

07/17/2006

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

RIGHT NUMBER: 3-2019

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 16,000.000 CFS

PRIORITY DATE: 06/19/1947

POINT OF DIVERSION:

T19N R04W S21 SENW Lot 2 Within ADAMS County, Idaho

T07S R48E S10 SWNW Lot 3 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	1/01 12/31	16,000.000 CFS
Power generation is at the Oxbow Dam Power Plant.		

PLACE OF USE: POWER Within BAKER County, Oregon

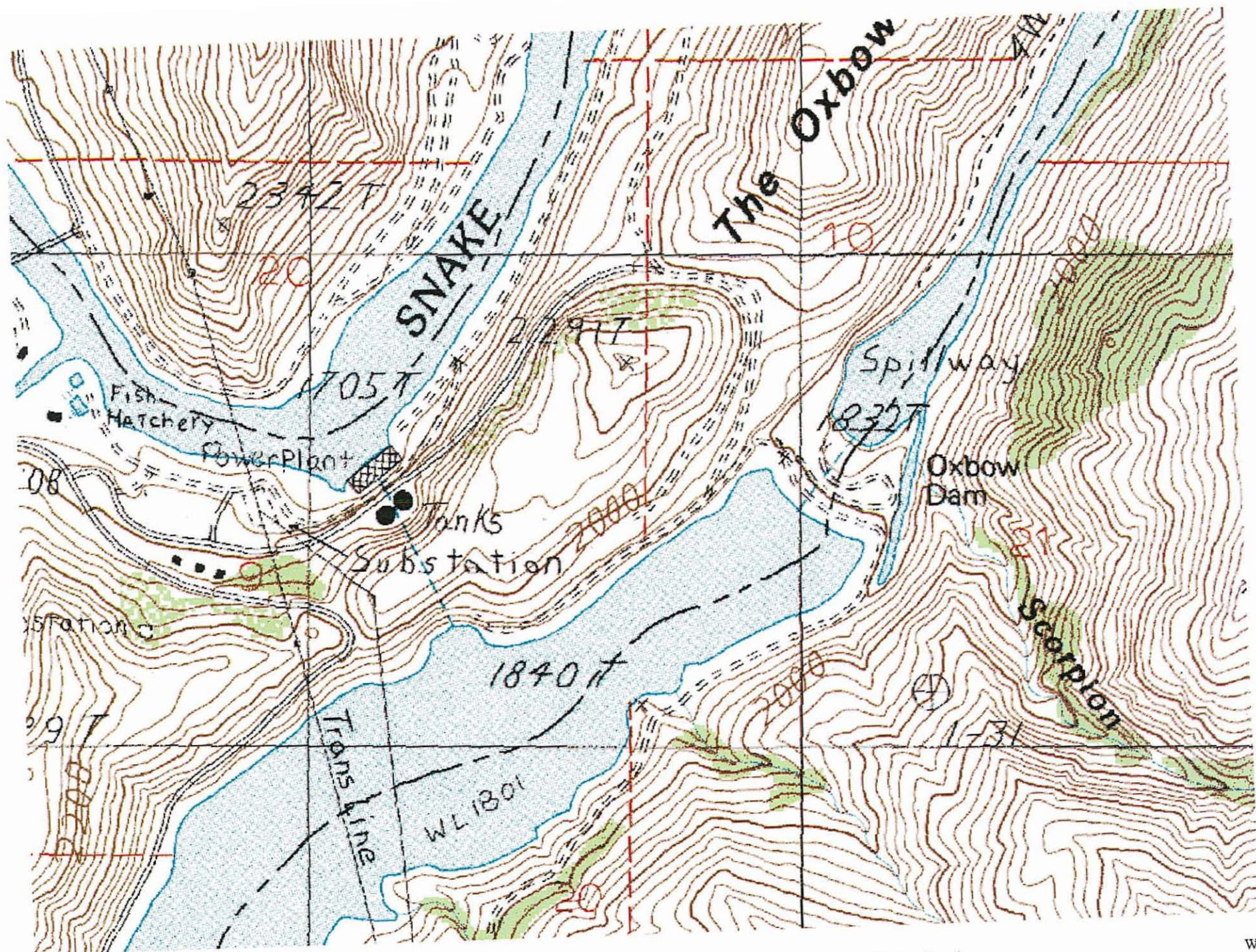
The place of use for this water right is in Oregon, and is described as T07S, R48E, S09, SWNE Lot 2, WM.

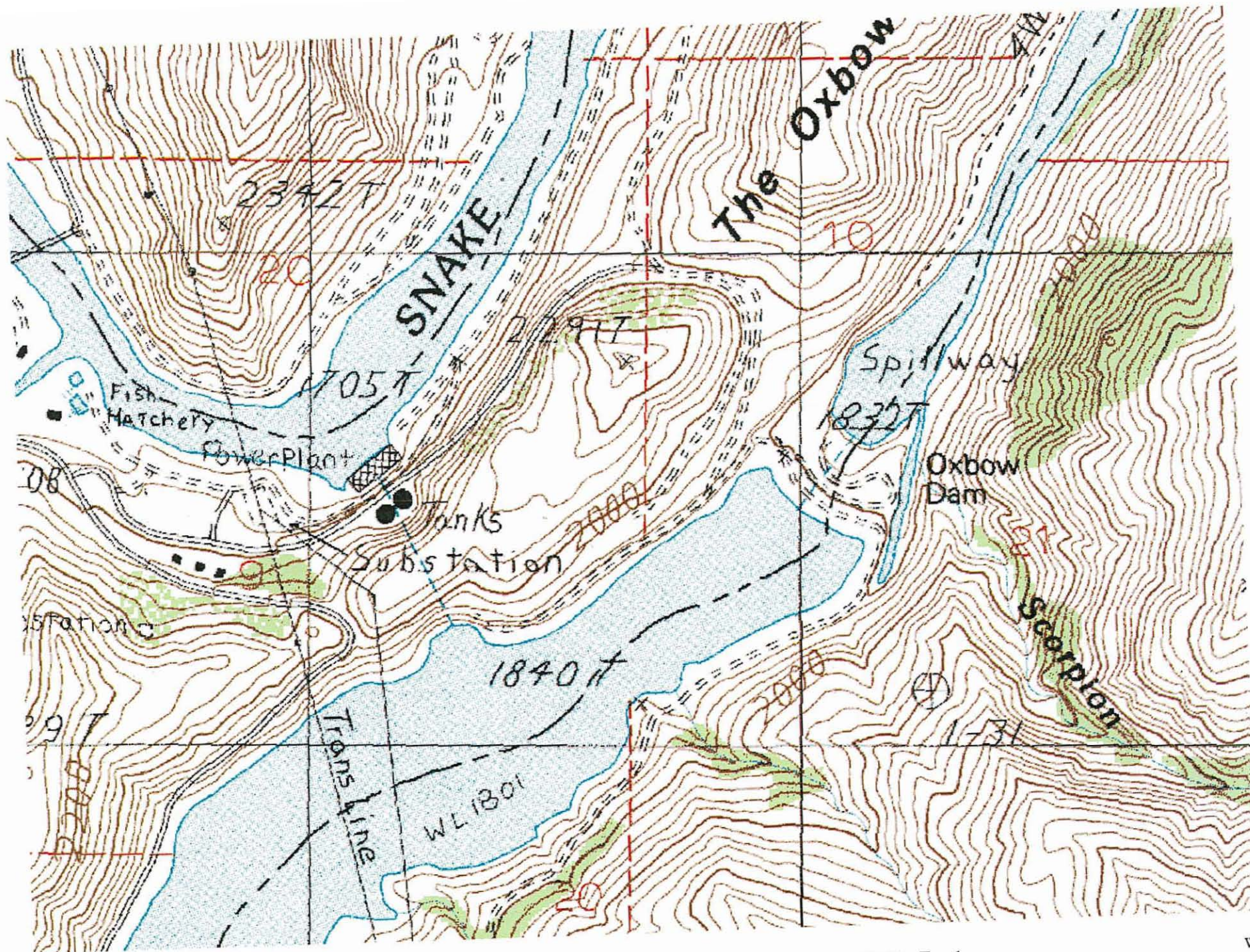
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

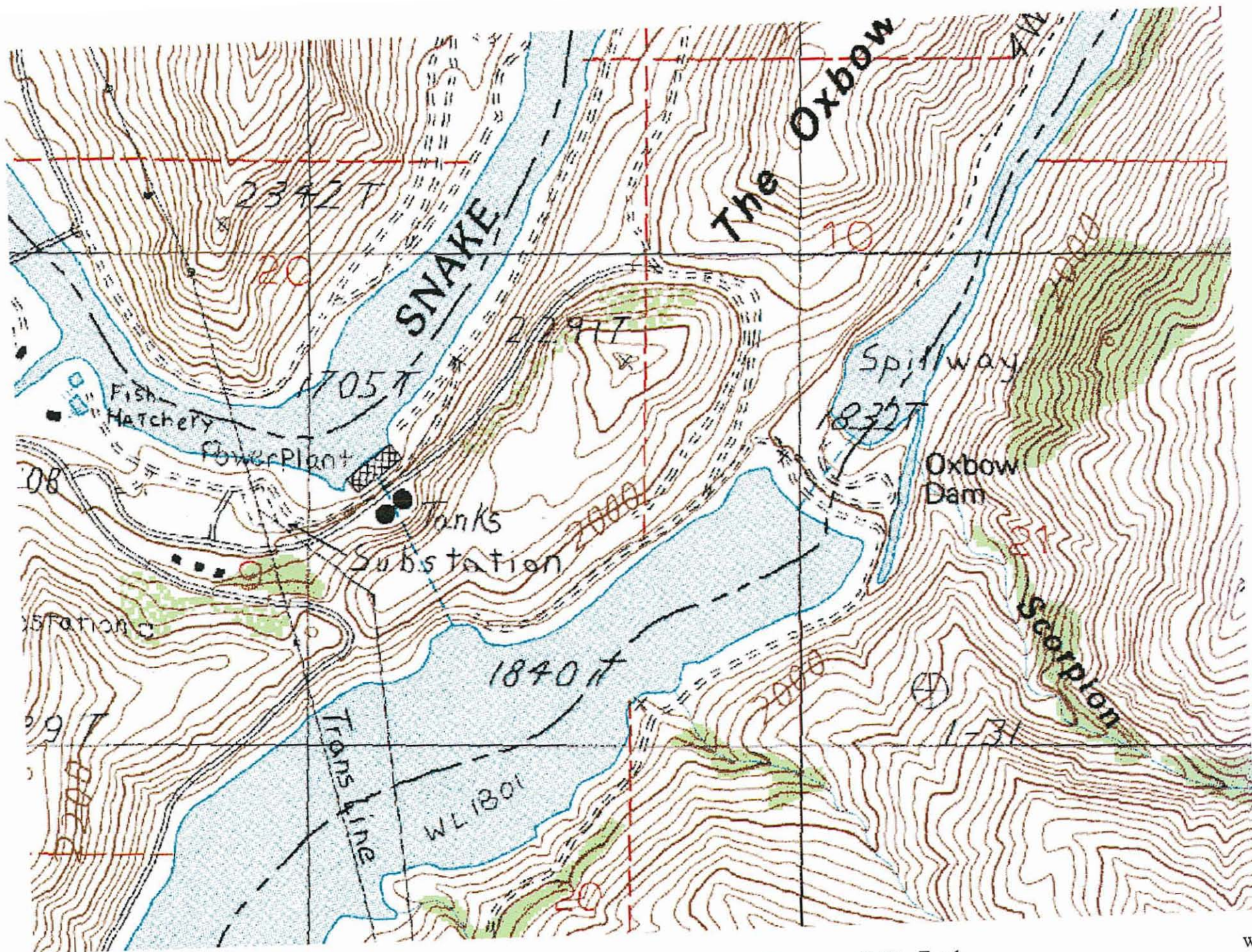
The project shall be operated in such manner as will not conflict with the future depletion in flow of the waters of the Snake River and its tributaries, or prevent or interfere with the future upstream diversion and use of such waters for the irrigation of lands and other beneficial consumptive uses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

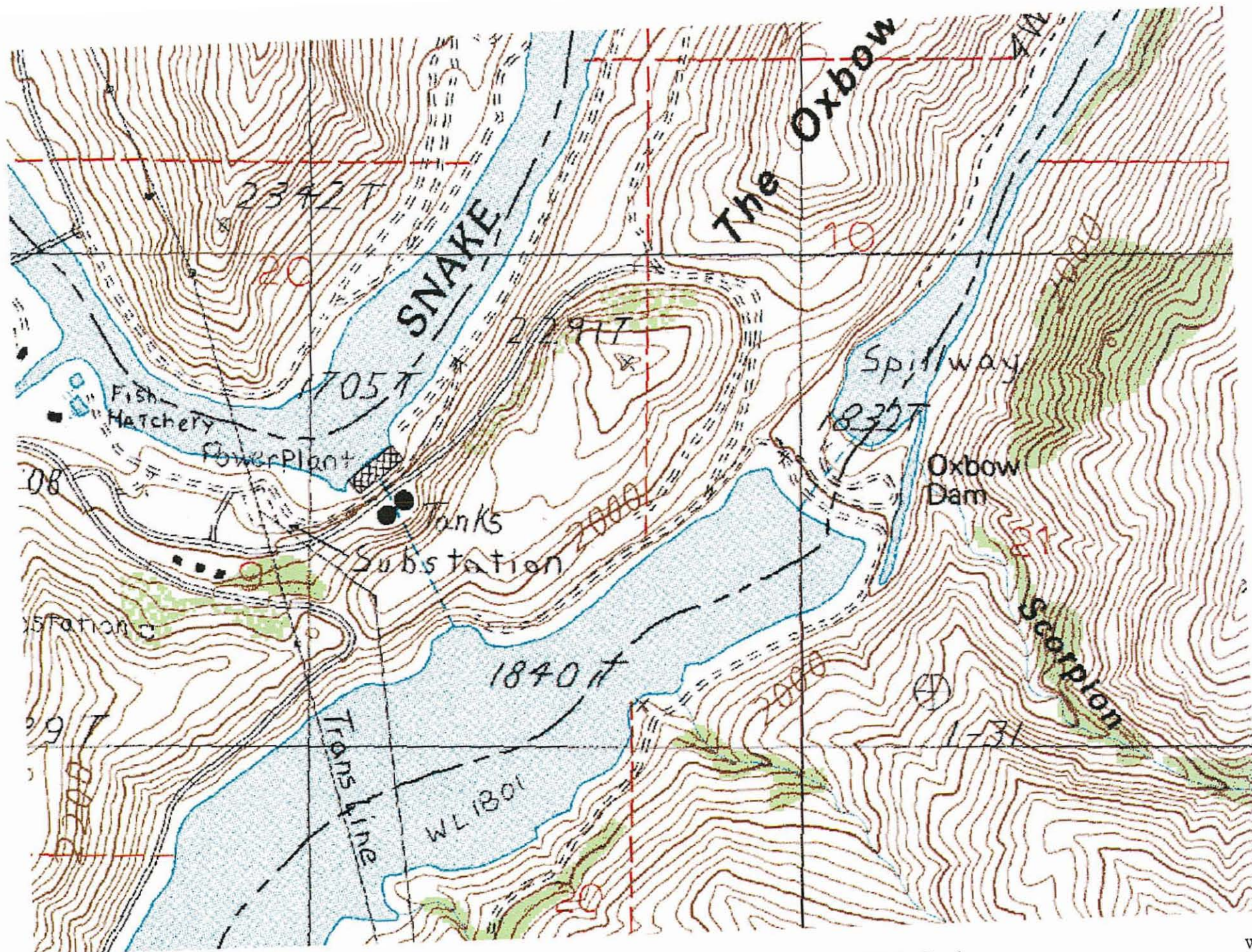
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License









3 2749—

Date of Notice 6-20-1947
Date of Publication 6-27-1947
Last Date for Protest 7-30-1947

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

02-2093
03-2019

27696
APPLICATION No. 27696
PERMIT No. 22442
DISTRICT No.

Idaho Power Company
Attn. A. C. Irman, Secretary
1220 Idaho St., Boise, Idaho

IF PROTESTED
Date of Notice of Hearing
Date of Hearing
Date of Appeal Filed

1. Name of Applicant: IDAHO POWER COMPANY

Postoffice address: Boise

County: Ada

State: Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation: May 6, 1915- Augusta, Maine

(b) Amount of capital stock: \$38,000,000

(c) Amount paid in: \$19,000,000

(d) Names and addresses of directors: A.C. Irman, Boise, Idaho; W.J. Lloyd, Nampa, Idaho; A.L. Merrill, Pocatello, Idaho; C.E. Palmer, Ontario, Oregon; T.E. Roach, Boise, Idaho; J.H. Rogers, Boise, Idaho; H.L. Senger, Boise, Idaho; J.R. Simplot, Boise, Idaho; Nathan Sommer, Boise, Idaho; C.J. Strike, Boise, Idaho; E.T. Waters, Weiser, Idaho

II. The financial resources of the applicant are: (See Balance

(a) Cash on hand:

(b) Treasury stock: sheet attached- in file

(c) Bonds to be issued:

(d) Other resources:

2. Quantity of water claimed: 16,000

cubic feet per second.

3. Source of water supply: Snake River

which is a tributary of Columbia River

4. Location of point of diversion: 2509

feet distant from the Southwest

corner of Section 21, T. 19 N., R. 4 W., B.M., and is in the Lot 8

of Section 9, T. 7 S., R. 48 E., W.M., County of Baker, Oregon

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: 3924

feet distant from S W

corner of Section 21

T. 19 N., R. 4 W., B.M., in the Lot 2

of Section 9

T. 7 S., R. 48 E., W.M. in Oregon

(b) Amount of power generated: 188,000

H.P., under

120 feet head.

(c) Water is to be returned to Snake River

at a point approx. 3924

feet

distant from the S W

corner of Section 21

T. 19 N., R. 4 W., B.M., in the Lot 2

of Section 9

T. 7 S., R. 48 E., W.M. in Oregon

7. Estimated cost of works: \$ 25,000,000

8. Kind of works: Concrete dam, concrete lined tunnels, steel penstock, concrete power plant.

9. Height of dam Approx. 220 feet; length of dam at top Approx. 1,000 feet; length of dam at bottom Approx. 900

feet; material used in dam: Concrete and steel

10. Size of headgate: Width To be determined feet; height

feet.

11. Ditch: Width at bottom None

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 Five (5)

years.

13. The time required for the complete application of the water to the proposed use is Six (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:

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

A. C. Inman

Agent.

Vice President and Secretary

Date of first receipt at Department of Reclamation: 4:30 P. M. June 19, 1947

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 22442

Recorded in Book 80 Page 22442 Approved October 23, 1951

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 \$ 1,000 to be filed on or before December 23, 1951

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 April 23, 1954

The whole of said work to be completed on or before **October 23, 1956**

Beneficial use of water appropriated in accordance herewith, to be made on or before October 23, 1962

WITNESS My hand this 23rd day of October, 1951

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, LEN 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 23rd

day of October 19 51

STATE OF IDAHO

Countersigned:

(SEAL)

By _____ IRA H. MASTERS

By

LEN JORDAN

Governor.

Secretary of State.

REMARKS: Reservoir created by dam will be fluctuated approximately 5 feet for daily regulation of power output and power plant peak purposes.

Steel flood gates will be provided in dam to handle approximately 100,000 c.f.s. of flood waters.

Water will be diverted from the Snake River, common to the states of Idaho and Oregon, and will be conducted through a tunnel in the state of Oregon to a power plant located in the state of Oregon where it will be returned to the Snake River channel.

(Continued below)

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 $\frac{1}{4}$	
REMARKS	(Continued)	Idaho Power Company, applicant herein, is a corporation duly qualified to do business in and under the laws of the State of Idaho, evidence thereof having heretofore been filed with the Department of Reclamation, reference to which is hereby made, reference also being made to the official filed and records in the office of the Secretary of State of Idaho pertaining to said Company.					
		AMENDMENT TO PERMIT NO. 22442					
		The rights herein granted 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 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, for the irrigation of lands and other beneficial consumptive uses in the Snake River watershed."					
		(Amendment authorized by letter from the Idaho Power Company, dated March 14, 1952, and approved by the State Reclamation Engineer and Governor of the State of Idaho)					

(Form No. 1)

Blake Power Company
Attn. A. S. Inman, Secretary
100120 Blake St. Boise, Idaho

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Permit No. 2764

District No. 20442

- Post office address IRADO POWER COMPANY County _____ State _____

- (a) Date and place of incorporation: _____

- (b) Amount of Capital stock: \$ 100,000.00 (c) Amount paid in: \$ 100,000.00

- (d) Names and addresses of directors: 22,000,000 19,000,000

- II. The financial resources of the applicant are: (a) Cash on hand: \$

- (b) Treasury stock: _____ (c) Bonds to be issued: ~~(See Balance sheet attached-in file)~~

- (d) Other resources: _____

2. Quantity of water claimed: _____ cubic feet per second

3. Source of water supply: 14,000

- which is tributary of Snake River

4. Location of point of diversion: Columbia River feet distant from the _____ corner

- of Section T * 1000 B. M. and is in the **Southeast**

- of Section 21 T. 19 N. R. 4 E. B. M. County of DE Let S

- 5 Water is to be used for: 7 S. 48 E. 1/4 Sec. 36 T. 10 N. R. 10 W. Baker, Oregon

8. If for mining, milling, power or manufacturing purposes, type _____

- (a) Point of use of water: _____ feet distant from _____ corner of Section _____

- T R B ~~SECRET~~ of Section ~~SECRET~~ R ~~SECRET~~ B.1

7. Amount of power generated: 144 2 H P under 7 5. 43 2. feet

- (c) Water is to be returned to **122,000** at a point **120** to

- distance from the Snake River corner of Section T approx. 3034 B. M. in the

- of Section 7 m 21, 19 N, 4 W.

- Lot 2 7 S. 48 E. TANK W.M. IN OREGON

- Wind of money: \$5,000,000

- Concrete dam, concrete lined flume, steel penstock, concrete power

9. Height of dam _____ feet; length of dam at top _____ feet; length of dam at bottom _____ feet.
(If height of dam will exceed 10 feet or will store more than 100 acre feet of water, send to Department of Reclamation for Regulations.)

- | Regulations | Aspet: 1,000 | Aspet: 1,000 | Aspet: 1,000 |
|----------------------------|--------------|--------------|--------------|
| feet: material used in dam | | | |

- Concrete and steel**

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

- Dimensions of flange: 240 mm x 240 mm x 10 mm. Dimensions of pipe: 100 mm x 10 mm x 10 mm.

22442

14. The land to be irrigated is described in the following tabulation:
(Give irrigable acreage in each 40-acre subdivision)

[illegible]

Total Number of Acres to be Irrigated: _____

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: _____

Approval of State Reclamation Engineer

The number of this permit is 22442

Recorded in Book 22 Page 22442 Approved October 25, 1951

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 \$ 1,000 to be filed before December 25, 1951

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 April 25, 1952

The whole of said work to be completed on or before October 25, 1952

Beneficial use of water appropriated in accordance herewith, to be made on or before October 25, 1952

Witness my hand this 25th day of October, 1951

MARTIN J. JONES
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, LEW JORDAN Governor of the State of Idaho,

and, 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 25th day of October, 1951.

Countersigned:

STATE OF IDAHO

By MASTERS Secretary of State.

By LEW JORDAN Governor.

(SEAL)

Number	PERMIT
Date of first receipt at office of State Reclamation Engineer	
Returned to applicant for correction	
Corrected application received	
Fees, \$	
FILING FEES FOR USE PERMIT:	
For the first Sec. Ft.	\$5.00
For each additional Sec. Ft. or Fraction	
Thereof	25

22442

18. (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: _____

Remarks:

Reservoir created by dam will be fluctuated approximately 8 feet for daily regulation of power output and power plant peaking purposes.

Steel flood gate will be provided in dam to handle approximately 100,000 c.f.s. of flood waters.

Water will be diverted from the Snake River, common to the states of Idaho and Oregon, and will be conducted through a tunnel in the state of Oregon to a power plant located in the state of Oregon where it will be returned to the Snake River channel.

Snake River Company, applicant herein, is a corporation duly qualified to do business in and under the laws of the State of Idaho, evidence thereof having heretofore been filed with the Department of Registration, reference to which is hereby made, reference also being made to the official files and records in the office of the Secretary of State of Idaho pertaining to said Company.

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

IDAHO POWER COMPANY

Applicant.

By

A. G. LUND

Agent

Vice President and Secretary

Affidavit of Permission to File on 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 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.

STATE OF IDAHO

County of _____ } ss.

On this _____ day of _____, 195____, 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.

My commission expires _____

Notary Public.

22442

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: A03-02019
Date Received: 3/31/1988
Receipt No: C000326

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: JUN 19, 1947
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
19N	04W	21	SW	SE	NW	2	ADAMS
5. Description of diverting works:
200' 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	01/01	12/31	16000.000		
7. Total Quantity Appropriated is:
16000.000 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
POWER PLANT WITH 122' HEAD AND 4 GENERATORS.
GENERATING CAPACITY 190000.0 KILOWATTS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
19N	04W	21	SE	NW	2	POWER	

11. Place of use in counties: ADAMS

A03-02019

Page 1

Date: 04/01/88

MICROFILMED

AUG 10 1992

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

13. Other Water Rights Used:
03-2025

14. Remarks:

OXBOW DAM AND POWER PLANT. POINT OF DIVERSION ON THE OREGON
SIDE OF THE SNAKE RIVER IS IN TWN 07S, RNG 48E, SEC 9, LOT 8,
W.M. PLACE OF USE ON THE OREGON SIDE OF THE SNAKE RIVER IS IN
TWN 07S, RNG 48E, SEC 9, LOT 2, W.M.

15. Basis of Claim: LICENSE
Water Right Number: 22442

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 Laurens
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

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 C. Tucker*
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 ☒ U.S. Mail, Postage Prepaid
15 Attorney General ☐ Hand Delivered
16 State of Idaho ☐ Overnight Mail
Statehouse, Room 210 ☐ Telecopy (Fax)
Boise, Idaho 83720

17 David Shaw ☒ U.S. Mail, Postage Prepaid
18 Adjudication Bureau Chief ☐ Hand Delivered
19 Idaho Department of Water ☐ Overnight Mail
Resources ☐ Telecopy (Fax)
1301 North Orchard
Statehouse Mail
20 Boise, Idaho 83720 (6 copies)

21 Peter C. Monson, Esq. ☒ U.S. Mail, Postage Prepaid
22 Assistant Attorney General ☐ Hand Delivered
23 U.S. Department of Justice ☐ Overnight Mail
Land and Natural Resources ☐ Telecopy (Fax)
Division
Indian Resources Section,
24 Rm. 6317
P. O. Box 44378
25 Washington, D.C. 20026-4378

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

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

for James A. Rossmore
JAMES C. TUCKER