a corporation; Nathan D. Thatcher, J. A. Folkman, Milton Robbins and Geo. M. Smith, as Trustees of Thatcher Canal & Power Company, Limited, late a corporation; Nelson Ditch Company, a corporation; A. J. Nielson, B. R. Meek, Henry McCuen, C. S. Burton and Eli Fosgreen, as Trustees of Riverdale-Preston Irrigation Company, late a corporation; The Riverdale Irrigating Company, Nielson-Meek Company and West Cache Irrigation Company, corporations; E. P. Johnson, Albert Johnson, Hyrum Johnson, Geo. D. Anderson, Joseph T. Pond, Frank W. Harris, A. C. Bosen, Hyrum J. Smith, John E. Hill, Melvin Green, Robert L. Smith, Charles Westerburg, Peter Westerburg and David P. Evans.

Horace Howard, Henry Rhinehart, Harvey W. Higley, James Monroe (or Munro), Nellie Simmons, John Baird, William Monroe (or Munro), Orrin Monroe (or Munro), Charles Monroe (or Munro), Charles Foster, Hyrum Foster, Mary Baird, John Woodall (or J. D. Woodall), George Ellis, Skinner Irrigation Company, a corporation; Heber Crane, Fred Bartschi, Charles Bartschi, David Chugg, Phillip Chugg, Fred Stauffer, William Williams, Sr. (or William Morgan Williams), William Williams, Jr. (or William Mormon Williams), Oliver Williams, E. M. Lindsay, Georgetown Irrigation Company, a corporation, and Thomas Freeman.

MAY 14 1996

DECREE

This case came on to be further heard at this term, additional proof being submitted, and the cause further argued by counsel, and thereupon, upon consideration thereof, it is ORDERED, ADJUDGED AND DECREED as follows, viz:

I.

1. That the Bear River is an inter-state stream with a large number of tributaries in the States of Utah, Wyoming and Idaho, said river rising in the Wasatch mountains in northeastern Utah and flowing in a general northerly direction through the States of Utah and Wyoming to a point on the boundary line between the States of Idaho and Wyoming near the town of Border in the State of Wyoming, into the State of Idaho, thence in a general northwesterly direction around the north end of Bear Lake (including North or Mud Lake) located in Bear Lake County, Idaho, and Rich County, Utah, to a point near the town of Alexander in said State of Idaho, thence in a general southerly direction through the States of Idaho and Utah, emptying into Great Salt Lake in said latter state.

That there is hereby drawn within the jurisdiction of this court, for distribution for beneficial uses, under and pursuant to the terms of this decree, all that portion of Bear River, as above described, commencing at a point directly north of Bear Lake in Section 34, Township 13 South, Range 44 East, Boise Meridian, which said point is marked and indicated by the "Stewart Dam," and headgates to the plaintiff's intake canal into Bear Lake Reservoir, known as the "Rainbow Canal," thence generally northwesterly through Idaho, to a point near the town of Alexander, thence in a general southerly direction to the boundary line between the States of Idaho and Utah, together with all intervening tributaries of the Bear River, which are decreed to constitute a single inter-dependent river system, to be administered under the terms of this decree.

2. Subject to the prior rights of the various defendants, as hereinafter decreed in the order of their respective priorities, the said plaintiff, the Utah Power & Light Company, has the right to divert at the Stewart Dam, as hereinbefore described, (and also in seasons of flood water through the "Dingle Inlet Canal" diverting from Bear River in the Northwest quarter of Section 17, Township 14 South, Range 45 East, Boise Meridian) and to impound and store in the Bear Lake Reservoir, consisting of Bear Lake and Mud or North Lake, in Rich County, Utah, and Bear Lake County, Idaho, all of the waters of Bear River to the extent of 5500 cubic feet per second of time, together with the waters naturally flowing into or arising in said lakes, all said waters to be stored in said Reservoir, and to be thereafter released from said reservoir at the said plaintiff's pleasure, through the plaintiff's embankment or "dyke" located within the lake meander lines, and extending from

Section 16 to Section 18, in Township 14 South, Range 44 East, Boise Meridian, by means of control works located therein at a point approximately North 64°15' East 8120 feet from the Southwest corner of Section 18, Township 14 South, Range 44 East, Boise Meridian, and to be thence conveyed through the plaintiff's outlet canal, extending generally northwardly from the said control works to a confluence with Bear River, near the center of Section 6, Township 13 South, Range 44 East, Boise Meridian, and thence down the natural channel of Bear River, for use at various points of diversion now existing, or which may hereafter be established by the plaintiff for the generation of electric power, and for such irrigation or other beneficial purposes, recognized by law, as the plaintiff may devote or dedicate said released stored waters, by use, sale, rental, or otherwise.

In its exercise of the rights herein defined, the plaintiff may, to the extent of its various appropriations, divert and impound in storage, the waters of Bear River and of Bear Lake at all times, and at all seasons of the year, when by so doing it does not interfere with the exercise of any prior rights fixed by this decree, and the waters released by it from storage may be conveyed through the natural channel of the river, and shall be protected under the provisions of this decree for the distribution designated by the plaintiff, as though kept and conveyed within an artificial channel, and the return of the waters to the river, after their various uses by the plaintiff, shall not be deemed an abandonment thereof, but it is recognized by this decree, and it shall be recognized by the officers charged with the administration hereof, that the plaintiff's rights in said waters continue throughout the portion of the stream brought under this decree for use both in Idaho and beyond the Utah-Idaho state line, and all parties to this suit, their heirs, executors, administrators, successors in interest and assigns, and the agents, servants and attorneys of said parties, their heirs, etc., are hereby perpetually enjoined and restrained from in any manner using or interfering with the use by the plaintiff of the said released stored waters, except with the consent and under the authority of the plaintiff, its successors or assigns.

In administering the rights of the plaintiff herein decreed and mentioned, the following considerations shall be observed and recognized:

For the purpose of regulating and controlling the flow of the river, and in the interest of conservation of the waters thereof, the plaintiff may, at any time, divert at its Stewart Dam, and through its Rainbow Canal (and in seasons of flood through the Dingle Inlet Canal) above mentioned, the entire flow of the waters of Bear River, provided it discharges at the same time through its outlet control works, (when there is need therefor to supply the rights of prior appropriators below), and into its outlet canal, and conveys thence to the natural channel of

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Bear River, an equivalent amount of water, such quantity to be regarded as natural flow of the river, and not released stored water. In order to compensate for the natural yield of the Bear Lake area, including Bear Lake and Mud Lake, and the area between the lake meander line and Bear River, and mountainous slopes to the west, which area was formerly drained by a natural channel known and designated herein as the "natural outlet," as claimed in the cross bills of certain defendants, the plaintiff shall discharge from its reservoir, through its outlet works, (when required to supply the rights of prior appropriators below) a quantity of water sufficient to yield at a point in the plaintiff's outlet canal, at measuring devices to be installed by the plaintiff as near as practicable to the present bridge on the Montpelier-Ovid road, in the Southwest quarter of Section 7, Township 13 South, Range 44 East, Boise Meridian, the following amounts in addition to any amount of water then being discharged to equal diversions from Bear River, and regarded as "natural flow," to-wit:

From April 20 to July 1st of each year, 50 cubic feet per second;
From July 1st to July 15th of each year, 35 cubic feet per second;
From July 16th to Aug. 1st of each year, 25 cubic feet per second;
From Aug. 1st to Sept. 15th of each year, 15 cubic feet per second;

such quantity of water to be also regarded and distributed as "natural flow," and not "released stored water," and shall be full compensation for any interruption of natural flow from said Bear Lake area by the plaintiff's reservoir works.

In the delivery to the plaintiff of released stored water at its several power plants, now or hereafter established, or at such points of diversion for irrigation or other beneficial purposes as it may designate for such delivery, transit losses shall be computed as follows:

1½% of the net release from storage (after adjustments for natural flow as aforesaid), from the outlet works at dyke to points between Alexander and plaintiff's Grace Dam, situate in the Northeast quarter of Section 1, Township 10 South, Range 40 East, Boise Meridian;

An additional 1% from said Grace Dam to the headgate of the West Cache Canal Company, situate in the Southeast quarter of Section 25, Township 14 South, Range 39 East, Boise Meridian, and

An additional 1% from said West Cache headgate to the boundary line between Utah and Idaho.

In determining transit losses, or otherwise calculating the division of waters at the various principal points of diversion, as between natural flow of the river and released stored waters, a time lag of twenty-four hours shall be applied for the flow of released stored waters from the plaintiff's control works to points between Alexander and Grace Dam, and an additional twenty-four hours to points between West Cache headgates and the Utah-Idaho State line, and a proportionate time for intervening points of diversion.

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3. In addition to the storage rights of plaintiff, herein decreed, the waters of Bear River and its tributaries between the points hereinbefore described, as drawn within the jurisdiction of this court for distribution under this decree, are hereby allotted and decreed for the various beneficial uses herein specified, without waste, to the plaintiff and defendants, respectively, and their successors in title and interest, in the amounts, for the purposes, and with the priorities, established and prescribed by the "Schedule of Rights" hereinafter defined.

The rights herein decreed and recognized are designated and classified as "Power Rights," "Irrigation Rights" and "Domestic Rights," respectively, and shall have the following characteristics:

"Power Rights" include the right to divert and use water for the generation of electric power, and such rights of diversion and use are continuous throughout the year without limitation to time or season.

"Irrigation Rights" include the right to divert and use water for irrigation, culinary, domestic, and agricultural purposes connected therewith, throughout the irrigation season of each year, which is defined as that portion of each calendar year which commences on the 20th day of April and closes on the 30th day of September; subject to the qualification, however, that between the 20th and 30th days of April of each year, and the 15th and 30th days of September of each year, inclusive of each of said days, no irrigation appropriator shall divert or use more than 40 per cent of his or its allotment under the "Schedule of Rights" hereinafter prescribed, except as is hereinafter specifically provided in the "Schedule of Rights." The water allotted and decreed to the parties hereto for irrigation purposes is, and shall be, appurtenant to the land upon which the same has been applied and used, as described in the schedule; subject, however, to the rights of appropriators or shareholders in any appropriating canal company to change the place of diversion or use as provided by law when no damage or injury results to others, or to make any beneficial use of such waters, or any part thereof, which does not injure other appropriators.

"Domestic Rights" include the right to divert and use water during the non-irrigating season, that is to say, from the first day of October of each year to the 19th day of April following, both dates inclusive, under agricultural appropriations and through irrigation ditches, for general domestic uses, including watering stock and culinary purposes. Each irrigation right herein decreed shall include and imply as a part thereof a domestic right to the use, during the non-irrigating season, of such of the waters allotted for irrigation purposes as are necessary for such domestic purposes and such shall be the measure of said domestic rights, and the extent of use of water through irrigation canals in the non-irrigation season,

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until the amount shall be more definitely fixed under the reservation of jurisdiction hereinafter contained. Nothing herein contained shall affect specific allotments made in the schedule of rights under appropriations for domestic, culinary or other specific beneficial purposes, which rights are to be recognized and administered specifically as decreed.

All rights herein decreed to the plaintiff and the several defendants are decreed for the beneficial uses specified, and none of the parties hereto, or their successors in interest, whether heirs, executors, administrators, successors or assigns, shall have the right to divert any of the waters of said Bear River, or any of its tributaries, except for beneficial use, and whenever such use has ceased, such party or parties shall cease to divert, and shall have no right to divert, the said waters, or any part thereof, and each and every of the parties hereto, their servants, attorneys, employes and successors in interest, as aforesaid, are hereby enjoined and restrained from any and all interference with or diversion or use of the said waters, except in the manner, and to the extent, and for the purposes, provided in this decree, whenever such interference, diversion or use would in any manner interfere with the diversion or use of the water awarded by this decree to any of the other parties to this action.

The parties hereto and their successors in interest shall install and maintain suitable and efficient headgates, controlling works and measuring devices at their respective points of diversion, and all water herein allotted and decreed shall be measured at said points of diversion. Said works and devices shall be built and installed in accordance with plans and specifications to be approved by the state official charged with the duty of supervising the distribution of water, (subject to review by this court). All such devices shall be of such design as to accurately register the amount of water diverted, and in the case of ditches diverting fifty or more cubic feet per second, automatic measuring and registering devices shall be installed and maintained. All such headgates, control works and measuring devices and gauges shall at all times be subject to the inspection of either party, and to public officials or water masters having jurisdiction over the distribution and diversion of water, and no dam or other obstruction to the natural flow of the stream shall be maintained so as to divert water from the channel of the stream, except through ditches, canals or other works provided with such headgates, control works and measuring devices, and each of the parties hereto shall be perpetually enjoined from diverting from the channel of the stream or its tributaries any water through any ditch, conduit or other devices not provided with such headgates, control works and measuring device; *provided*, that in case of diversions through pipes for power purposes, measuring devices may be dispensed with where the quantity of water diverted may be otherwise determined by calculations based on power output or current meter measurements.

4. Subject to the power and duty of this court to supervise and enforce the administration of its decree from time to time as occasion may require, and to that end to appoint if necessary its commissioner for that purpose, for which jurisdiction is hereby expressly reserved, the administration of this decree shall be left in the first instance with the officials of the state of Idaho charged with the duty of supervising the distribution of the public waters within said state, the costs and expenses of such administration to be defrayed as provided by the statutes of Idaho. Any party hereto may apply at any time for directions to the watermaster, or for the appointment of a commissioner, if necessary, to enforce any provision of this decree.

The watermaster or commissioner, or other official charged with the distribution of the waters of the Bear River and its tributaries subject to this decree, need not in the first instance, by reason of the decree, undertake the detailed administration of the waters of the entire portion of the river and tributaries placed under the decree, but only of such section of the main river and such tributaries as he shall be specifically directed to administer. Such administration may be extended upon application of any party, from time to time, as the irrigation season advances and necessity therefor arises. Such watermaster, commissioner, or other official, however, shall, after his appointment, have general supervision of the entire river, and of the tributary waters, and if called upon to administer the waters of any particular tributary he may utilize any agency for the distribution of the waters of such tributary locally selected or agreed upon by the water users from such tributary, and if necessary he may appoint assistants to administer any section of the main river, or any tributary thereof, provided always that any party hereto may invoke the powers of such watermaster, commissioner, or other official, to personally direct and supervise the administration of the waters of any section of the river, or of any tributary or tributaries, in strict conformity to the provisions of this decree, both during the irrigation season, and the non-irrigating or winter season, so far as may be necessary to secure to the several parties their rights hereunder, and failing to obtain proper action by such watermaster, commissioner or other official, may apply to the court for directions in the premises.

5. The plaintiff, Utah Power & Light Company, and the defendant, Utah-Idaho Sugar Company, have certain rights to the use of the waters of Bear River with points of diversion in Utah below the Utah-Idaho state line, which rights are included in the schedule of rights herein decreed. The inclusion of said rights in the said schedule is not to be construed as a decree *in rem*, establishing said rights, or as an adjudication of title to said rights, which have attached in a state or district beyond the jurisdiction of this court, but merely as a recognition of said rights to the extent that in the administration of that part of the river within the jurisdiction of this court, and the operation of this decree as hereinbefore defined, the watermaster, com-

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missioner or other official charged with the administration of the decree, shall see that there is delivered at the Utah state line such quantity of water as is necessary, together with natural increment below said Utah state line, to satisfy said rights in accordance with their dignity and priority as herein recognized.

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II.

("Schedule of Rights.")

c.f.s. is used throughout this schedule to designate a flow of one cubic foot of water per second of time.

ac. ft. is used throughout this schedule to designate a quantity of water sufficient to cover an area of one acre to a depth of one foot, or 43,560 cubic feet of water.

MAIN RIVER DIVERSIONS.

1. Utah Power & Light Company—Storage rights.

The plaintiff, Utah Power & Light Company, is entitled to divert from the main channel of Bear River, from the natural flow thereof, for storage purposes, the following amounts:

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
0248 1911—March 1	3000 c.f.s.	Said water to be diverted from Bear River through what is known as the Rainbow and Dingle Inlet Canals, the headworks of which are located respectively in the Northeast quarter of Section 34, Township 13 South, Range 44 East, B.B.M., and the Northwest quarter of Section 17, Township 14 South, Range 45 East, B.B.M. in Bear Lake County, Idaho, and to be carried into and stored in what is known as the Bear Lake Reservoir and withdrawn therefrom from time to time as needed or required by said Utah Power & Light Company, or its successors in interest, for the development of power or generating electric energy in any power plant which it may now have, or hereafter construct or acquire in or along Bear River, in the states of Idaho and Utah, and for irrigation purposes in what is generally known as Bear River Valley in said states.
0249 1912—Sept. 11	2500 c.f.s.	

0250	From Bear Lake:	1912—Sept. 1	300 c.f.s.
0251	From Mud Lake:	1912—Sept. 1	200 c.f.s.

2. E. P. Johnson, Albert Johnson and Hyrum L. Johnson:

0252	(a) 1889—July 30	4 c.f.s.
	April 20 to July 1	1.6 c.f.s.
	July 2 to October 1	

Said water to be stored in what is known as Bear Lake Reservoir, and withdrawn therefrom from time to time, as provided in the immediately preceding paragraph.

Said water to be diverted from the main channel of Bear River at a point 50 feet West from the first railroad bridge Northwest of Novene Station on the Oregon Short Line R. R., and to be used for the irrigation of 160 acres in the West half of the Northeast quarter and the South-

All the foregoing reservations of jurisdiction shall extend after the term at which this decree is entered, and during any subsequent term prior to January 1, 1924, at which time, or at such earlier time as the court may determine these matters, this decree shall be closed. In all other respects this decree shall be final.

The court further retains jurisdiction, however, at all times, and from time to time, to make all reasonable rules touching the manner of diverting, measuring and distributing the waters, and the devices to be installed and used for such purposes where it may be impracticable to fully comply with the terms of this decree, and to direct that the parties keep accurate and detailed records of the amounts of water diverted, and to require reports to be filed from time to time of the amount so diverted, and generally to make such orders as may be found reasonably necessary to give effect to the decree, and to appoint commissioners or water masters to make distribution in accordance with its terms, and to punish the parties hereto, their officers, agents and employees, and their grantees and successors in interest, for any violation of the provisions thereof.

Done in open court this 14th day of July, 1920.

FRANK S. DIETRICH,
Judge.

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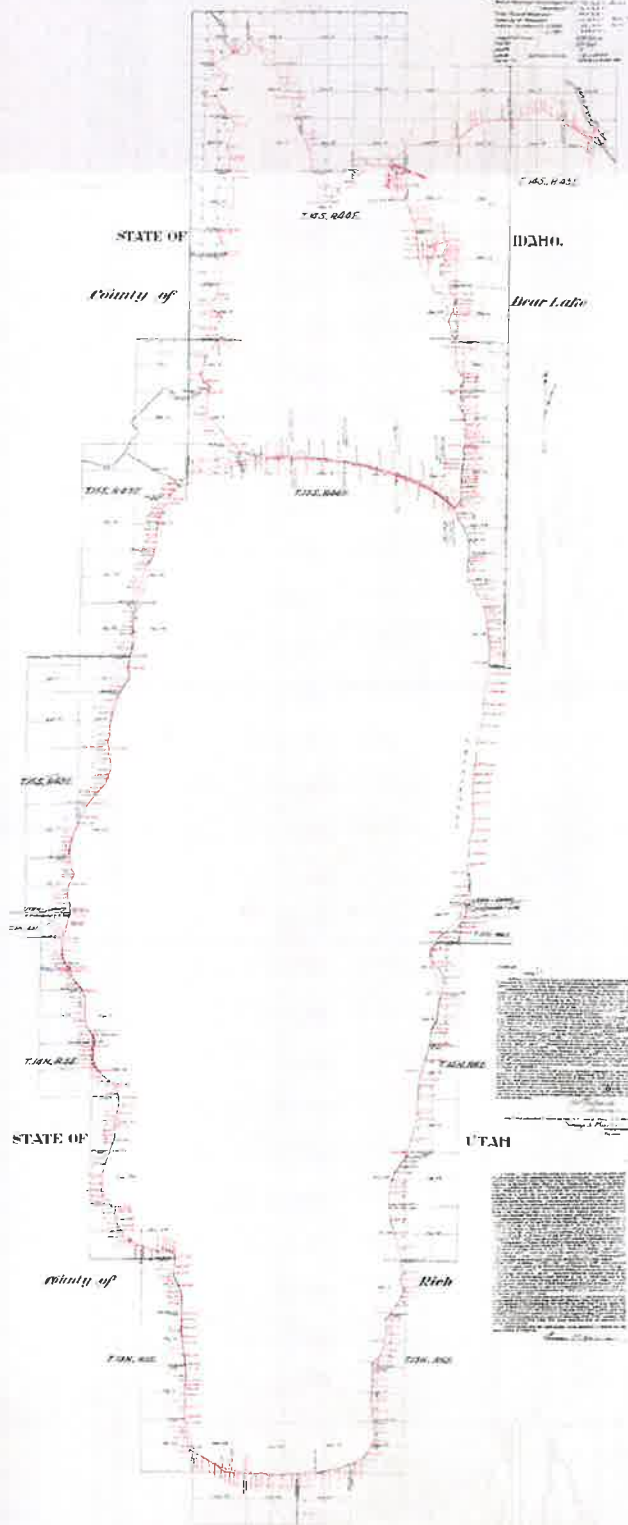
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Attachment 3

270126
W. L. J. - 1982-1-1
W. L. J. - 1982-1-1

W. L. J. - 1982-1-1

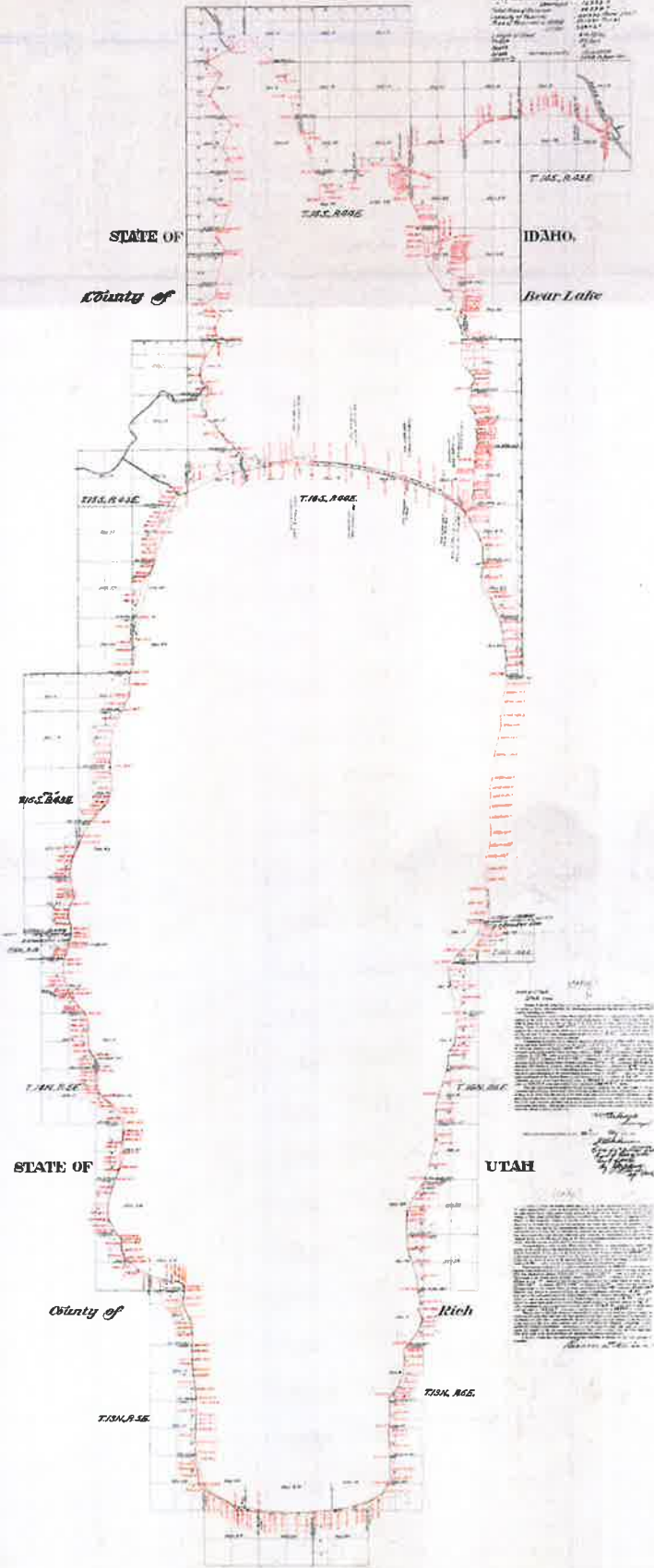


MAP 15 BEAR LAKE RESERVOIR CANAL

STANDARD PLANNING AND DESIGN
BY THE U.S. ARMY CORPS OF ENGINEERS
WASHINGTON, D.C.

Scale, 1 inch = 2000 ft.

NOTE:
1. The canal is shown in red.
2. The reservoir is shown in blue.
3. The land is shown in green.
4. The water is shown in blue.
5. The road is shown in black.
6. The railroad is shown in black.
7. The town is shown in black.
8. The river is shown in blue.
9. The lake is shown in blue.
10. The mountain is shown in brown.



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Bear Lake

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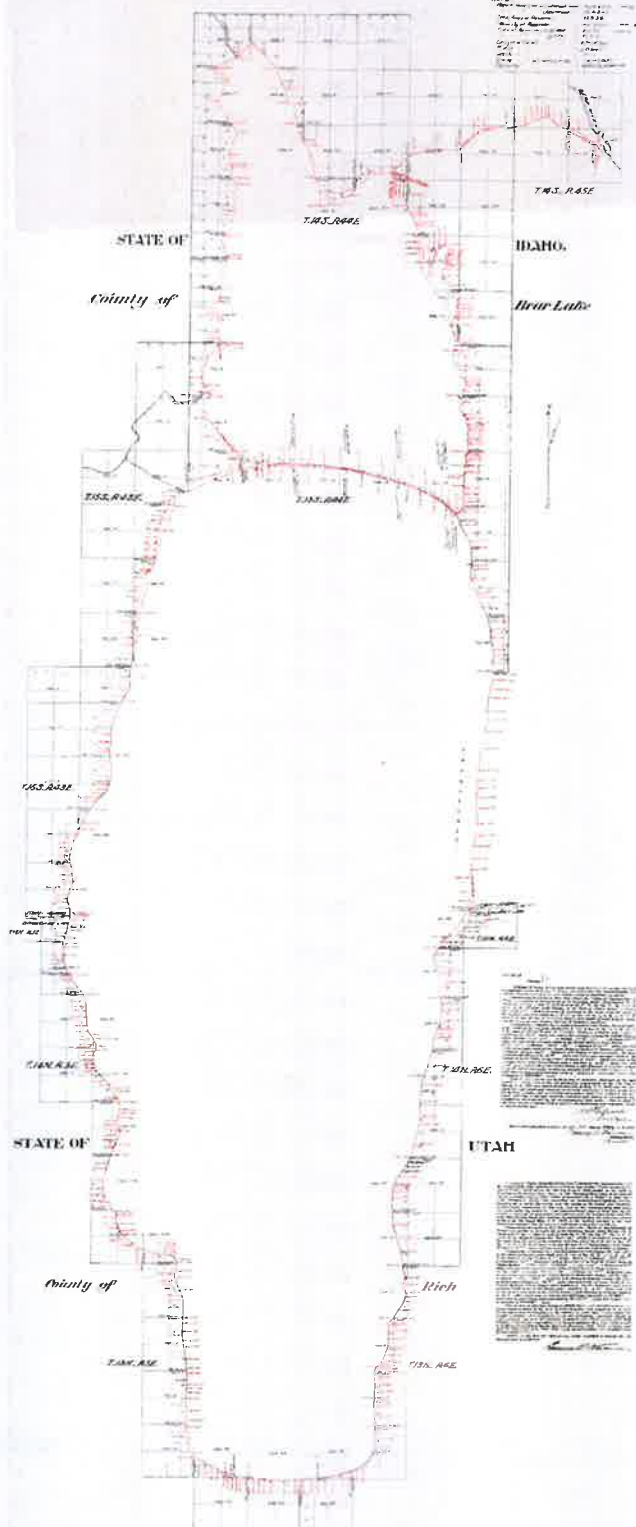
UTAH

Rich

T.H.S. ROSE

T.H.S. ROSE

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plan of the
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reservoir
showing the
location of the
canal and
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and the
location of the
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rivers and
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features
of the
area.

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IDWR/Preston

BRBA Claim Fee Summary for Power Claims

Claimant: Pacificorp

Claim #	Claim ID	\$ for Claim	Notes
1	11-248	\$178,050.00	Bear Lake Storage - Fee calculated by acreage
2	11-249	\$50.00	Bear Lake Storage
3	11-250	\$50.00	Bear Lake Storage
4	11-251	\$50.00	Bear Lake Storage
5	11-2081	\$49,050.00	14MW of capacity
6	11-4357	\$50.00	Power Generation paid under 11-2081
7	11-4359	\$50.00	Power Generation paid under 11-2081
8	13-957	\$115,550.00	33MW capacity
9	13-958	\$50.00	Power Generation paid under 13-957
10	13-NewClaim	\$50.00	Power Generation paid under 13-957
11	13-962	\$26,300.00	7.5 MW capacity
12	13-963	\$50.00	Power Generation paid under 13-962
13	13-976	\$105,050.00	33MW capacity
14	13-977	\$50.00	Power Generation paid under 13-976
15	13-978	\$50.00	Power Generation paid under 13-976
16	13-979	\$50.00	Power Generation paid under 13-976
17	New Claim 420 cfs	\$50.00	Power Generation paid under 13-976
18	New Claim 2500 cfs	\$50.00	Power Generation paid under 13-976
	Total	\$474,650.00	

Claimant:
Claim ID:

Pacificorp
11-249

Instructions for Form No. 42-14009-1

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

	Rate/Unit	Unit	# Units	\$ Amount
De Minimis	\$25	Claim		
De Minimis Stock (> 4th claim)	\$0	Claim		
Non-De Minimis	\$50	Claim	1	\$50.00
Irrigation	\$1	Acre		
Power Generation	\$3.50	KW of Capacity		
Aquaculture	\$10	cfs		
Dom. & Stock (>13k gpd), Municipal, industrial, commercial, mining, heating, cooling	\$100	cfs		
Public instream flow, public lake level maintenance, wildlife				
Fire protection	\$0	cfs		
Groundwater recharge	\$0	cfs or afa		
Total				\$50.00

Duplicate this worksheet once for each claim.

Note:
Bear Lake Storage

TABLE 3. VARIABLE FEE SCHEDULE			
Irrigation	\$1.00 per acre	Each acre is charged only once.	
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.			

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