

07/17/2006

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

RIGHT NUMBER: 3-2020

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 21,000.000 CFS

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

PRIORITY DATE: 05/18/1953

POINT OF DIVERSION:

T22N R03W S16 SESE Lot 1 Within ADAMS County, Idaho

T04S R49E S4 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:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
POWER	1/01 12/31	21,000.000 CFS
Power generation is at the Hells Canyon Dam Power Plant.		

PLACE OF USE: POWER Within WALLOWA County, Oregon

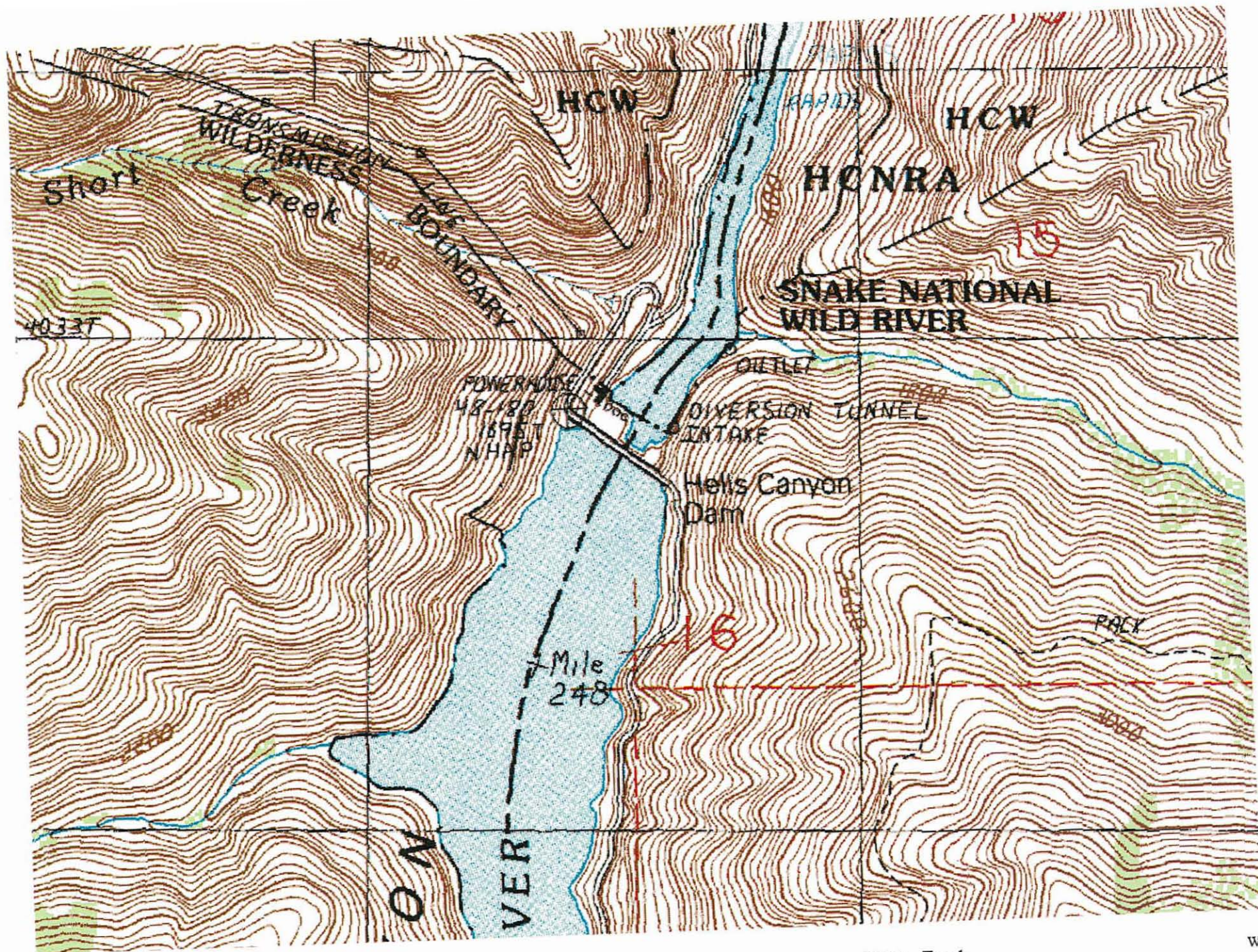
The place of use for this water right is in Oregon, and is described as T04S, R49E, S04, WM.

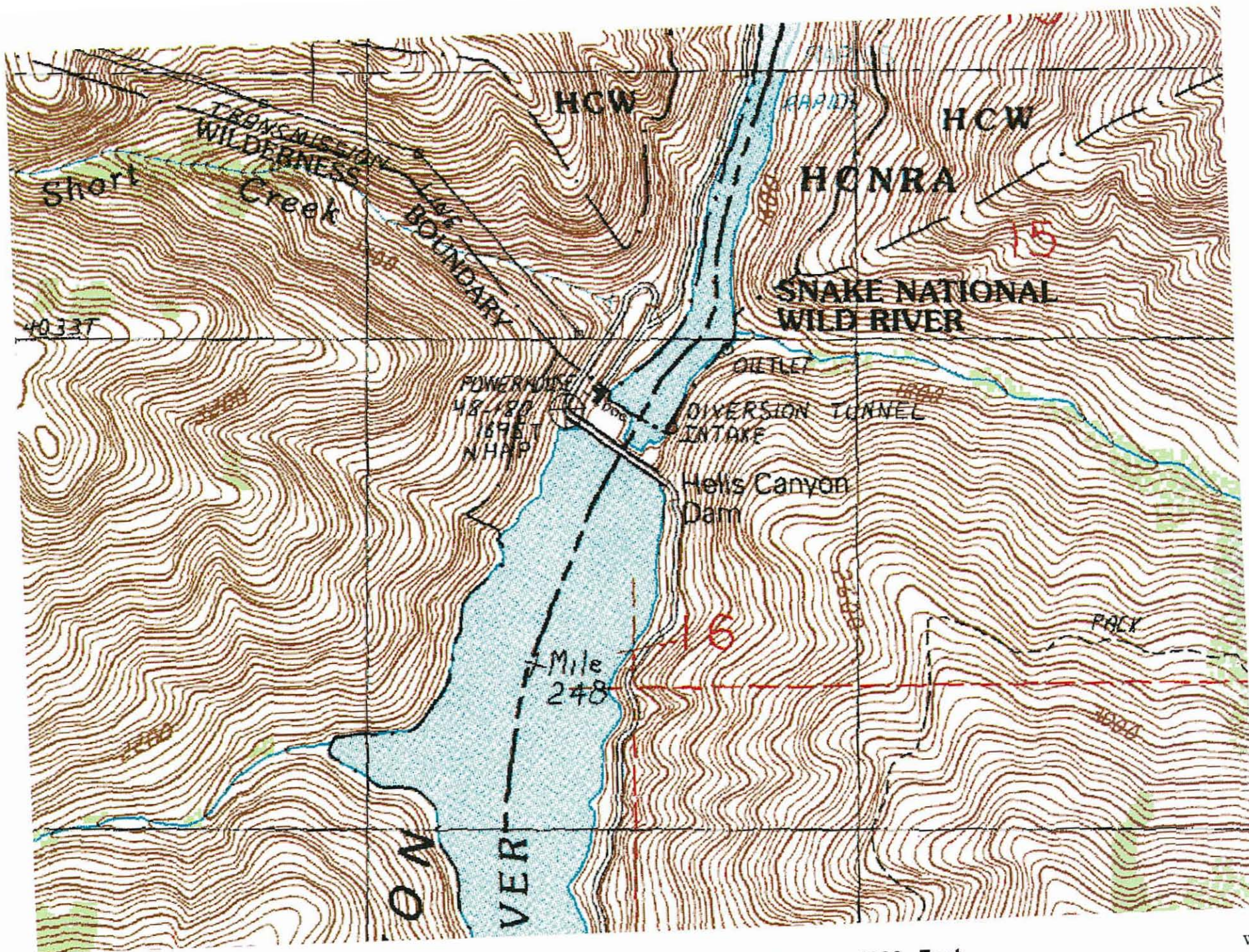
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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







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[Relicensing Process](#)
[Relicensing Timeline](#)
[Task Flow Chart](#)
[FAQs](#)
[Environmental Stewardship](#)
[Awards](#)
[Brochures](#)
[Links](#)
[Public Involvement](#)
[Hells Canyon Complex](#)

[Brownlee](#)
[Oxbow](#)
[Hells Canyon](#)
[Operations](#)
[Project Status](#)
[The Application](#)
[Swan Falls Project](#)
[C. J. Strike Project](#)
[Mid-Snake Projects](#)
[Malad Project](#)
[Shoshone Falls Project](#)
[Glossary](#)

[Parks and Recreation](#)
[Water Safety](#)
[Water Information](#)

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) gave 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. 03-2020 Priority 5-18-53 Amount 21,000 c.f.s.*

THIS IS TO CERTIFY, that IDAHO POWER COMPANY
of Boise, Idaho, has complied with the terms and conditions of Permit
No. 03-2020 issued pursuant to Application for Permit dated 5-18-53,
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 21,000 cfs 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. 03-2017
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 _____

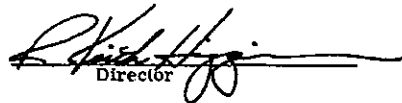
The electric power generated at Hells Canyon Dam is 601,885 horse power

*The quantity of water diverted under this permit shall not exceed 30,000 c.f.s. when
used in conjunction with Permit No. 03-2017

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, 19 70.


Director

3 2020

2014-2015

P.O.

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. **31950**

Permit No. **24308**

District No. _____

1. Name of applicant: **BEARD POWER COMPANY**

Post office address: **1230 Snake St. Boise** County **Ada** State **Idaho**

I. If applicant is a corporation, give:

(a) Date and place of incorporation: **Boise-May 6, 1915**

(b) Amount of capital stock: \$ **75,000.000** (c) Amount paid in: \$ **45,000.000**

(d) Names and addresses of directors: **A. B. Allen, Boise, Idaho; A. J. Allen, Boise, Idaho; J. C. Conley, Caldwell, Idaho; A. E. Lamm, Boise, Idaho; W. J. Lloyd, Boise, Idaho; A. L. Merrill, Montello, Idaho; J. H. Miller, Ontario, Oregon; T. J. Beach, Boise, Idaho; J. R. Rogers, Boise, Idaho; S. G. Smith, Boise, Idaho; J. L. Taylor, Boise, Idaho; Nathan Sommer, Elbow, Idaho; and E. T. Watson, Boise, Idaho.**

II. The financial resources of the applicant are: (a) Cash on hand: \$ **See balance sheet attached**

(b) Treasury stock: _____ (c) Bonds to be issued: _____

(d) Other resources: _____

2. Quantity of water claimed: **21,000** cubic feet per second

3. Source of water supply: **Snake River**

which is tributary of **Columbia River**

4. Location of point of diversion: **N. 15-19° W. 1340** feet distant from the **common** corner of Section **15, 16, 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. 11-26° E. 1900** feet distant from **the common** corner of Section **15, 16, 21, 22**, T. **22 N., R. 3 W.**, B. M., in the **Lot 3** of Section **15**, T. **22 N., R. 3 W.**, B. M.

(b) Amount of power generated: **425,000** H. P., under **200** feet head.

(c) Water is to be returned to **Snake River** at a point **N. 11-26° E. 1900** feet distant from the **common** corner of Section **15, 16, 21, 22**, T. **22 N., R. 3 W.**, B. M., in the **Lot 3** of Section **15**, T. **22 N., R. 3 W.**, B. M.

7. Estimated cost of works: \$ **45,000,000**

8. Kind of works: **Reservoir, dam and hydroelectric power plant**

(Reservoir, dam, ditch, flume, pipe, etc.) **approximately 1000 x**

9. Height of dam **340** feet; length of dam at top **1000 x** feet; length of dam at bottom **1000 x** 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.)

feet; material used in dam **Rock fill dam with upstream face of concrete, concrete waste-way structure 400 ft. long with palisade gates. Capacity 500,000 cu. ft. with 5-ft surcharge.**

10. Size of headgate: Width **slab gate type** feet; Height _____ feet

11. Ditch: Width at bottom **24 ditch** 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.

X (question 9) Lengths include spillway.

24393

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 additional years.

14. The land to be irrigated is described in the following tabulation: **Not applicable**

(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: Not applicable

24 393

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: _____

Remarks: Reservoir created by dam will fluctuate approximately 5 feet for daily regulation of power output and power plant peaking purposes. Water will be diverted by means of a gravity hole intake structure, thence flowing through a concrete lined tunnel to 5 individual steel penstocks of approximately 30 feet in diameter. The tunnel, penstocks and powerhouse will be located on the Idaho side of the Snake River. The rights for the use of the water, 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, or prevent or interfere with the future upstream diversion and use of such waters above the backwater created by said dam, for the irrigation of lands and other beneficial consumptive uses in the Snake River watershed.

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 T. E. Bush Agent
President

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.

24393

Approval of State Reclamation Engineer

The number of this permit is 24393

Recorded in Book 86 Page 24393 Approved August 24, 1903

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 October 24, 1903

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 February 24, 1904

The whole of said work to be completed on or before August 24, 1903

Beneficial use of water appropriated in accordance herewith, to be made on or before August 24, 1904

Witness my hand this 24th day of August, 1903

W. P. KEMP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, LEM JORDAN Governor of the State of Idaho, and IRA N. 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 24th day of August, 1903

Countersigned:

STATE OF IDAHO

By IRA N. MASTERS
Secretary of State.

By LEM JORDAN
Governor.

My Paula L. Flesher
Acting Secretary of State

(SEAL)

No. <u>24393</u>	PERMIT
Date of first receipt at office of State Reclamation Engineer	
<u>11:05 A. M. MAY 12, 1903</u>	
Returned to applicant for correction	
<u>JUNE 12, 1903</u>	
Corrected application received	
<u>JULY 6, 1903</u>	
Fees, \$	
FILING FEES FOR USE PERMIT:	
For the first Sec. Ft.	\$5.00
For each additional Sec. Ft. or Fraction Thereof	.25

24393

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: A03-02020
Date Received: 3/31/1988
Receipt No: C 000326

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: MAY 18, 1953
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 [REDACTED] 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	21000.000		

7. Total Quantity Appropriated is:
21000.000 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

A03-02020

Page 1

Date: 04/01/88

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AUG 10 1992

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

13. Other Water Rights Used:
03-2017

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:

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: 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 Lawrence
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 *James R. Rosholt*
8 *for* 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
24 Indian Resources Section,
Rm. 6317
25 P. O. Box 44378
Washington, D.C. 20026-4378

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

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27
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AUG 10 1992

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

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☐ Telecopy (Fax)

for James A. Rossmore
JAMES C. TUCKER

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