

07/17/2006

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

RIGHT NUMBER: 3-2018

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1,400,000.000 AFY

PRIORITY DATE: 10/17/1952

POINT OF DIVERSION:

T17N R05W S2 SESE Lot 3 Within WASHINGTON County, Idaho

T08S R47E S25 NESE Lot 9 WM Within BAKER County, Oregon

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

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
POWER FROM STORAGE	01/01 12/31	1,400,000.00 AFY
POWER STORAGE	01/01 12/31	1,400,000.00 AFY

Power generation is at the Brownlee Dam Power Plant.

PLACE OF USE: POWER FROM STORAGE Within WASHINGTON County

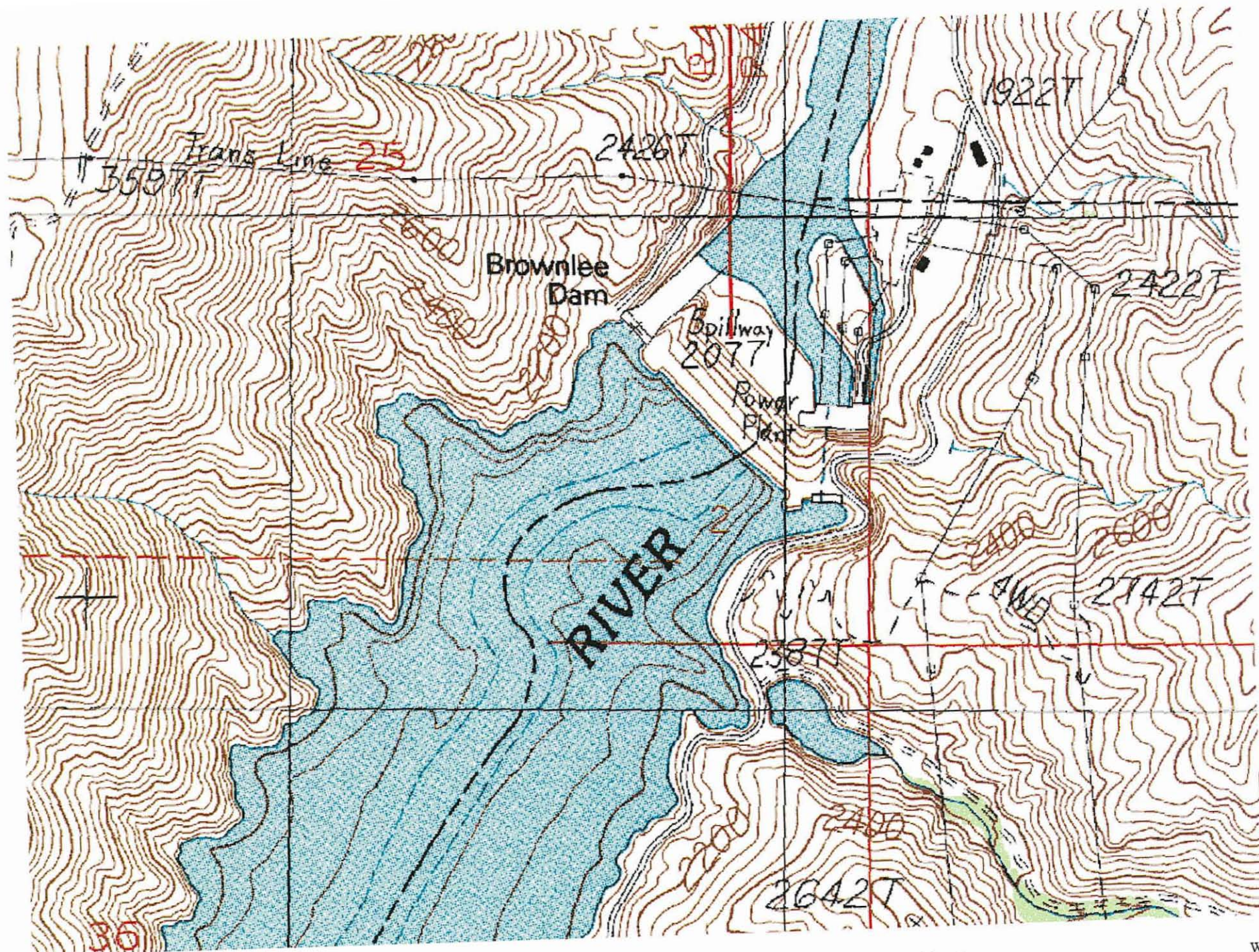
T17N R05W S02 Lot 1 NESE

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

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.

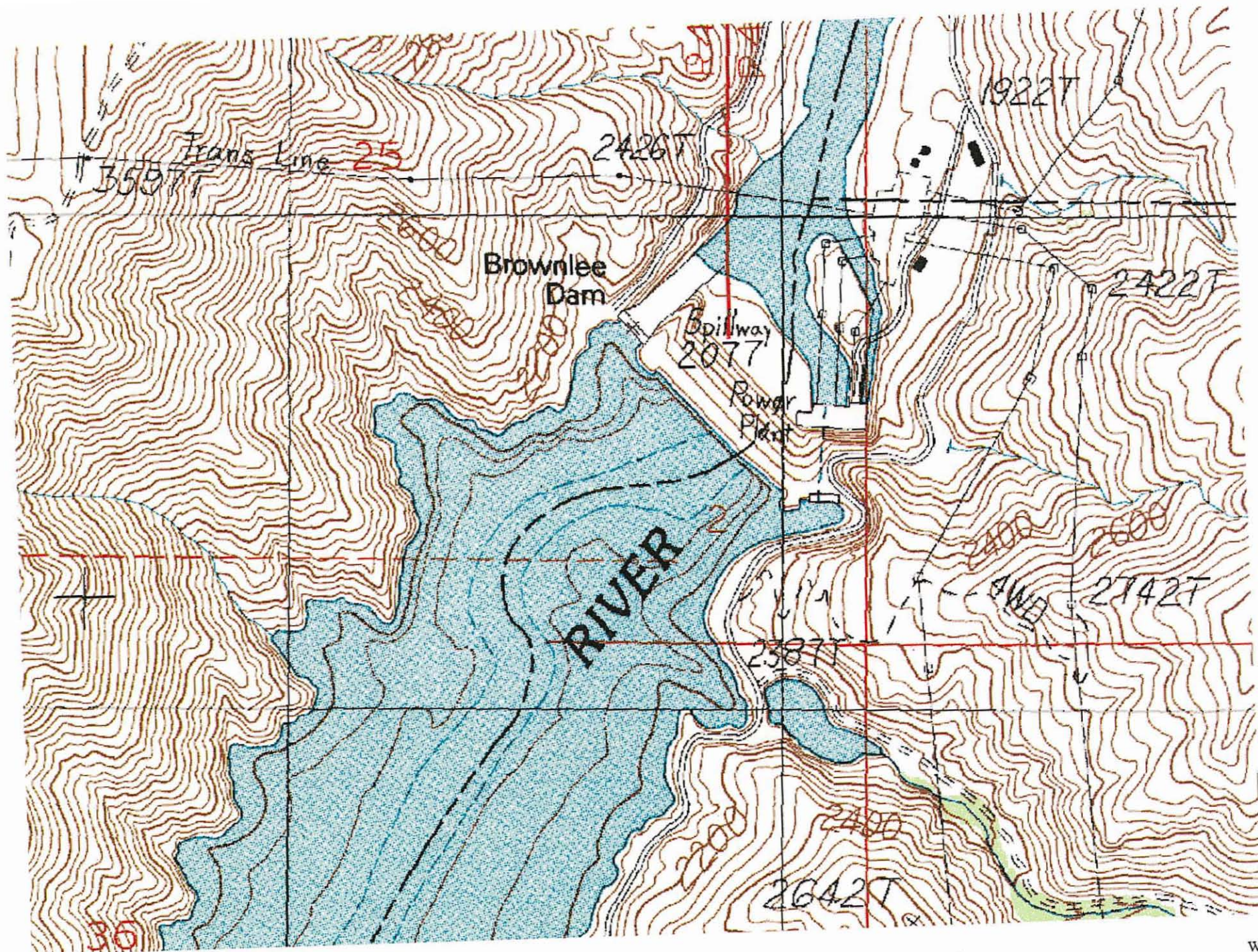
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License



800 0 800 1600 2400 3200 4000 Feet





800 0 800 1600 2400 3200 4000 Feet



State of Idaho

License and Certificate of Water Right

Water License No. R-905Amount, 1,400,000 acre feet

Water District No. _____

Priority, October 17, 1952

THIS IS TO CERTIFY that

IDAHO POWER COMPANY

of Boise, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated October 17, 19 52; that Permit No. R-905 was issued under said application; that Certificate of Completion of works, with a ^{holding} ~~acre~~ capacity of 1,400,000 ^{acre} ~~feet~~, was issued thereunder on July 29, 19 59, showing that said works were completed on the 17 day of June, 19 59; and that on the 17 day of June, 19 59,

IDAHO POWER COMPANY

of Boise, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Snake River, a tributary of Columbia River, for the purpose of electric power generation, under Use Permit No. R-905 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 11 of Licenses at page 67077, on the 29 day of July, 19 59;

The right hereby confirmed dates from October 17, 19 52;

The Point of Diversion is located Lot 3

In the 1/4 1/4, Sec. 2, Tp. 17 N, R. 5 W., B. M. County Washington

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1,400,000 ^{acre} ~~cubic~~ feet per second annum.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
<u>17 N</u>	<u>5 W.</u>	<u>2</u>	<u>Lot 3 for Electric Power Generation</u>		

The right to the use of the water aforesaid 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

29 day of July, 19 59.

GEO. N. CARTER

State Reclamation Engineer.

(SEAL)

State of Idaho

License and Certificate of Water Right

Water License No. 23925Amount 20,000 c.f.s.

Water District No. _____

Priority Oct. 17, 1952

THIS IS TO CERTIFY that IDAHO POWER COMPANY
 of Boise, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated October 17, 1952; that Permit No. 23925
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
20,000 second feet, was issued thereunder on July 29, 1959, showing that said works
 were completed on the 17 day of June, 1959; and that on the 17
 day of June, 1959,

IDAHO POWER COMPANY

of Boise, State of Idaho, made proof to the satisfaction of the
 State Reclamation Engineer of Idaho, of the right to use the waters of Snake River
 , a tributary of Columbia River, for the purpose of electric power
 generation, under Use Permit No. 23925 of the Department of Reclamation
 and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
 and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
11 of Licenses at page 6708, on the 29 day of July, 1959;
 The right hereby confirmed dates from October 17, 1952;
 The Point of Diversion is located Lot 3,

in the 1/4 1/4 Sec. 2, Tp. 17 N., R. 5 W., B. M. County Washington

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
 aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
 not exceed 20,000 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
17 N	5 W.	2	Lot 3 for Electric	Power Generation	

The right to the use of the water aforesaid 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

29 day of July, 1959.

GEO. N. CARTER

State Reclamation Engineer.

(SEAL)

P. O.

APPLICATION FOR PERMIT

To Construct a Reservoir and Appropriate and Store the Public Waters of the State of Idaho

Application No. R-~~20948~~

Permit No. R-105

1. Name of Applicant: **DAN FOWLER COMPANY**
Postoffice address: **1880 Blake St. Boise County** Adm State **Idaho**
- I. If applicant is a corporation, give:
- (a) Date and place of incorporation: **Maine May 6, 1918**
(b) Amount of Capital Stock: \$ **75,000.00**
(c) Amount paid in: \$ **40,500.00**
(d) Names and addresses of directors: **C. E. Anderson, Boise, Idaho; W. H. J. Clark, Boise, Idaho; A. L. Merrill, Pocatello, Idaho; C. E. Johnson, Coeur d'Alene, Idaho; R. E. Black, Boise, Idaho; J. E. Rogers, Boise, Idaho; E. S. Bennett, Boise, Idaho; J. E. Simpson, Boise, Idaho; Nathan Somers, Boise, Idaho; and E. T. Myers, Boise, Idaho.**
- II. The financial resources of the corporation are: **See balance sheet attached**
- (a) Cash on hand: \$
(b) Treasury Stock: \$
(c) Bonds to be issued: \$
(d) Other resources:
2. Quantity of water to be stored: **1,400,000 acre feet, of which 1,000,000 acre feet are usable** acre feet per annum
3. Source of water supply is **Sage River** (Creek) (River) (Spring), a tributary of **Columbia** River.
4. The outlet of the proposed reservoir is located **1090** feet/distant from the **northwesterly** corner of Section **2**, Township **17 N.**, Range **5 W.**, B. M., and is in **about 3 %** of Section **2**, Township **17 N.**, Range **5 W.**, B. M. County of **Washington**
5. Fill out either (a) or (b).
(a) The reservoir is located in the channel of **Sage River** (Creek) (River)
(b) The reservoir is to be filled through a feeder canal, the point of diversion for which is located _____ (bearing) _____ feet, distant from the _____ corner of Section _____, Township _____, Range _____, B. M., and is in the _____ % of _____ % of Section _____, Township _____, Range _____ B. M. width at bottom _____ feet, width at top _____ feet, depth of water _____ feet; average grade per mile _____ feet; Capacity _____ cubic feet per second.
6. (a) The area of the high water line of the reservoir is **15,350** acres.
(b) The reservoir capacity is **approximately 1,400,000 acre feet total approximately 1,000,000 active storage** acre feet.
7. Height of reservoir dam **240** feet, length at top **1715** feet, length at bottom **1920** feet, size of outlet **determined** **approximately** feet by _____ feet. The dam is to be constructed of materials as follows: **Rock fill with upstream face of concrete. Concrete spillway with timber gate control of flood water.**
(If height of dam will exceed 10 feet or capacity of reservoir will exceed 100 acre feet, plans must be approved by Department of Reclamation, before beginning construction.)
8. (a) Will water stored in reservoir be diverted to canal or aqueduct, **tunnel** (Creek) River?

P. 905

Total Number of Acres to be Irrigated_____

21. ~~EXISTING RIGHTS AND OBLIGATIONS OF LAND OWNERS~~ (REMARKS)

Reference is made to companion application No. 30947 (Permit No. 26985) filed October 17, 1938, for use of 20,000 cubic feet per second of water for electric power generation. The rights for the use of the waters, stream bed and other lands of the State of Idaho, necessary for the construction and operation of the dam and reservoir are subject to the condition that 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,

Remarks: 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 or other beneficial consumptive uses in the Snake River watershed.

BE IT KNOWN That the undersigned hereby makes application for permit to construct a reservoir and store and appropriate the public waters of Idaho as herein set forth, and that the enclosed map is hereby made a part of this application.

IDAHO POWER COMPANY

Applicant.

By T. E. Koch President Agent.

Affidavit of Permission to Store and Appropriate the Water of Springs

(Not to be used when spring is situated on lands owned by applicant)

I, _____ of _____ County of _____ State of _____, do hereby certify that I am the owner or lessee of the land on which the spring mentioned in the application of _____ is located, to-wit: _____ and that I do hereby grant unto the said _____ permission to file on the said spring as set forth in the foregoing application for permit to construct reservoir and store and appropriate the water from said spring.

STATE OF IDAHO,

County of _____

ss.

On this _____ day of _____, 19____, before me, a Notary Public for the State of Idaho, residing at _____, personally appeared _____ known to me to be the person whose name _____ subscribed to the foregoing certificate, and acknowledged to me that he executed the same.

Witness my hand and seal, the day and year in this certificate first above written.

Notary Public.

My commission expires: _____

Approval of State Reclamation Engineer

The number of this permit is R. 905

Recorded in book R. 4, page 905 Approved April 2, 1963

This is to certify that I have examined the within application for a permit to construct a reservoir and store and appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitation and conditions:

Bond in the sum of \$ 1,000, to be filed on or before June 2, 1963

Work to begin on or before _____ and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before October 2, 1963

The whole of said work to be completed on or before April 2, 1964

Beneficial use of water stored in accordance herewith, to be made on or before April 2, 1964

Witness my hand this 2nd day of April, 19 63

MARK E. KILP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, LEW JORDAN, Governor of the State of Idaho, and IRA H. MASTERS, 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 2nd day of April, 19 63

Countersigned:

STATE OF IDAHO

By IRA H. MASTERS Secretary of State. By LEW JORDAN Governor.

(SEAL)

No. R. 905

STORAGE PERMIT

Date of first receipt at office of State Reclamation Engineer

4:00 P. M. October 17, 1963

Returned to applicant for correction

November 17, 1963

Corrected application received

January 14, 1964

Fees, \$ _____ Paid _____

FILING FEES FOR STORAGE PERMITS:

For the first 250 acre-feet _____ \$5.00

For each additional 250 acre-feet or

fraction thereof _____ \$0.25

FOR NORMAL FLOW PERMITS:

For the first Second foot _____ \$5.00

For each additional Second foot or

fraction thereof _____ \$0.25

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: A03-02018
Date Received: 3/31/1988
Receipt No: C000326

21 4/07/88

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: OCT 17, 1952

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
17N	05W	2	NE	SE	SE	3	WASHINGTON

5. Description of diverting works:
395' HIGH ROCK FILL WITH CLAY CORE DAM, PENSTOCKS TO GENERATORS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
POWER STORAGE	01/01	12/31			1400000.00
POWER FROM STORAGE	01/01	12/31			1400000.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 1400000.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
POWER PLANT WITH 260' HEAD AND 5 GENERATORS.
GENERATING CAPACITY 585400.0 KILOWATTS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	05W	2	NE	SE	1	POW S	

11. Place of use in counties: WASHINGTON

A03-02018

Page 1

Date: 04/01/88

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

13. Other Water Rights Used:
03-2023, 03-2024, 03-7018

14. Remarks:
WATER STORED IN BROWNLEE RESERVOIR. THE POINT OF DIVERSION ON
THE OREGON SIDE OF THE SNAKE RIVER IS IN TWN 08S, RNG 47E,
SEC 25, SW 1/4 OF THE NE 1/4 OF THE SE 1/4, W.M.

15. Basis of Claim: LICENSE
Water Right Number: R905

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 wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: -2-

For Organizations:

I do solemnly swear or affirm that I am Vice President and Secretary of
Idaho Power Company, that I have signed the foregoing
Organization
document in the space below as Vice President and Secretary of
Idaho Power Company and that the statements contained in the
Organization
foregoing document are true and correct.

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

April 5, 1988

Date

State of Idaho)
) SS.
County of Ada)

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 A. 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)

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AUG 10 1992

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)

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5 *for* James A. Roschert
6 JAMES C. TUCKER
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07/15/94

COMMUNICATION DOCUMENTATION

Claim No.: A03-02018

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent: Don Shaff 

Date: September 6, 1994

Contact Person(s): Sharon Strickland, Rosholt, Robertson & Tucker

Nature of Contact: Claim fees paid by Idaho Power Company

Substance of Communication: Ms. Strickland's initial request went to the claim fees paid by Idaho Power Co. I suggested limiting the figure for expediency sake to those claim fees associated with their time payment plans and the hydro-electric plants of the company. I suggested any other fees paid by the power company would be miniscule in relation to the total fees paid for the hydro-electric plant. I completed compiling the figures and returned Ms. Strickland's telephone call. I supplied her with the total figures for claim fees, interest and total dollars paid as shown on the attached sheet. This sheet is stored in my Node 1 Lotus directory for likely future use. Ms. Strickland, upon hearing of the total amount paid, agreed that any other fees would be nearly trivial and not worth the search for those claim fees.

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SEP 19 1996

IDAHO POWER CO. CLAIM FEES PAID IN TIME PAYMENT PLANS

Account	General Location	Claim Fees	Interest	Total
C000001	Hells Canyon	\$4,084,550.00	\$816,909.96	\$4,901,459.96
C000006	Malad River	112,300.00	21,958.14	134,258.14
C000010	Cascade	43,670.00	8,504.06	52,174.06
C000013	Upper Salmon	331,117.00	65,425.09	396,542.09
C000015	Shoshone	73,379.50	14,414.55	87,794.05
C000019	Bliss	552,564.00	109,907.25	662,471.25
C000023	Am. Falls	323,290.00	64,658.00	387,948.00
C000029	Swan Falls	36,087.50	7,171.46	43,258.96
Totals		\$5,556,958.00	\$1,108,948.51	\$6,665,906.51

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SEP 19 1996