



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

September 28, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CHARLES OLSON
RT 1 BOX 777 E
MOUNTAIN HOME ID 83647

Re: Information Request

Dear Mr. Olson:

You requested information from the Idaho Department of Water Resources (IDWR) related to application for transfer no. 69262 filed by Idaho Power Company. This letter and the enclosures herein are a response to your request. I will list each of your inquiries, refer to documents enclosed, and briefly discuss our records.

Request: 1. "The latest information that the Department has gathered and the latest information the Department has been contracted to be gathered (hydro-graphs, flow direction maps and etc.), in the Mountain Home Ground Water Management Area and the Cinder Cone Critical Ground Water Management Area."

Response: The documents you requested were prepared by Shane Bendixson of IDWR, and are enclosed.

Request: 2. The well drillers log and well test log for Idaho Power's well at the power plant construction site.

Response: A copy of the well drilling permit and a copy of the well driller's report are enclosed. IDWR does not have a separate well test log.

Sincerely,


Gary Spackman

Enclosures

CC: Idaho Power Company, Ron Leydet, Mark &/or Trudy Sukup, David Olson, Jack Streeter, Peter Nielson, James Steelsmith (with enclosures)



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DIRK KEMPTHORNE
Governor

KARL J. DREHER
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September 28, 2001

DAVID OLSON
RT 1 BOX 777 M
MOUNTAIN HOME ID 83701

Re: Information Request

Dear Mr. Olson:

You requested information from the Idaho Department of Water Resources (IDWR) related to application for transfer no. 69262 filed by Idaho Power Company. This letter and the enclosures herein are a response to your request. I will list each of your inquiries, refer to documents enclosed, and briefly discuss our records.

- Request:** 1. "The complete folder you have compiled for water right # 61-02168(M Pete Nielson to Idaho power transfer including:
- A. Idaho power records for the well
 - B. Well log
 - C. Well test
 - D. Size of pump install
 - E. Crop report
 - F. Copy of the CRP contract

Response: Sue Taylor mailed a copy of all the documents in the application for transfer file to each of the parties. Crop report records are contained in the copies. There may also be some CRP information. The documents in the file are the only Nielson crop report and CRP records IDWR has in its possession.

The entire water right file for water right #61-02168 was not copied, but is available for inspection at IDWR's state office.

Staff searched the power records in possession of IDWR by name, and located some information with Pete Nielson's name associated with it. The records are for a 15 horsepower pump, however, which you and I determined, by telephone, are not the records you are looking for. You must provide us additional information, such as a pole number or a meter number. You may also be able to obtain the information from Pete

David Olson
September 28, 2001
Page -2-

Nielson directly, because he has petitioned to intervene as a party. Because Pete Nielson's water right is being transferred, it may be that Idaho Power will be required to produce the power records.

Enclosed is a copy of the drilling permit and the well log. There is no separate document describing a well test.

Enclosed is a copy of the beneficial use exam that may provide some of the pump information you requested.

Request: 2. Any documents for the protection of the water right and any other documents that are pertinent to the case.

Response: IDWR sent some additional information to your father, a copy of which is enclosed. Unless you identify the documents you want with greater specificity, I cannot determine what additional documents you may want.

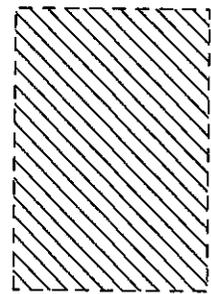
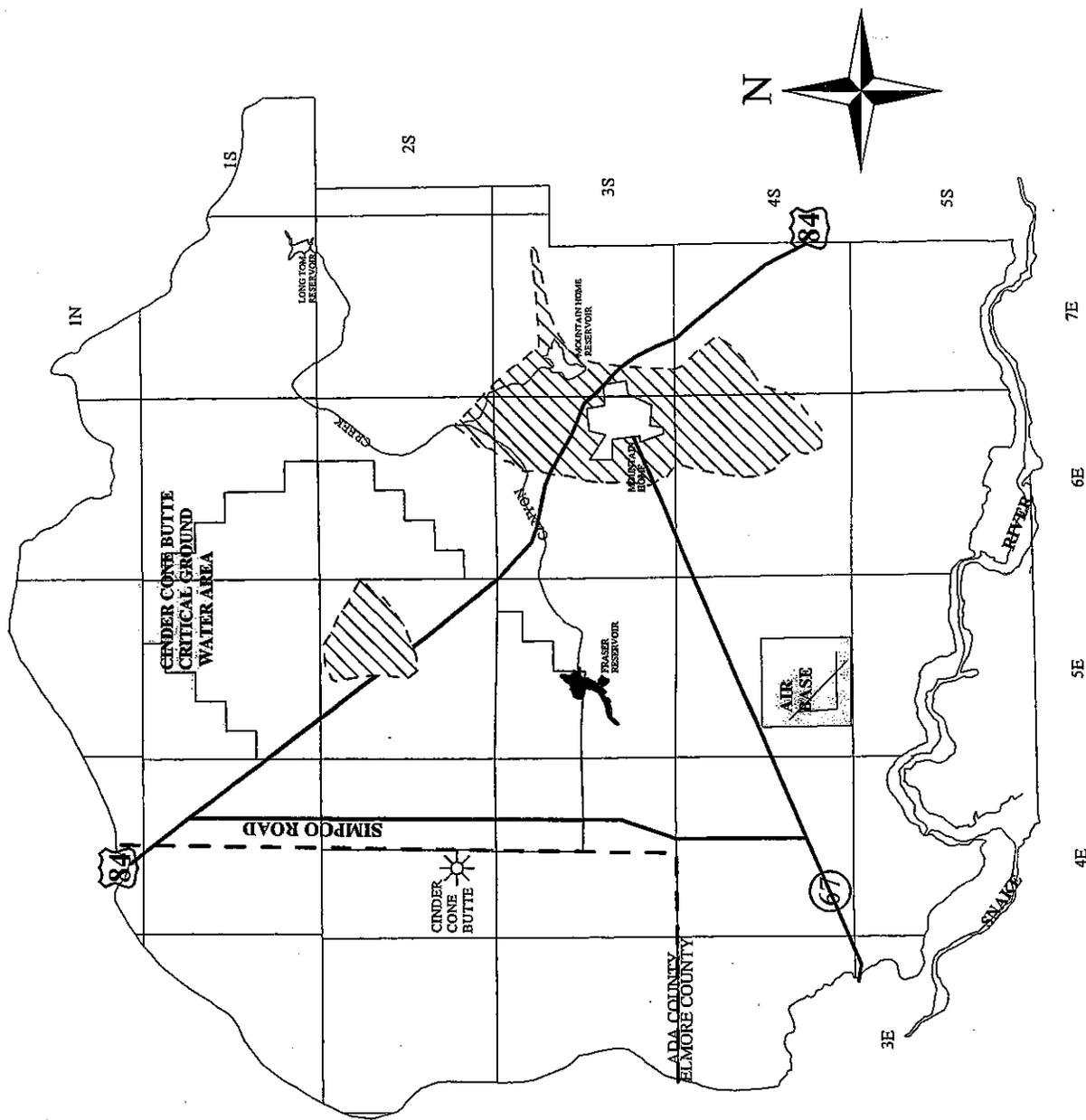
Sincerely,


Gary Spackman

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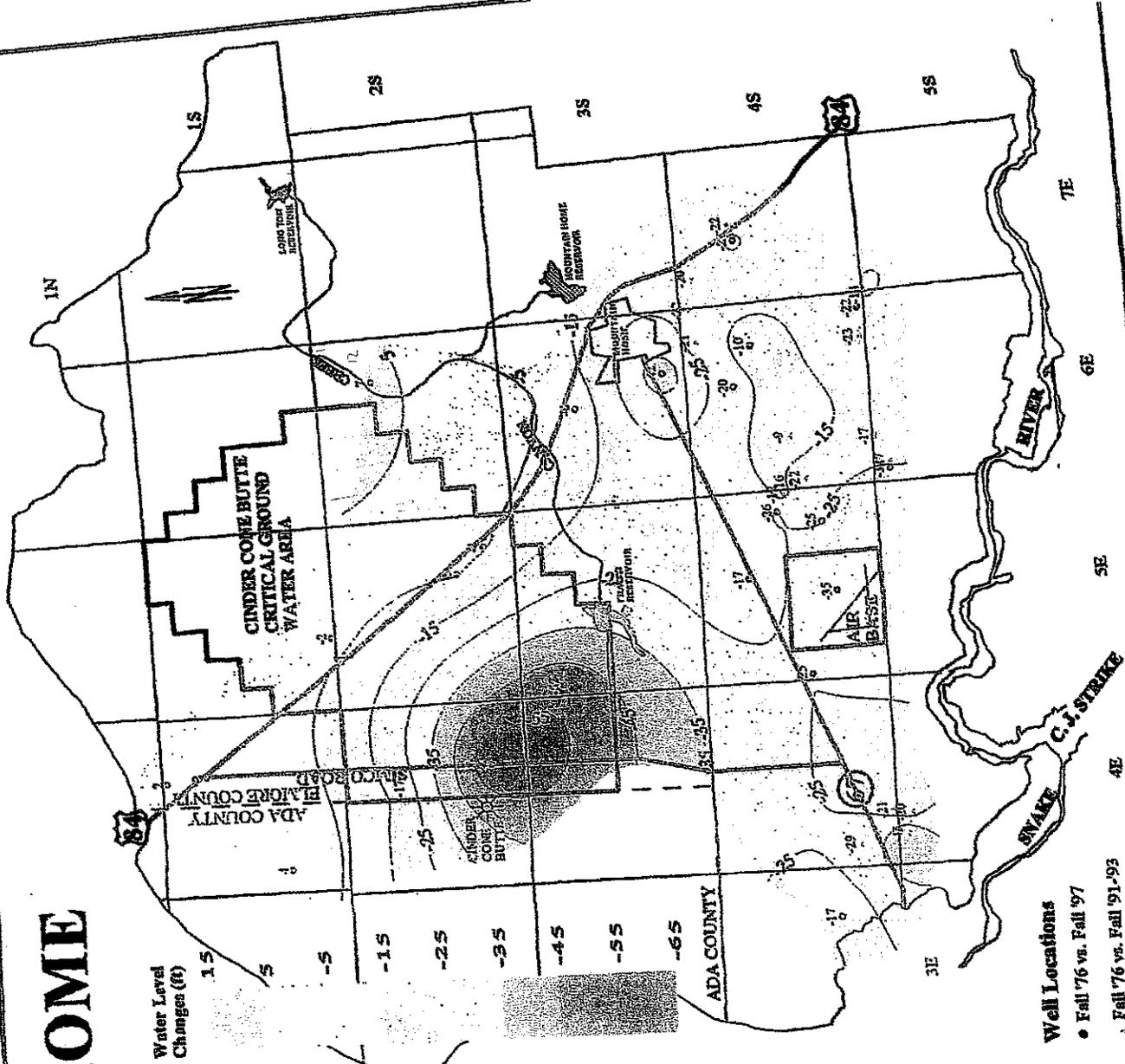
MOUNTAIN HOME GWMA



EXTENT OF PERCHED
OR SHALLOW
GROUND WATER
(YOUNG, 1976)

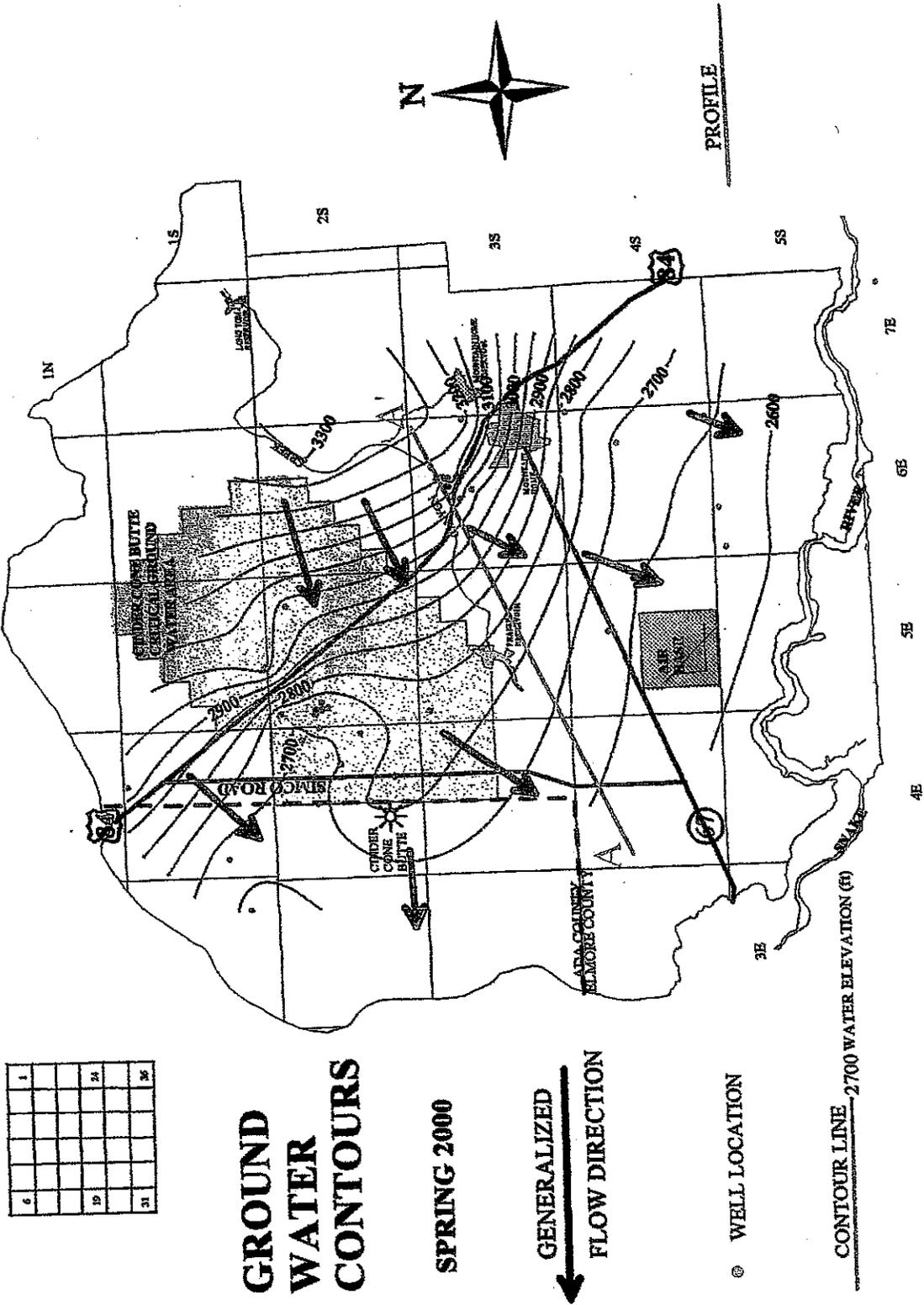
MOUNTAIN HOME GWMA

GROUND WATER LEVEL CHANGE MAP



Well Locations
 ● Fall '76 vs. Fall '97
 ▲ Fall '76 vs. Fall '91-93

MOUNTAIN HOME GWMA



1				
2				
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33				
34				
35				

**GROUND
WATER
CONTOURS**

SPRING 2000

**GENERALIZED
FLOW DIRECTION**

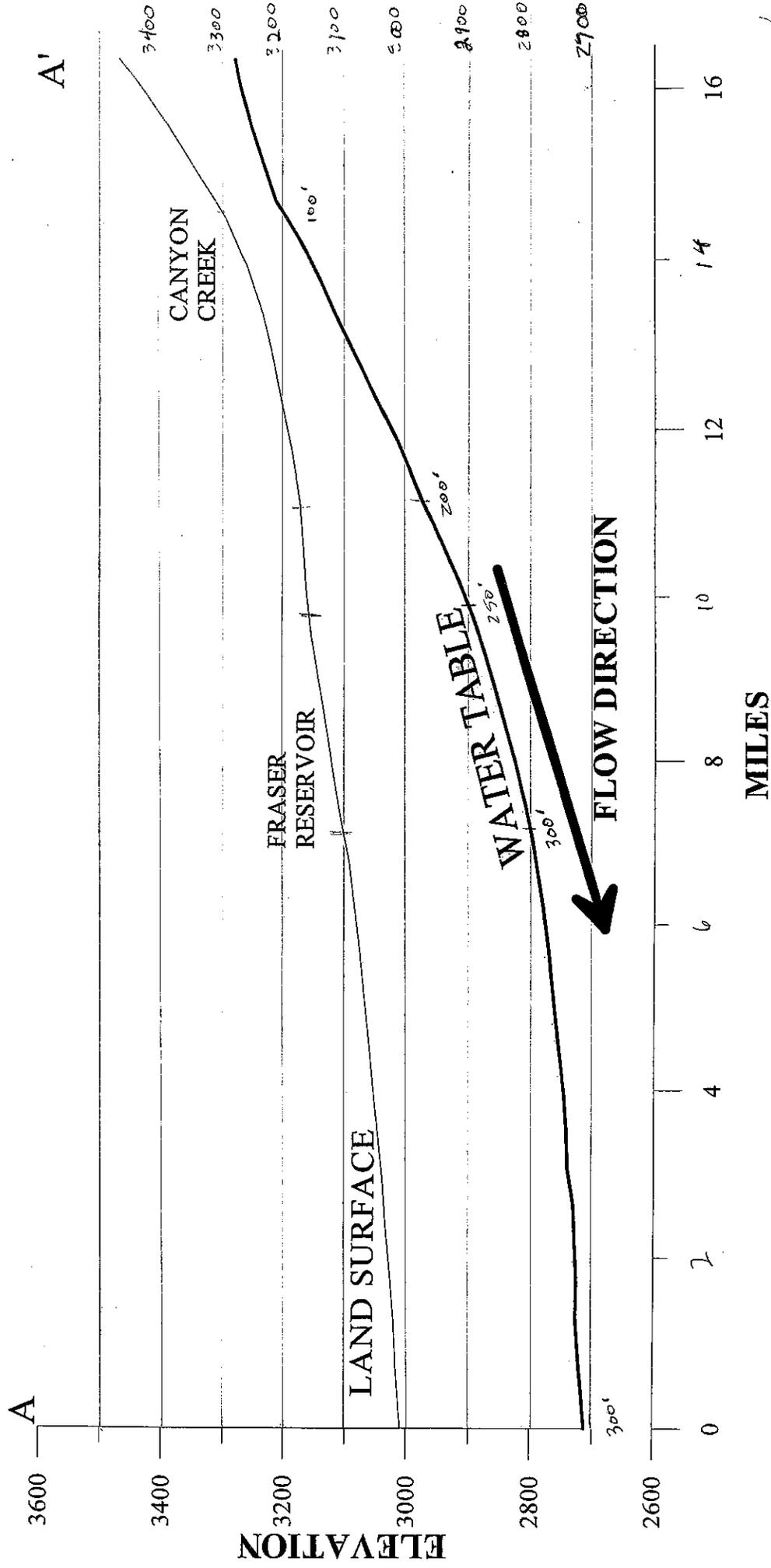
⊙ WELL LOCATION

— CONTOUR LINE — 2700 WATER ELEVATION (ft)

PROFILE

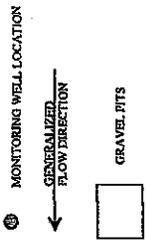


GENERALIZED PROFILE ACROSS MOUNTAIN HOME PLATEAU

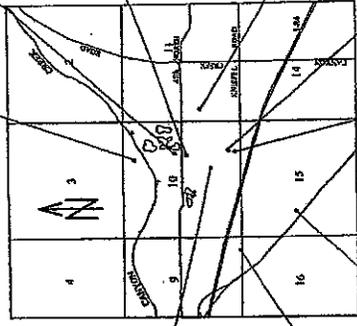
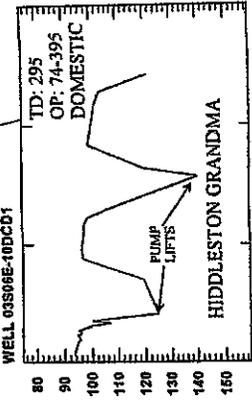
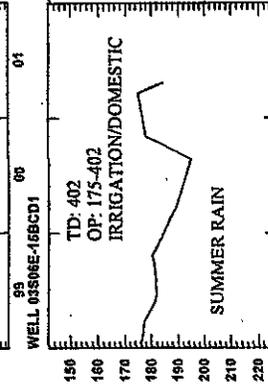
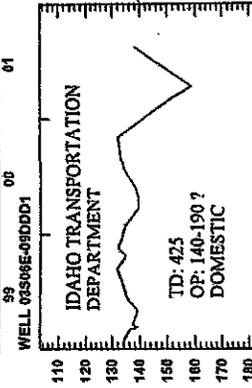
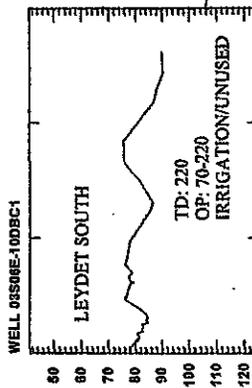
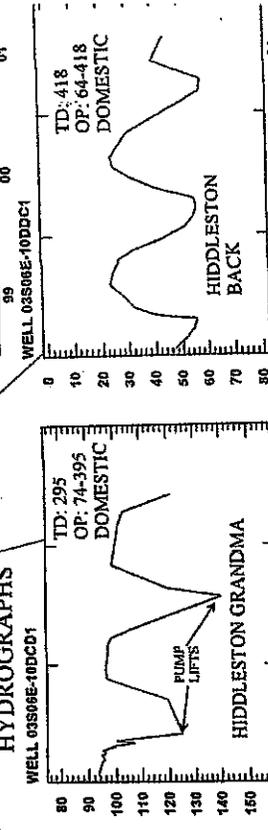
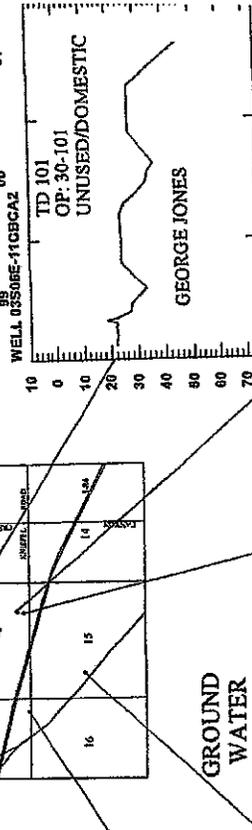
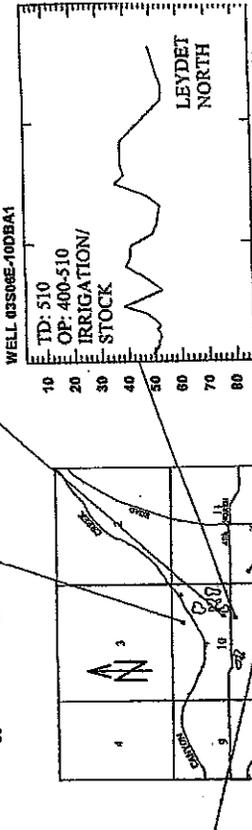
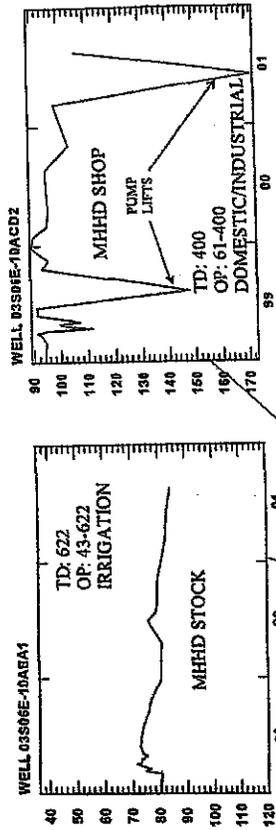
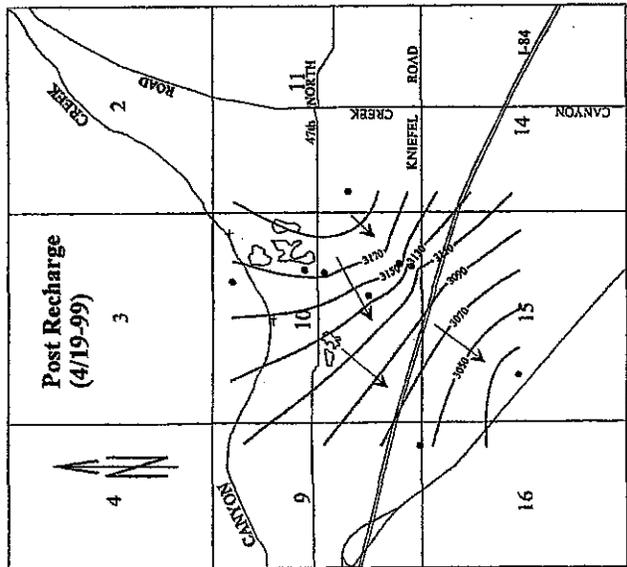
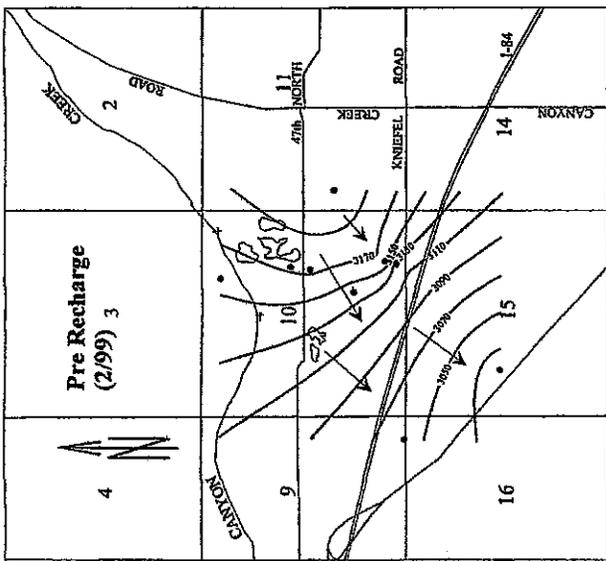


HYDROLOGIC DATA

MOUNTAIN HOME AREA



TD: TOTAL DEPTH
 OP: INTERVAL AT WHICH THE WELL IS PERFORATED OR OPEN TO THE AQUIFER
 LEFT SIDE: DEPTH TO WATER
 BASE: YEAR
 ALL MEASUREMENTS IN FEET
 CURRENT TO FALL 2001



GROUND WATER HYDROGRAPHS

State of Idaho

WATER LICENSE

Water License No. G-31845 Priority April 23, 1964 Amount 3.50 c.f.s.

THIS IS TO CERTIFY that DALE E. GILBERT of Wendell, Idaho made application for a permit to appropriate the public waters of the State of Idaho dated April 23, 1964 that Permit G-31845 was issued pursuant to said application; that the proposed works were completed on or about 1967 with a storage or carrying capacity of 3.494 c.f.s. said works consisting of well, pump, motor and sprinkler system and that on August 23, 1968

proof was made to the satisfaction of the State Reclamation Engineer of the beneficial use of 1116 acre feet per season with a maximum rate of diversion of 3.50 cubic feet per second of the water of a well tributary of subterranean flow

for the purpose of irrigation from April 1 to October 31 and for from to and for from to and that the use

of said waters has been made in accordance with the laws of Idaho and is hereby confirmed by the State Reclamation Engineer and entered in the records of the Idaho Department of Reclamation; the point of diversion is located in NE 1/4, NW 1/4, Sec. 19, T. 4 S., R. 15 E., W. 2

other additional points in the County of Elmore and that the amount of water to which such right is entitled and which is hereby confirmed for the purposes aforesaid is limited to an amount actually beneficially used for said purposes and shall not exceed 1116 acre feet per year.

Description and location of place of use

TWP	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>4 S</u>	<u>5 E</u>	<u>19</u>	<u>34</u>	<u>28</u>	<u>39</u>	<u>19</u>	<u>23</u>	<u>38</u>	<u>38</u>	<u>29</u>									<u>248</u>

Total number of acres irrigated 248

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 23rd day of September 1968
[Signature]
State Reclamation Engineer

G-31845

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE IDAHO
REPORT OF EXAMINER

Permit No. G-31845

This proof is for Cult. & Liv.

In Water District No. _____

1. Name of applicant MR. E. GILBERT

2. Source of water supply: SUBSURFACE

3. Location of point of diversion: Is in the NE NW of Section 17

T. 4S R. 5E County of ELMORE

4. Describe works as they exist, giving dimensions and capacities of same:

350 HP G. E. ELECT. MOTOR #

LAYNE & BOWLER V. T. P.

2200' 9" PM 510' 1770' 0" PM

D16327

UNDERGROUND STEEL MAIN LINE

- SPARKER SYSTEM - 12 1/2" DIA. 7 1/2' RAINBOW TO PLUGGED @

5. Water is used for: IRRIGATION

6. State whether or not water has been turned into works of diversion: YES

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation)

N 1/2 SEC 19 4S 5E ELMORE CO

ACRES

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks:

SPARKER SYSTEM - 12 1/2" DIA. 7 1/2' RAINBOW TO PLUGGED @ 1885

$Q = (376 \text{ N12}) (3.96 \text{ gpm}) = 3.294 \text{ cfs}$
APR 8 3 PM

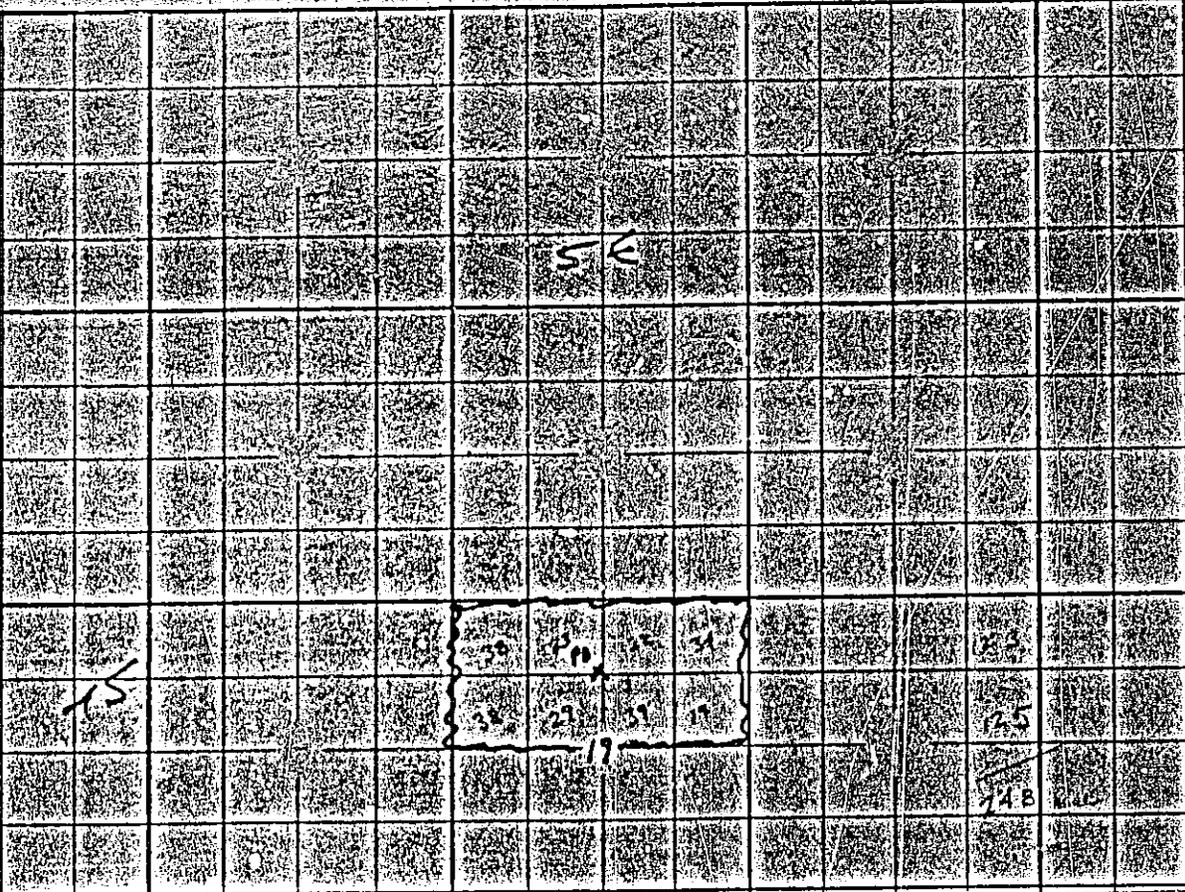
AREAL PHOTO A & SUPPLIED BY MR. E. GILBERT 7-4-68 by Mr. _____

MR. GILBERT CALLED 7-5-68 AND STATED HE HAS BEEN ADVISED THAT FEDERAL REGULATIONS - 24734-2-68
MR. LAWRENCE RUMBLE IS FORMING THE COMMISSION TO STUDY THE MATTER

This examination was made on the 23rd day of Aug 1968

(Signed)

G-31845



Amore Co.

NGA - 248 ACRES ESTIMATED

SURD - 8

Q - ALLOW 3.50 CFS

7. ACRES TAX, 248 ACRES

Permit No. 31845
 Examination for Canal RO
 County ELMORE
 Quantity: 50 cfs Sec. T. R.
 Source: SUGARCANE
 P.D.: NEED USE IN USE
 Use: IRRIGATION OF SUGAR CANE
 Extension:
 Protest:
 Completion of Work:
 Other Rights:
 Filed:
 Date:

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

B 31845

9/61 RAINBOW 31845

355 415 85

240 210 100

225 180 100

210 180 100

200 180 100

190 180 100

180 180 100

170 180 100

160 180 100

150 180 100

140 180 100

130 180 100

120 180 100

110 180 100

100 180 100

90 180 100

80 180 100

70 180 100

60 180 100

50 180 100

40 180 100

30 180 100

20 180 100

10 180 100

ADVERTISING
INDICATE NEW TO ROAD
Dale E. Gilbert

Copy of report
file and put in
the file and file
not before 8-25-68

12 - 1/2 inch box / on rainbow 31845

6 - (3.75) (3.75) = 3.00

1000 300

31845

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

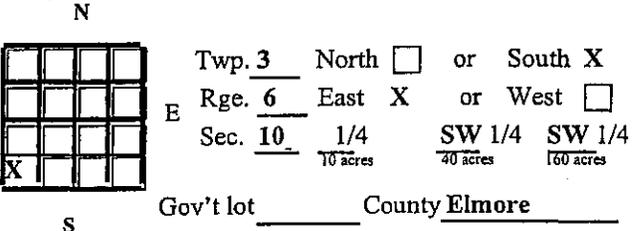
Inspected by _____
Twp _____ Rge _____ Sec _____
1/4 _____ 1/4 _____ 1/4 _____
Lat: : : Long: : :

770260

1. DRILLING PERMIT NO. _____
Other IDWR No. D0018881

2. OWNER:
Name Idaho Power
Address 1221 W. Idaho St.
City Boise State ID Zip 83702

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location



Gov't lot _____ County Elmore
Lat: : : Long: : :
Address of Well Site 1846 W. Highway Dist. Rd.
City Mtn Home
(Give at least name of road + Distance to Road or Landmark)
Lt. _____ Blk. _____ Sub. Name _____

4. USE:
 Domestic Municipal Monitor Irrigation
 Thermal Injection Other _____
5. TYPE OF WORK check all that apply (Replacement etc.)
 New Well Modify Abandonment Other _____

6. DRILL METHOD
 Air Rotary Cable Mud Rotary Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK		AMOUNT		METHOD
Material	From	To	Sacks or Pounds	
Bentonite	+2	54.5	1300 lbs	Overbore

Was drive shoe used? Y X N Shoe Depth(s) _____
Was drive shoe seal tested? Y X N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6.625	0	54.5	250	Steel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

Perforations Method _____
 Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:
110 ft. below ground Artesian Pressure _____ lb
Depth flow encountered _____ ft. Describe access port or control _____

11. WELL TESTS:
 Pump Bailer Air Flowing Artesian

Yield gal/min.	Drawdown	Pumping Level	Time
			1 hr.

Water Temp. _____ Bottom hole temp. _____
Water Quality test or comments: _____
Depth first Water Encountered 172'

12. LITHOLOGIC LOG: (Describe repair or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temp.	Y	N
12"	0	4	Top Soil		<input checked="" type="checkbox"/>
12"	4	36	Sand, Gravel, & Brown Clay		<input checked="" type="checkbox"/>
12"	36	38	Gray Lava		<input checked="" type="checkbox"/>
12"	38	45	Broken Up- Gray Lava & Gravel		<input checked="" type="checkbox"/>
12"	45	47	Broken Up - Gray & Brown Lava		<input checked="" type="checkbox"/>
12"	47	54	Gray & Brown Lava, & Tan Clay		<input checked="" type="checkbox"/>
12"	54	56.5	Gray Lava		<input checked="" type="checkbox"/>
6"	56.5	70	Gray & Brown Lava & Brown Cinder		<input checked="" type="checkbox"/>
6"	70	80	Gray & Brown Lava		<input checked="" type="checkbox"/>
6"	80	82	Void - Lost Circulation		<input checked="" type="checkbox"/>
6"	82	171	Medium Soft	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6"	171	210	Soft - Broken Up	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6"	210	239	Medium	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6"	239	267	Hard	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6"	267	276	Medium Hard	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6"	276	300	Soft	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6"	300	305	Medium	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6"	305	316	Soft	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6"	316	354	Hard Medium	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6"	354	361	Medium	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6"	361	380	Medium Soft	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6"	380	453	Medium	<input checked="" type="checkbox"/>	<input type="checkbox"/>

RECEIVED
AUG 17 2001
WATER RESOURCES
WESTERN REGION

Completed Depth: 453' (Measurable)
Date: Started 8-3-01 Completed 8-7-01

13. DRILLER'S CERTIFICATION
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Hiddleston & Son, Inc. Firm No. 35
Firm Official _____ Date _____
Supervisor or Operator _____ Date 8-7-01
(Sign once if Firm Official & Operator)

WELL DRILLER: PLEASE COMPLETE FOR VERBAL
IDWR Employee Issuing Verbal: _____
Verbal Issued Date: _____ Time: _____

D0018881

RECEIVED
AUG 08 2001

State of Idaho
Department of Water Resources

WATER RESOURCES
WESTERN REGION

APPLICATION FOR DRILLING PERMIT
(FOR THE CONSTRUCTION OF A WELL)

1. Applicant (please print): Idaho Power Co.
2. Mailing Address: 1221 W. Idaho St.
City & State Boise ID Zip Code 83702 Telephone 208-388-2296

Well Owner Well Operator Contractor or Other, specify _____

3. Proposed Well Location: Twp. 3S. Rge. 6E. Sec. 10 1/4 SW 1/4 NW 1/4;
Gov't Lot No. _____ County Elmore Lat. _____ Long. _____
Street Address of Well Site 1846 W. Highway Dist. Rd. City mtn Home
Give at least name of road + Distance to Road or Landmark
Lot, block and subdivision _____

4. Proposed Use of Well: Use Limited to 18gpm and 2500gpd

DOMESTIC: The use of water for homes, organization camps, public campgrounds, livestock (1,000 head or less) and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

NON-DOMESTIC: Irrigation Municipal Industrial
 Stock Test Other _____
(Over 1,000 Head) (Describe)

INJECTION

MONITORING: A well bore schematic and map is required for each blanket permit.
No. of proposed wells: _____

5. Well Construction Information:

A. New well Modify Replace
B. Proposed Casing Diameter 6" Proposed Maximum Depth 400'
C. Anticipated bottom hole temperature:
 85°F or less (Cold Water Well) 85°F to 212°F (Low Temp. Geo. Well) 212° F. or more (Geothermal Well)

6. Construction Start Date: 8-2-01

7. Anticipated Well Driller: Middleston & Son, Inc Driller's Lic. No. 35
NOTE: The actual well driller must be identified prior to drilling.

8. Applicant's Signature Ina M. Carney Date 8-2-01

This Permit is APPROVED

Date 8/8/01

If approved, this permit authorizes the construction or modification of a well subject to the following conditions. READ CAREFULLY

GENERAL CONDITIONS:

1. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
2. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well. All wells must be drilled a minimum distance of 100 feet from a drain field. Domestic and Public Water Supply wells must be drilled a minimum of 50 feet and 100 feet respectively from a septic tank
3. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
4. Approval of this drilling permit does not authorize trespass on the land of another party.
5. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
6. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
7. If a bottom hole temperature of 85° or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.

SPECIFIC CONDITIONS:

Use from this well is limited to
 18 gal/min and 2500 gal/day
 per I.C. Section 42-111b
 This well may not be used
 as a Public Water Supply.


 Signature of Authorized Department Representative

MANAGER
 WESTERN REGIONAL OFFICE
 Title

Receipt No. _____ Received by _____ Fee _____ Date _____


EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date _____

This extension expires: _____

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name Wiley Fisher
Address 5051 Mt. View Dr. Boise, ID
Owner's Permit No. _____

2. NATURE OF WORK

- New well Deepened Replacement
 Abandoned (describe method of abandoning) _____

3. PROPOSED USE

- Domestic Irrigation Test Municipal
 Industrial Stock Waste Disposal or Injection
 Other _____ (specify type)

4. METHOD DRILLED

- Rotary Air Hydraulic Reverse rotary
 Cable Dug Other _____

5. WELL CONSTRUCTION

Casing schedule: Steel Concrete Other _____
Thickness _____ Diameter _____ From _____ To _____
.025 inches 8 inches + 1 1/2 feet 18 1/2 feet
_____ inches _____ feet
_____ inches _____ feet
_____ inches _____ feet

- Was casing drive shoe used? Yes No
Was a packer or seal used? Yes No
Perforated? Yes No

How perforated? Factory Knife Torch
Size of perforation _____ inches by _____ inches

Number _____ From _____ To _____
_____ perforations _____ feet
_____ perforations _____ feet
_____ perforations _____ feet

Well screen installed? Yes No

Manufacturer's name _____
Type _____ Model No. _____
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Gravel packed? Yes No Size of gravel _____
Placed from _____ feet to _____ feet

Surface seal depth 18 1/2 Material used in seal: Cement grout
 Puddling clay Well cuttings

Sealing procedure used: Slurry pit Temp. surface casing
 Overbore to seal depth Welded Solvent

Method of joining casing: Threaded Solvent

7. WATER LEVEL

Static water level 327 feet below land surface.
Flowing? Yes No G.P.M. flow _____ p.s.i.
Artesian closed-in pressure _____
Controlled by: Valve Cap Plug
Temperature 71 °F. Quality Good

8. WELL TEST DATA

No Test

- Pump Bailor Air Other

Discharge G.P.M. _____

Pumping Level _____

Hours Pumped _____

9. LITHOLOGIC LOG

Hole Diam.	Depth		Material	Water Yes N
	From	To		
10"	0	18		
8"	18	453		
	0	3	Topsoil	
	3	57	Clay Lava	
	54	325	Gravelly Open Gravel (Dark Chicalation)	
	325	361	Broken Gravel (Some water) total 15# PSI	
	361	788	Gray Lava - Tight Gravel 15# PSI	
	428	455	Gravel 90 PSI	
			Strong Water	

RECEIVED

SEP 25 1978

Department of Water Resources
Western Regional Office

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 61-2168

WATER RIGHT NUMBER: 61-2168

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	M PETER NIELSEN 3955 S 136 W MOUNTAIN HOME, ID 83647 (208)8324382
Original Owner	DALE E GILBERT WENDELL, ID 83355

Priority Date: 04/23/1964
Basis: License
Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	SUBTERRANEAN FLOW

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	3.494 CFS	
	<u>Total Diversion:</u>	3.494 CFS	

Location of Point(s) of Diversion
GROUND WATER SW1/4NW1/4NE1/4 Sec. 19, Twp 04S, Rge 05E, B.M.
ELMORE County

Place of Use
IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04S	05E	19	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	299.0
			39.0	38.0	39.0	27.0	39.0	39.0	39.0	39.0									

Total Acres: 299

Conditions of Approval:

Remarks:

- General WHEN THE COURT STAY IS LIFTED, THIS CLAIM WILL BE RETURNED TO CLAIMANT FOR NOTARIZATION. AT THAT TIME, THE ISSUE OF EXPANSION WILL BE ADDRESSED. RMC 10-31-94

Comments:

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 61-2168

Dates and Other Information:

Claim Received Date: 12/8/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 69262 IN THE)
NAME OF IDAHO POWER COMPANY)
_____)

**NOTICE OF SECOND
PREHEARING CONFERENCE**

On June 29, 2001, Idaho Power filed with the Department of Water Resources (IDWR) an application for transfer of permit no. 61-2168A (transfer no. 69262). The application was protested by Ron Leydet and Mark &/or Trudy Sukup. A prehearing conference was conducted on September 6, 2001. Charles Olson and David Olson petitioned for and were granted intervention.

During September, IDWR received additional petitions to intervene from Peter Nielson, Jack Streeter and James Steelsmith. Copies of these petitions are enclosed.

IDWR has scheduled a second prehearing conference for the protest to be held on **Tuesday, October 9, 2001, at 10:00 a.m. at the Mountain Home City Hall, 160 S. 3rd E., Mountain Home, Idaho 83647.** The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules of Water Appropriation of the Department of Water Resources. The pending petitions to intervene will be considered at the prehearing conference.

The conference will be conducted in a facility that satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise IDWR within (10) days prior to the conference.

Dated this 25th day of September, 2001.



Gary Spackman

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of September, 2001, I mailed a true and correct copy, postage prepaid, of the Notice of Prehearing Conference to the applicant(s) and protestant(s) listed:



Sue Taylor
Senior Secretary

IDAHO POWER COMPANY
PO BOX 70
BOISE ID 83701

DAVID OLSON
RT 1 BOX 777 M
MOUNTAIN HOME ID 83701

RON LEYDET
PO BOX 521
MOUNTAIN HOME ID 83647

JACK STREETER
195 N 2ND W
MOUNTAIN HOME ID 83647

MARK &/OR TRUDY SUKUP
RT 3 BOX 610 #10 KNIEFEL
MOUNTAIN HOME ID 83647.

PETER NIELSON
3955 S 136 W
MOUNTAIN HOME ID 83647

CHARLES OLSON
RT 1 BOX 777 E
MOUNTAIN HOME ID 83647

JAMES STEELSMITH
625 BEAMAN RD
MOUNTAIN HOME ID 83647

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR TRANSFER

Section 42-222, Idaho Code, requires the department to consider the following issues in connection with an application for transfer:

- 1) Will the proposed transfer injure other water rights?
- 2) Will the proposed transfer constitute an enlargement in use of the original right?
- 3) Is the proposed transfer in the local public interest, where local public interest is defined as the affairs of the people in the area directly affected by the proposed use?
- 4) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof of issues 1, 2 and 4 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 3 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

To Gary Spackman
Western Regional Manager
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

9-12-01

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SEP 13 2001

WATER RESOURCES
WESTERN REGION

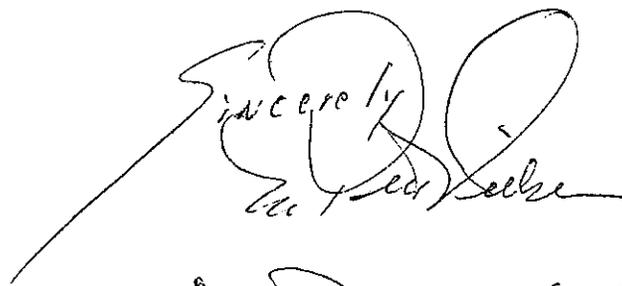
Dear Mr. Spackman:

This is my request to be an intervenor in the
Transfer of Water Rights from myself to Idaho Power.
The water right number is 01-02168.

I wasn't aware that I needed to request this
right in order to speak at the hearings. This is my first
acquaintance with an objection to a Transfer of water rights.

I'm the current owner of the water right listed above.
I feel it necessary to be an intervenor to protect my
interest in said Transfer.

Thank you very much for your cooperation in
this matter.

Sincerely,


Peter Nielsen
3955 So 136th
Mt. Home - Id. 83647

IDWR
Western Region
2735 Airport Way
Boise, Id 83705-5082

September 17, 2001

James Steelsmith
625 Beaman Rd
Mt. Home, Id 83647

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SEP 25 2001

**WATER RESOURCES
WESTERN REGION**

RE: Application for Transfer No. 69262 in the name of Idaho Power Company

Attn: Mr. Gary Spackman

I request to be an intervener in the application noted above. I am concerned because of the possibility of injury to myself concerning this transfer.

Enclosed is my \$25.00 intervention fee.

If there are any questions or comments, please contact me at (208)-587-1012.

Regards,


James Steelsmith

Streeter Real Estate

Jack Streeter, Broker

Telephone: (208) 587-3641

Evenings Call: (208) 587-4698

Fax: (208) 587-3641

In The Towne Square
195 North 2nd West
Mountain Home, ID 83647

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WATER RESOURCES
WESTERN REGION

Mr. Gary Spackman
Western Regional Manager
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

September 7, 2001

Dear Mr. Spackman:

This is my request to be an intervener in the sale of water rights belonging to my client, M. Peter Nielson. I have a valid listing on his 320 acres, which includes the water rights, and any other improvements on the property. This property is on the N.W. end of the Mountain Home Air Force Base runway.

I was at the meeting held in Mountain Home to discuss the water rights sold to Idaho Power, through my office, to represent Mr. Nielson's best interests. I am keenly aware of the value of water and how important it is to this community and Idaho in general. If bread is the staff of life, then certainly water is the blood of life.

In order to have progress and prosperity we must have a reliable energy source. At this time, it's somewhat critical to have new energy on line in the next sixty days I have been told. I would like to state a long-term solution to this problem might very well be a clean coal fired generator plant at Reverse. The reason I say Reverse is because that is the price breaking point. If the coal were hauled any closer to Boise the price would go up. Another way that seems feasible to get the coal to the plant is to build a pipeline. The coal should be crushed until it is as fine as a lady's face powder and mixed with waste oil or contaminated diesel and pump the slurry to the plant, which some consider to be cheaper than using just coal and it is a lot cleaner. With the technology of today and the cleaner burning furnaces with scrubbers on the smokestacks this would be a very clean practical operation.

In closing I would like to thank all of those that participated in the discussion of water rights and the generation of electrical power. I would also like to state that I was there to see these sales of the water rights go through as I am a Real Estate Broker and selling property, water rights, houses, buildings and farms etc. is my livelihood.

I respectfully request to be notified of any future meetings regarding M. Peter Nielson's water rights so that I may attend to protect my client's interests.