



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 287-4800 FAX: (208) 287-6700 www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

July 18, 2006

IDAHO POWER COMPANY
PO BOX 70
BOISE ID 83707

RE: Snake River Basin Adjudication (SRBA) Claim Nos. 03-2017, 03-2028, 03-2019, 03-2020,
03-2023, 03-2024, 03-2025, 03-7018 and 03-10184

Dear Claimant:

Please find enclosed the Preliminary Director's Report for your hydropower claims in Basin 03. This is an important opportunity to review the Idaho Department of Water Resources' (IDWR) conclusions regarding your water rights, resolve errors, and have questions answered **before** the report is finalized for the SRBA Court.

A Notice of Error deadline of July 28, 2006 has been set for the preliminary recommendations. A postage paid envelope is also enclosed to assist you in returning your Notice of Error Reply.

If you have any questions, you may contact me by phone at (208) 287-4917 or by sending email to carter.fritschle@idwr.idaho.gov.

Carter Fritschle

Section Manager
Adjudication Bureau

Enclosures:

Preliminary recommendations
Notice of Error Reply form w/ return envelope

cc James C Tucker w/enclosures
Barker Rosholt & Simpson LLP w/enclosures

07/17/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 3-2017

NAME AND ADDRESS: IDAHO POWER CO
PO BOX 70
BOISE ID 83707

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 9,000.000 CFS

Right Nos. 3-2017 and 3-2020 are limited to a total combined diversion rate of 30,000 cfs.

PRIORITY DATE: 05/29/1964

POINT OF DIVERSION:

T22N R03W S16 SESE Lot 1 Within ADAMS County, Idaho

T04S R49E S04 WM Within WALLOWA County, Oregon

Water is diverted by a dam that spans the Snake River between Idaho and Oregon.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

POWER

1/01 12/31

9,000.000 CFS

Power generation is at the Hells Canyon Dam Power Plant.

PLACE OF USE: POWER Within WALLOWA County, Oregon

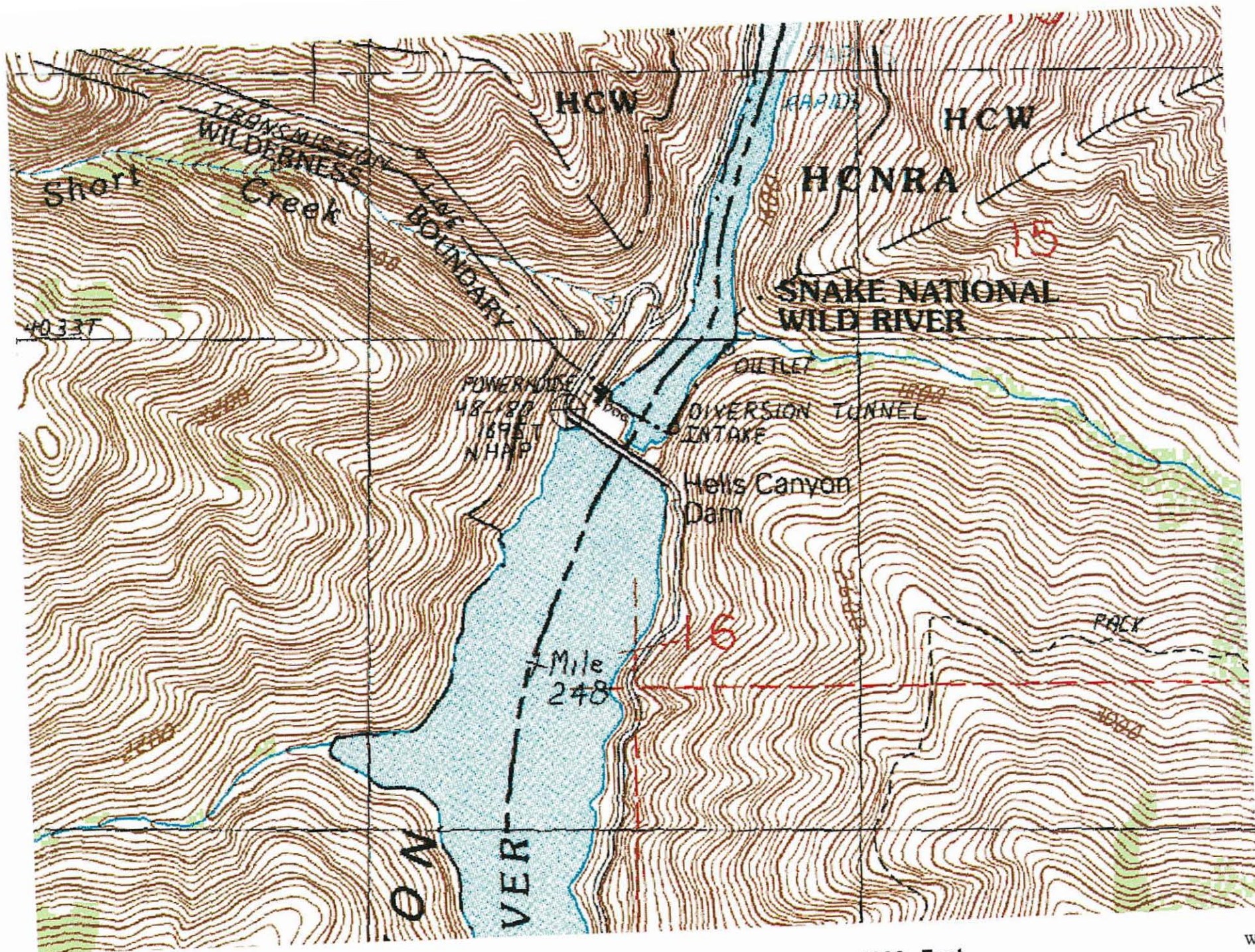
The place of use for this water right is in Oregon, and is described as T04S, R49E, S04, WM.

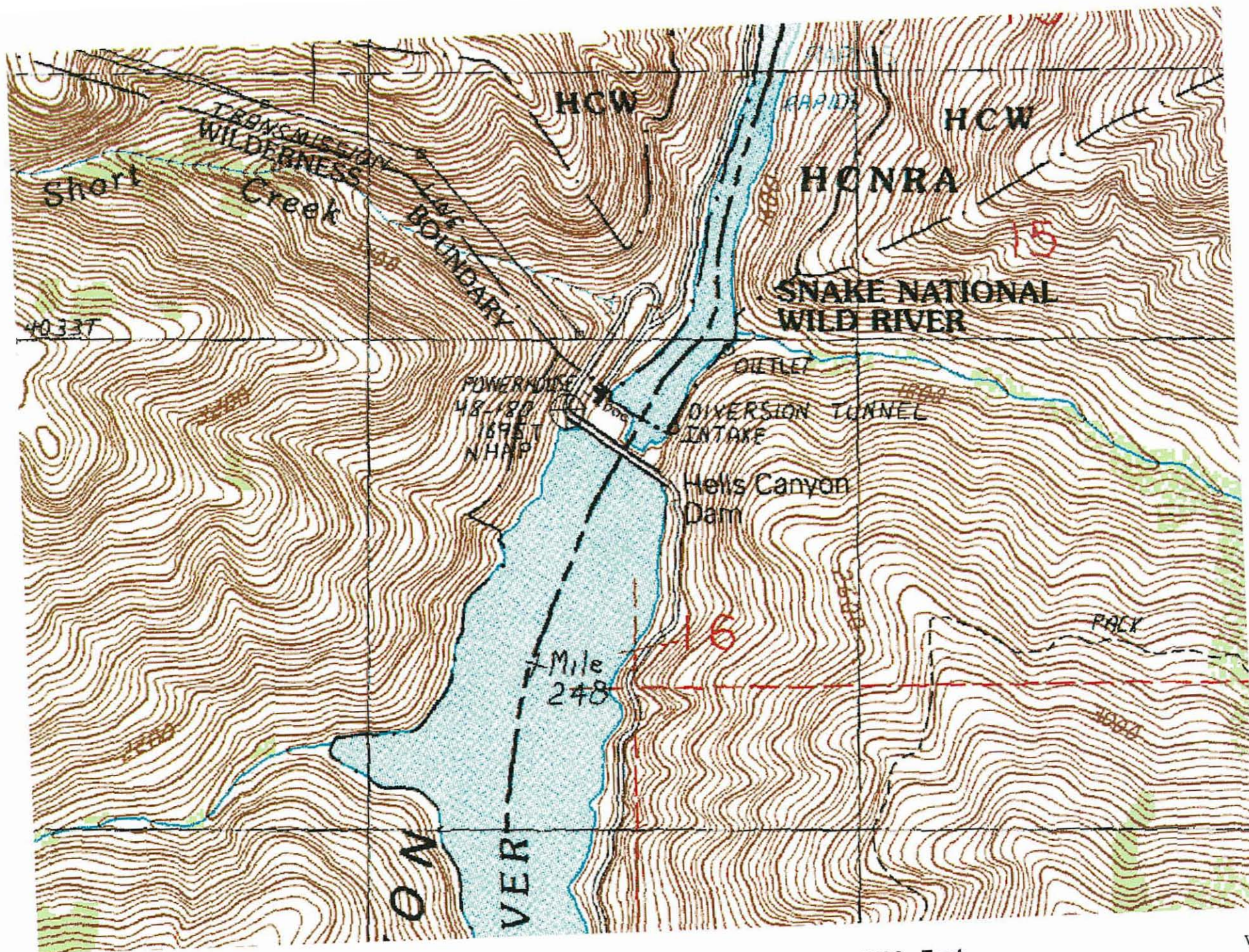
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The project shall be operated in such manner as will not conflict with the future depletion in flow of the waters of the Snake River and its tributaries, or prevent or interfere with the future upstream diversion and use of such waters for the irrigation of lands and other beneficial consumptive uses in the Snake River watershed.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License







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Hells Canyon History

Historians say the name Hells Canyon had its beginnings with a cargo ship pilot named Haller.

The story goes that Haller built a boat, the Norma, to haul downstream copper ore from mines located near present-day Oxbow, Ore.

In the Norma's first and only trip through Hells Canyon in 1895, Haller found the river rapids more than he had anticipated. Either because of what Haller said as he tried to pilot the boat or because of inaccurate repetition of the phrase "Haller's Canyon," the name Hells Canyon stuck. The wildness of the river and the nearly impassable steep mountain terrain more than likely reinforced the Hells Canyon name.



In the 1940s, Idaho Power envisioned the need for hydropower from Hells Canyon. In 1947, Idaho Power applied for a license to develop the three-project Hells Canyon Complex on the Snake River. After a bitter political contest with public power advocates who wanted to build one high dam in the canyon, the Federal Power Commission (now known as the [Federal Energy Regulatory Commission](#), or FERC) granted Idaho Power a license on August 4, 1955, to build the Brownlee, Oxbow and Hells Canyon power

The Hells Canyon Project was the last of the three projects to be constructed. With two of its three units, it began generating electricity in 1967. The third unit was put into power production in 1968, for a total [nameplate capacity](#) of 391 kilowatts, or 391.5 megawatts (MW).



Hells Canyon is the deepest canyon on the North American continent, and the Hells Canyon Project is located at one of the narrowest points in the canyon. Before crews could even begin construction, a 23-mile access road was cut along the Idaho side of the canyon. Morris Knudsen, the contractor, set up trailer-type offices, a first aid facility, a machine and carpentry shops on a small strip of level ground upstream. Housing and a mess hall for construction crews were built nine miles upstream.

The narrow canyon prevented crews from locating the [switchyard](#) adjacent to the powerhouse and generators, like most hydropower projects. Instead the switchyard was mounted on the dam's face. Helicopters helped move tools and equipment and were used to erect transmission towers. These support the transmission lines that carry electricity out of the canyon on the Oregon side.

Although construction crews had to work in a cramped and nearly inaccessible place, they built Hells Canyon Dam to full height in only six months.

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State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 03-2017 Priority 5-29-64 Amount 9,000 c.f.s. *

THIS IS TO CERTIFY, that IDAHO POWER COMPANY
of Boise, Idaho, has complied with the terms and conditions of Permit
No. 03-2017 issued pursuant to Application for Permit dated 5-29-64,
and has submitted proof to the Department of Water Administration on 7-17-68,
that he has applied water to a beneficial use: an examination by the Department indicates that the
works have a capacity of 32,880 c.f.s., and that the water has in fact been applied to a
beneficial use: a right to the use of water from Snake River
tributary of Columbia River, is hereby confirmed in the following amounts:

*Amount 9,000 c.f.s. for Electric Power from Jan. 1 to Dec. 31 (both dates inclusive)
Generation

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 30,000 c.f.s. of water be diverted at
when used in conjunction with Permit No. 03-2020
any one time/ said waters to be diverted within the _____

Lot 1 Sec. 16, Twp. 22 N., Rge. 3 W., B.M.

in the county of Adams; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed N.A. acre feet per year or _____
N. A. acre feet per acre.

Description and location of place of use: Hells Canyon Dam

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	

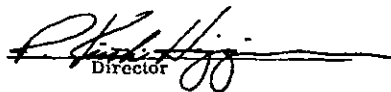
Total number of acres irrigated _____

The electric power generated at Hells Canyon Dam is 601,885 horse power

* The quantity of water diverted under this permit shall not exceed 30,000 c.f.s. when
used in conjunction with Permit No. 03-2020

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 21st day of
October, 1970.


Director

Application For Permit To Appropriate the Public Waters of the State of Idaho

79

03-2017

APPLICATION NO. 40050
PERMIT NO. 31990
DISTRICT NO.

1. Name of Applicant: Idaho Power Company
Postoffice address: 1220 Idaho St., Boise County: Ada State: Idaho
I. If applicant is a corporation, give:
(a) Date and place of incorporation: Maine - May 6, 1915
(b) Amount of authorized capital stock: \$120,000,000.00
(c) Amount paid in: \$93,382,301
(d) Names and addresses of directors: R.F. Ball, Boise, Idaho; P.G. Batt, Caldwell, Idaho; L.W. Brainard, Pocatello, Idaho; J.F. Emery, Boise, Idaho; B. Glavin, Twin Falls, Idaho; R.V. Hansberger, Boise, Idaho; M.L. Horsley, Boise, Idaho; W.M. Lloyd, Nampa, Idaho; C.E. Palmer, Ontario, Oregon; T.E. Roach, Boise, Idaho; A.C. Irman, Boise, Idaho; J.H. Rogers, Boise, Idaho; J.R. Simplot, Boise, Idaho; H.B. Soulen, Weiser, Idaho;
II. The financial resources of the applicant are: See Balance Sheet in file
(a) Cash on hand: (c) Bond to be issued:
(b) Treasury stock: (d) Other resources:
2. Quantity of water claimed: 30,000, 9,000 additional cubic feet per second.
3. Source of water supply: Snake River which is a tributary of Columbia River
4. Location of point of diversion: N 15° 31' W 1532.6 feet distant from the common corner of Section 21, 22, T. 22 N, R. 3 W., B.M., and is in ~~the~~ Lot 1 of section 16, T. 22 N, R. 3 W., B. M., County of Adams
5. Water is to be used for Generation of electric power
6. If for mining, milling, power or manufacturing purposes, give:
(a) Point of use of water: N. 80° 51' W 1725.5 feet distant from the common corner of Sections 15, 16, 21, 22 T. 22 N, R. 3 W., B.M., in ~~the~~ Lot 1 of Section of 16, T. 22 N, R. 3 W., B.M.
(b) Amount of power generated: 565,000 H.P., under 210 feet head.
(c) Water is to be returned to Snake River at a point 1725.5 feet distant from the common corner of Sections 15, 16, 21, 22, T. 22 N, R. 3 W., B.M., in ~~the~~ Lot 1 of Section 16, T. 22 N, R. 3 W., B.M.
7. Estimated cost of works: \$ 69,300,000
8. Kind of works: Reservoir, dam and power plant
9. Height of dam 320 feet; length of dam at top 995 feet; length of dam at bottom 220 feet; material used in dam: concrete - gravity
10. Size of headgate: Width feet; height feet.
11. Ditch: Width at bottom feet; width at water line feet; depth of water feet; dimensions of flume:
Diameter of pipe inches; length of conduit miles.
Average grade per mile feet.
12. The time required for the completion of such work is 5 years.
13. The time required for the complete application of the water to the proposed use is 6 additional years.
14. The land to be irrigated is described in the following tabulation: See remarks.
15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:
No. 24393 - 21,000 cfs

16. (a) Is reservoir to be used? See Remarks If so, fill in (b) and (c) below:
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

IDAHO POWER COMPANY Applicant.

By s/ J. F. Emery Agent.
J. F. Emery, Vice President

Date of first receipt at Department of Reclamation: 10:15 A.M. May 29, 1964

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 31990
Recorded in Book 112 Page 31990 Approved July 17, 1964
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:
Bond in the sum of \$ 1000.00 to be filed on or before September 17, 1964
Work to begin on or before and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before January 17, 1967
The whole of said work to be completed on or before July 17, 1969
Beneficial use of water appropriated in accordance herewith, to be made on or before July 17, 1975

WITNESS My hand this 17th day of July, 1964

s/ CARL E. TAPPAN
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 17th day of July, 1964.

Countersigned:

(SEAL) By s/ ARNOLD WILLIAMS
Secretary of State.

By s/ ROBERT E. SMYLIE
Governor.

REMARKS: Fore bay above dam will be fluctuated a maximum of 10 feet for daily power production and peaking purposes. A spillway, integral with the dam, will provide a flood flow capacity of 300,000 cfs. Water will be diverted from the Snake River common to the states of Idaho and Oregon and will be conducted through the dam by penstocks to a power house located in the stream channel where it will be returned to the Snake River.

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	Totals
			NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	
			This application is in addition and supplementary to the water and water right covered by Application No. 24393				
			CONDITION: The project shall be operated in such manner as will not conflict with the future depletion in flow of the waters of Snake River and its tributaries, or prevent or interfere with the future upstream diversion and use of such waters above the back-water created by said dam, for the irrigation of lands and other beneficial consumptive uses in Snake River watershed.				

9,600
LIC. NO. 100.0 FUR...
LICENSE PAGE NO.

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 SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A03-02017
Date Received: 3/31/1988
Receipt No: C000326
RS 4/7/88

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: IDAHO POWER CO.
Address: P.O. BOX 70
BOISE, ID 83707
2. Date of Priority: MAY 29, 1964
3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
22N	03W	16	NE	SE	SE	1	ADAMS
5. Description of diverting works:
320' HIGH XXXXXXXXXX CONCRETE DAM, PENSTOCKS TO GENERATORS.
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
POWER	01/01	12/31	9000.000		
7. Total Quantity Appropriated is:
9000.000 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
POWER PLANT WITH 208' HEAD AND 3 GENERATORS.
GENERATING CAPACITY 391500.0 KILOWATTS
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
22N	03W	16	SE	SE	1	POWER	
11. Place of use in counties: ADAMS

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
03-2020

14. Remarks:

HELLS CANYON DAM & POWER PLANT. THE POINT OF DIVERSION ON THE OREGON SIDE OF THE SNAKE RIVER IS IN TWN 04S, RNG 49E, SEC. 4, NE 1/4 OF THE NW 1/4 OF THE SE 1/4, W.M.

15. Basis of Claim: LICENSE
Water Right Number: 31990

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: -0-

For Organizations:

I do solemnly swear or affirm that I am Vice President and Secretary of

Title
Idaho Power Company, that I have signed the foregoing
Organization
document in the space below as Vice President and Secretary of

Title
Idaho Power Company and that the statements contained in the
Organization
foregoing document are true and correct.

Paul Laurence
Signature of Authorized Agent
Vice President and Secretary
Idaho Power Company
Title and Organization

April 5, 1988
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 5th day
of April 19 88

Julie A. Ryan
Notary Public

Seal

Residing at Boise, Idaho

My Commission Expires October 26, 1993

17. Notice of Appearance:

Notice is hereby given that I, Thomas G. Nelson will be
Print Name

acting as attorney at law on behalf of the claimant signing above, and that
all notices required by law to be mailed by the director to the claimant
signing above should be mailed to me at the address listed below.

Signature Thomas G. Nelson

Address Post Office Box 2139, Boise 83701

Date April 6, 1988

James C. Tucker
Bruce M. Smith
ROSHOLT, ROBERTSON & TUCKER
P. O. Box 2139
Boise, Idaho 83702-2139
Telephone: (208) 336-0700
4743p/shs/1-2-92

Steven L. Herndon - 383-2692
Assistant General Counsel
Idaho Power Company
P. O. Box 70
Boise, Idaho 83707

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 Snake River Basin
Water System.

CASE NO: 39576

The State of Idaho, ex rel.
A. Kenneth Dunn in his official
capacity as director of the
Idaho Department of Water
Resources,

NOTICE OF
APPEARANCE

Petitioner,

vs.

The United States; the State
of Idaho; and all claimants
to the use of water from the
Snake River Basin Water System,

Defendants.

* * * * *

COMES NOW, IDAHO POWER COMPANY, by and through its
attorneys, Steven L. Herndon, Assistant General Counsel of

MICROFILMED

AUG 10 1992

1 IDAHO POWER COMPANY, and James C. Tucker and Bruce M. Smith of
2 the firm of ROSHOLT, ROBERTSON & TUCKER, and, pursuant to Order
3 of this Court entered December 17, 1991, enters its appearance
4 in the above-captioned case.

5 DATED this 2nd day of January, 1992.

6 ROSHOLT, ROBERTSON & TUCKER

7 *for* James R. Rosholt
8 JAMES C. TUCKER

9 CERTIFICATE OF MAILING

10 I hereby certify that on this 2nd day of January,
11 1992, I caused to be served a true copy of the foregoing NOTICE
12 OF APPEARANCE by the method indicated below, and addressed to
13 each of the following:

14 Larry Echohawk
15 Attorney General
16 State of Idaho
Statehouse, Room 210
Boise, Idaho 83720

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

17 David Shaw
18 Adjudication Bureau Chief
19 Idaho Department of Water
Resources
1301 North Orchard
Statehouse Mail
20 Boise, Idaho 83720 (6 copies)

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

21 Peter C. Monson, Esq.
22 Assistant Attorney General
23 U.S. Department of Justice
Land and Natural Resources
Division
Indian Resources Section,
Rm. 6317
P. O. Box 44378
25 Washington, D.C. 20026-4378

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

1 Don A. Olowinski
HAWLEY, TROXELL, ENNIS
2 & HAWLEY
P. O. Box 1617
3 Boise, Idaho 83701

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

for James A. Roschert
JAMES C. TUCKER

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