

07/17/2006

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

RIGHT NUMBER: 3-2023

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 20,000.000 CFS

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	1/01 12/31	20,000.000 CFS
Power generation is at the Brownlee Dam Power Plant.		

PLACE OF USE: POWER Within WASHINGTON County

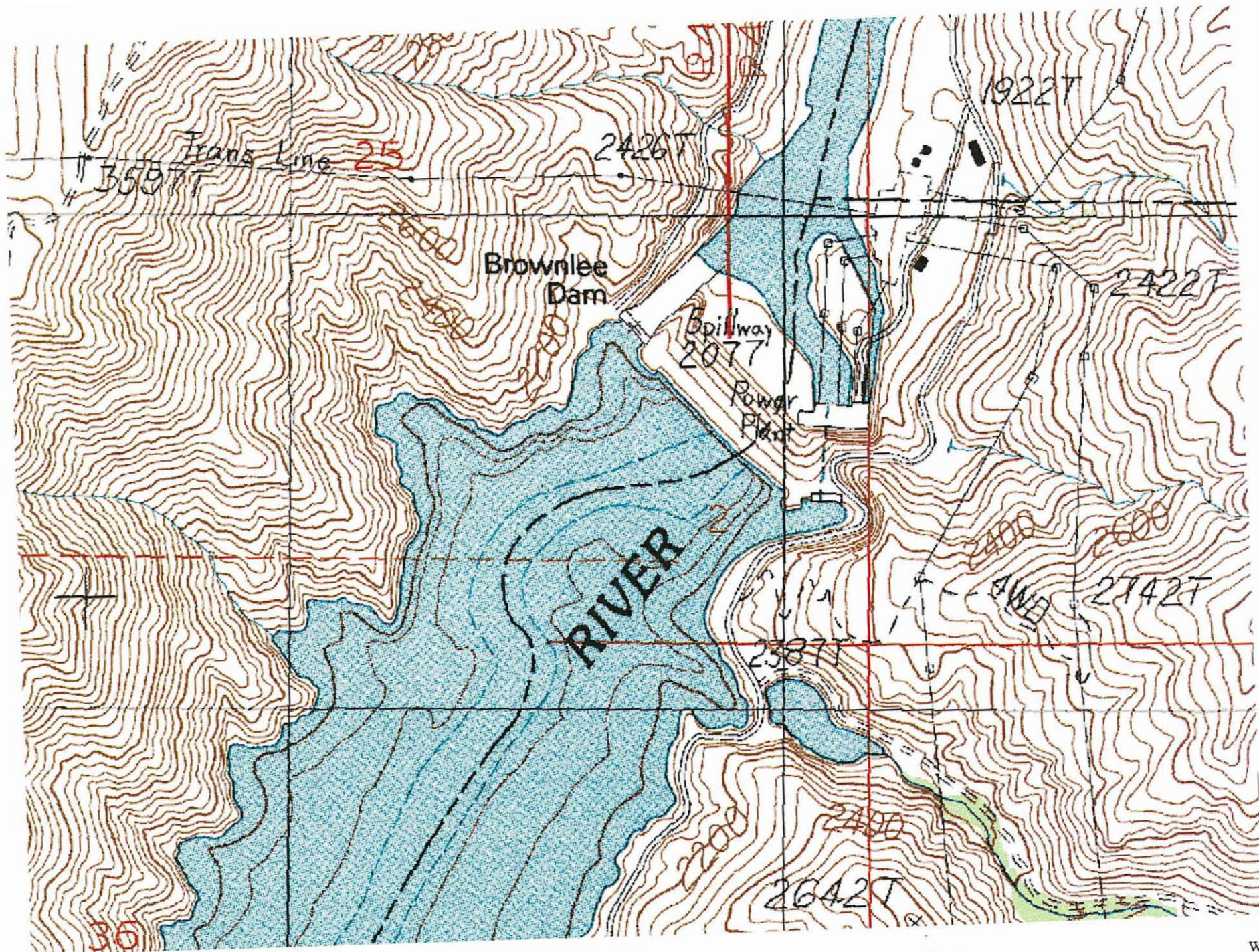
T17N R05W S02 Lot 1 NESE

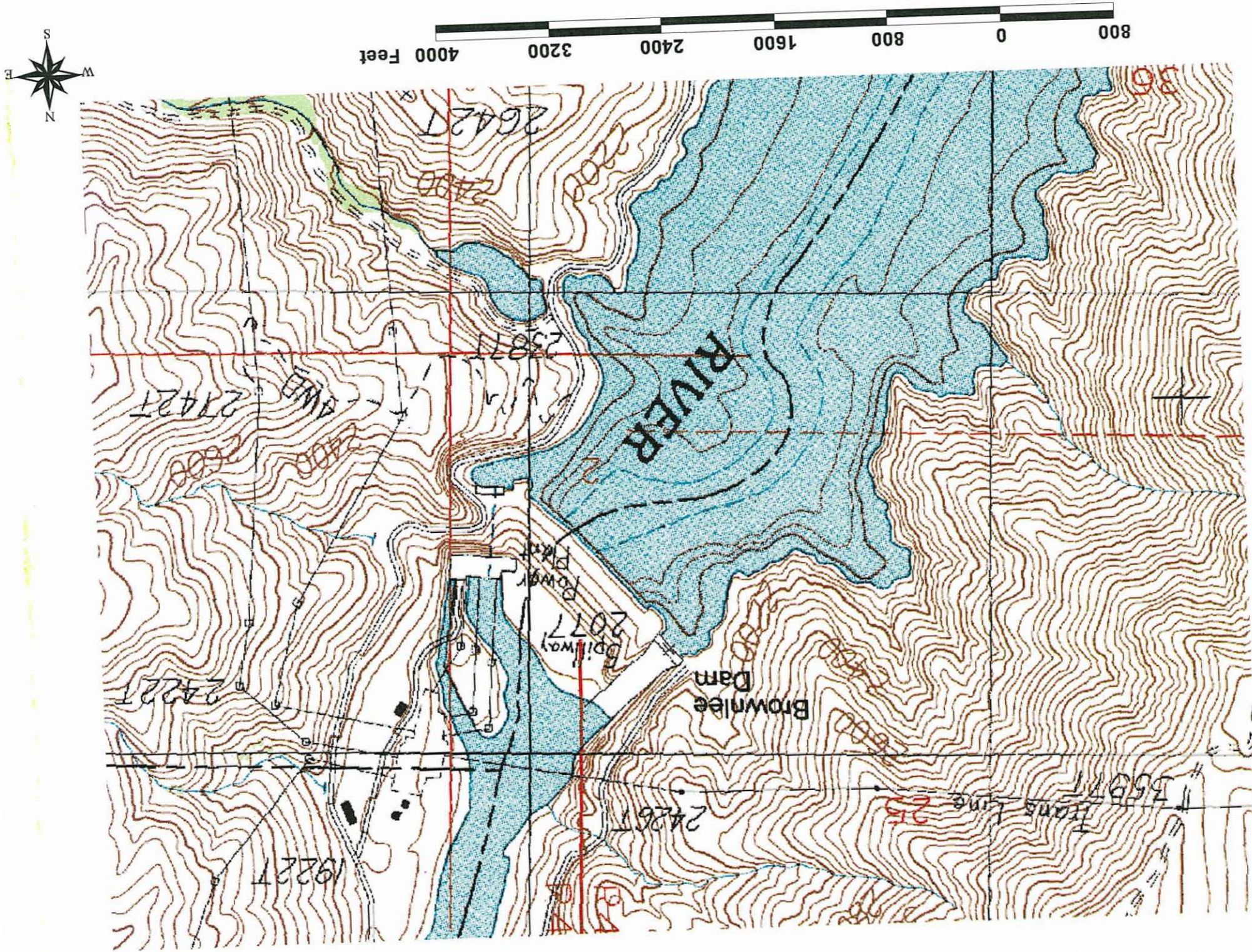
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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





State of Idaho

License and Certificate of Water Right

Water License No. 23925 03-2023

Amount 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 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:

Trp	Range	Sec.	Particulars	No. Acres Described in Permit	No. Acres Actually Irrigated
17	4	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.

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 50247

Permit No. ~~25205~~

District No.

1. Name of applicant: IBARO POWER COMPANY

Post office address 1200 Idaho St., Boise County Ada State Idaho

1. If applicant is a corporation, give:

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

(b) Amount of capital stock: \$ 75,000,000

(c) Amount paid in: \$ 40,500,000

[illegible]

II. The financial resources of the applicant are: (a) Cash on hand: \$ 200,000.00 See balance sheet attached

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

(d) Other resources:

2. Quantity of water claimed: 20,000.00 cubic feet per second

3. Source of water supply: Snake River

which is tributary of Columbia River

4. Location of point of diversion: 1080 feet distant from the S.E. corner

of Section 2, T. 37 N. R. 5 W. B. M., and is in the Lot 5

of Section 2, T. 27 N., R. 5 E., B. M., County of Washington

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: 1750 feet distant from SE corner of Section 2.

T. 19 N. R. 5 W. B. M. in NE Lot 3 of Section 2 T. 19 N. R. 5 W. B. M.

(b) Amount of power generated: Approx. 500,000 H. P., under 277 feet head.

(c) Water is to be returned to Snake River at a point 1760 feet

distant from the S.E. corner of Section 2 T. 17 N. R. 5 W. B. M. in the

Lot 3 of Section 2 T 17 N. R. 5 N. B. M.

7. Estimated cost of works: ~~\$1,004,000.00~~

8. Kind of works: Reservoir, dam and hydro-electric power plant.

9. Height of dam 340 feet; length of dam at top 175 feet; length of dam at bottom 1560

feet: material used in dam **Rock dam with upstream face of concrete. Concrete masonry.**

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.

Tunnel about 48 ft. inside diameter, concrete lined, approximate length 1200 feet.

23925

16. (a) Is reservoir to be used? Yes (If so, fill in (b) and (c) below.)

(b) Name of reservoir and number of Storage Permit: Application No. B-50948 (Permit No. B-900)

(c) Date of filing of Application for Storage Permit and Name of Applicant: Snake River Company

Application filed October 17, 1908.

Remarks: Water will be stored in reservoir and thence diverted from the Snake River through a tunnel approximately 1200 feet long, thence through the water wheels back to the present Snake River channel. No water will be consumed. 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, 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 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. Black 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 _____ executed the same.

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

My commission expires _____

Notary Public.

23925

Approval of State Reclamation Engineer

The number of this permit is 23925

Recorded in Book 85 Page 23925 Approved April 2, 1933

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 June 2, 1933

Work to begin on or before Sept 1, 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, 1933

The whole of said work to be completed on or before April 2, 1938

Beneficial use of water appropriated in accordance herewith, to be made on or before April 2, 1944

Witness my hand this 2nd day of April, 195 3

MARK E. 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 2nd day of April, 195 3

Countersigned:

STATE OF IDAHO

By IRA H. MASTERS
Secretary of State.

By LEN JORDAN
Governor.

(SEAL)

No. <u>23925</u>	PERMIT
Date of first receipt at office of State Reclamation Engineer	
<u>4-00 P. M.</u>	<u>October 17, 1933</u>
Returned to applicant for correction	
<u>November 17, 1933</u>	Corrected application received
<u>January 14, 1938</u>	Fees, \$
FILING FEES FOR USE PERMIT:	
For the first Sec. Ft.	\$5.00
For each additional Sec. Ft. or Fraction	
Thereof	25

23925

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: A03-02023
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: 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 of	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	01/01	12/31	20000.000		

7. Total Quantity Appropriated is:
20000.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

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

10. Place of Use:

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

11. Place of use in counties: WASHINGTON

A03-02023

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:
03-2024, 03-2018, 03-7018

14. Remarks:
BROWNLEE DAM & POWER PLANT. 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: 23925

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
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 Lawrence
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

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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
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

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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

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

for James A. Rosset
JAMES C. TUCKER

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