

07/17/2006

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

RIGHT NUMBER: 3-2025

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 14,000.000 CFS

PRIORITY DATE: 02/11/1964

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	14,000.000 CFS
Power generation is at the Oxbow Dam Power Plant.		

PLACE OF USE: POWER Within BAKER County, Oregon

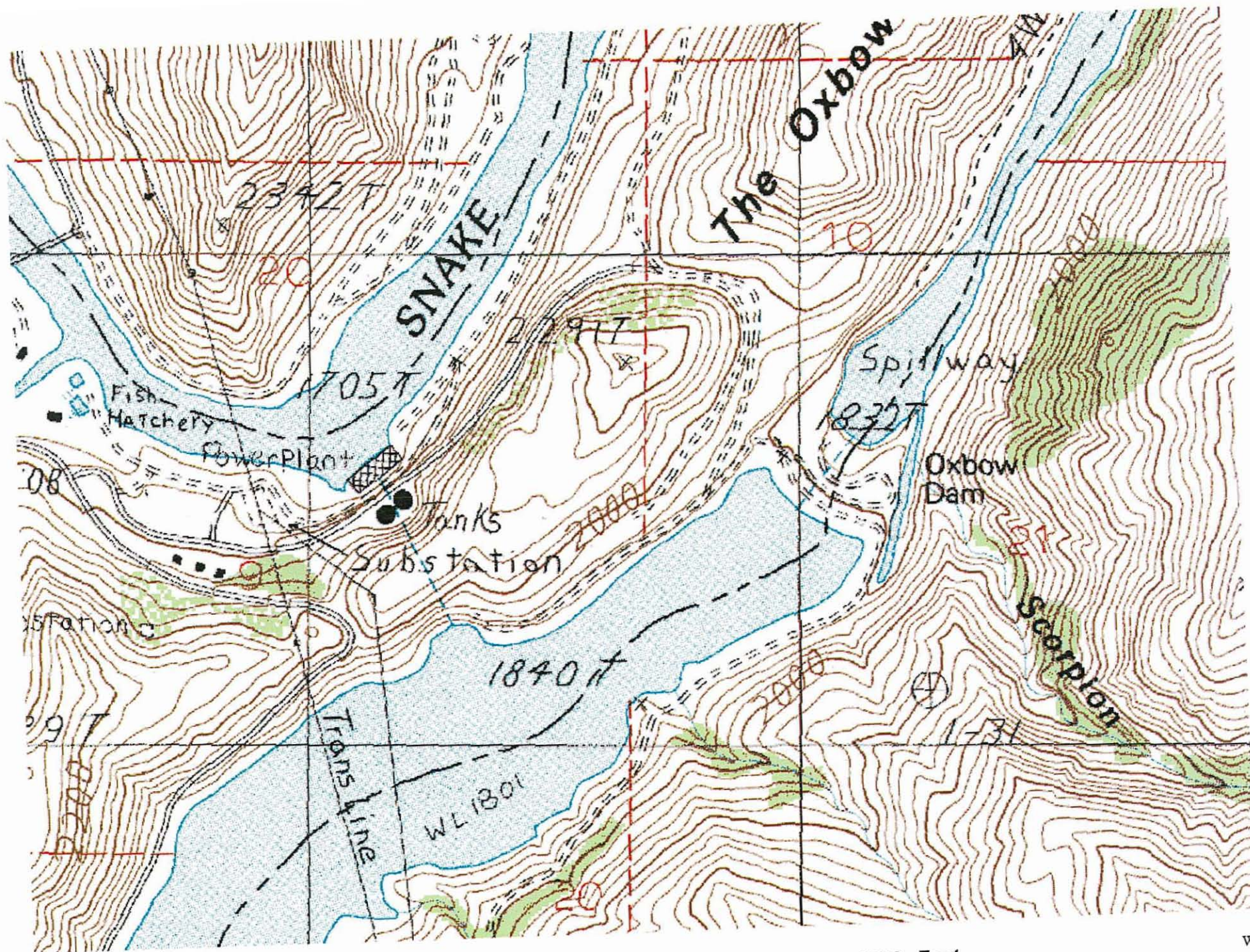
The place of use for this water right is in Oregon, and is described as T07S, R48E, S09; SWNE Lot 2, WM.

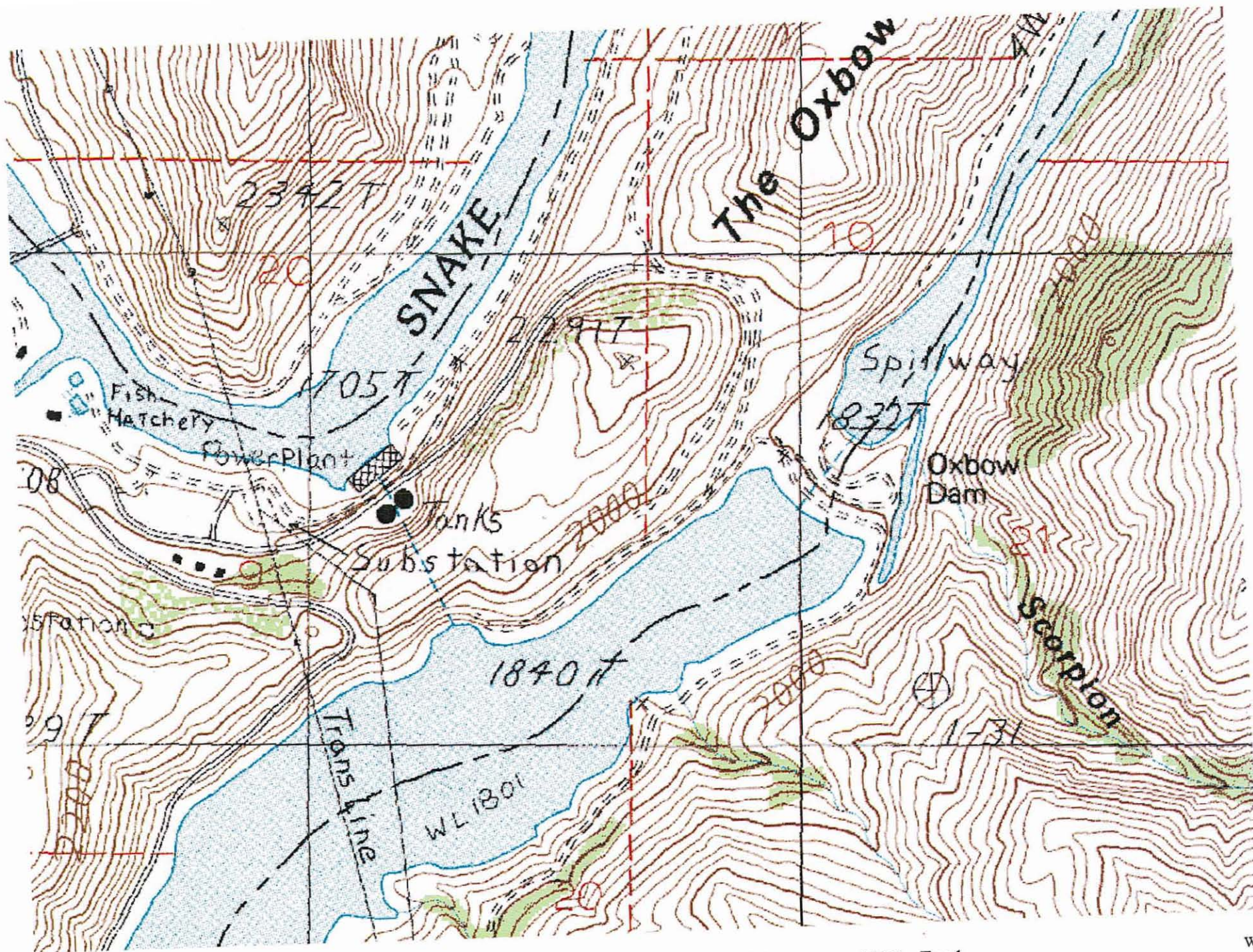
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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





6415

State of Idaho License and Certificate of Water Right

Water License No. 31787

Amount 14,000 c.f.s.

Water District No.

Priority Feb. 11, 1964

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 February 11, 1964; that Permit No. 31787
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
14,000 second feet, was issued thereunder on December 7, 1965, showing that said works
were completed on the 5th day of August, 1964; and that on the 5th
day of August, 1964,

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 S Columbia River, for the purpose of generation of electric
power, under Use Permit No. 31787 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
13 of Licenses at page 8415, on the 7 day of December, 1965;
The right hereby confirmed dates from February 11, 1964;
The Point of Diversion is located Lot 8
in the $\frac{1}{4}$ -- $\frac{1}{4}$ Sec. 9, Tp. 7S, R. 48E. W. 4B. M. County Baker County, Oregon

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 14,000 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
8 S	43 E	9	Lot 8 generation of electric power (OXBOW DAM)		
	W.M. in Oregon		The rights herein granted 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.		

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
7th day of December, 1965.

RALPH W. THOMAS

Deputy State Reclamation Engineer.

(SEAL)

82 32787
6.3-28-2015

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

APPLICATION No. 39838
PERMIT No. 31787
DISTRICT No.

1. Name of Applicant: Idaho Power Company
1220 Idaho Street
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: \$120,000,000.00
(c) Amount paid in: \$93,382,301
(d) Names and addresses of directors: B. F. Ball, Boise, Idaho; P. G. Batt, Caldwell, Idaho; L. W. Bainard, Pocatello, Idaho; J. F. Smery, Boise, Idaho; B. Glavin, Twin Falls, Idaho; R. V. Hansberger, Boise, Idaho; H. L. Horley, Boise, Idaho; A. C. Luman, Boise, Idaho; W. J. Lloyd,ampa, Idaho; C. E. Palmer, Ontario, Oregon; I. E. Roach, Boise, Idaho; J. H. Rogers, Boise, Idaho; J. R. Simplot, Boise, Idaho.
II. The financial resources of the applicant are: Boise, Idaho; H. B. Soulen, Weiser, Idaho.
(a) Cash on hand: See Balance Sheet attached
(c) Bond to be issued:
(b) Treasury stock:
(d) Other resources:
2. Quantity of water claimed: 14,000 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., B.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 SW 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., B.M. in Oregon
(b) Amount of power generated: 304,000 H.P., under 115 feet head.
(c) Water is to be returned to Snake River at a point approx. 3924 feet distant from the Southwest 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., B.M. in Oregon.
7. Estimated cost of works: \$ 52,000,000
8. Kind of works: Rock-fill, clay core dam, concrete-lined tunnels, steel penstocks, concrete power plant.
9. Height of dam 209 approx. feet; length of dam at top approx. 1150 feet; length of dam at bottom approx. 700 feet; material used in dam: Rock, clay, concrete, steel
10. Size of headgate: Four intake gates, 30.5' high x 19.0' wide, each feet.
11. Ditch: Width at bottom fee; width at water line feet; depth of water feet; mensations of flume:
iameter of pipe inches; length of conduit miles.
Average grade per mile feet.
12. The time required for the completion of such work is 2 years.
13. The time required for the complete application of the water to the proposed use is None additional years.
14. The land to be irrigated is described in the following tabulation: See remarks.
15. Existing water rights and/or valid permits ~~appropiate to the described project~~ are:
No. 22442 - 16,000 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/ H. R. Moore**

Agent.

Date of first receipt at Department of Reclamation: **8:30 A.M. February 11, 1964**

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is **31787**

Recorded in Book **111** Page **31787** Approved **March 27, 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 **May 27, 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 **March 27, 1965**

The whole of said work to be completed on or before **March 27, 1966**

Beneficial use of water appropriated in accordance herewith, to be made on or before **March 27, 1966**

WITNESS My hand this **27th** day of **March, 1964**

s/ CARL E. TAPPAN
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, **ROBERT E. SMYLLIE**, 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 **27th** day of **March**, 19 **64**

Countersigned:

STATE OF IDAHO

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

By **s/ ROBERT E. SMYLLIE**
Governor.

REMARKS: Forebay above dam will be fluctuated approximately 10 feet for daily regulation of power output and power plant peaking purposes. Provision has been made to handle 150,000 cfs of flood waters through steel floodgates and 150,000 cfs through a fuse plug spillway. 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.

14.

Twp.	Range	Sec.	NE¼	NW¼	SW¼	SE¼	Totals
			NE¼ NW¼ SW¼ SE¼	NE¼ NW¼ SW¼ SE¼	NE¼ NW¼ SW¼ SE¼	NE¼ NW¼ SW¼ SE¼	
			Permit No. 31787 Certificate of Completion of Works				
			TO ALL WHOM IT MAY CONCERN:				
			This is to certify that IDAHO POWER COMPANY of Boise, County of Ada, and State of Idaho, the holder of Permit No. 31787, issued upon Application No. 39838, bearing date of priority of February 11, 1964, authorizing the diversion of 14,000 second feet of waters of Snake River, County of Baker, State of Oregon, for generation of electric power purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 14,000 second feet of the waters of Snake River, tributary of Columbia River; that the point of diversion of said waters Lot 8, Section 9, T. 7 S., R. 48 E., W. M. in Oregon; and that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to-wit: Lot 8, Section 9, T. 7 S., R. 48 E., W. M. in Oregon.				
			Witness my hand this 7th day of December, A. D. 1965		s/ RALPH W. THOMAS, Deputy State Reclamation Engineer		
			Proof of Completion of Works Made: August 5 1964				
			LICENSE ISSUED FOR 14,000 SEC. FT. LICENSE PAGE NO. 84657				

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: A03-02025
Date Received: 3/31/1988
Receipt No: C000326

DS 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: FEB 11, 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
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	14000.000		

7. Total Quantity Appropriated is:
14000.000 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

A03-02025

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:
03-2019

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: 31787

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~~ 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 L. Hurregini
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
Assistant General Counsel
Idaho Power Company
P. O. Box 70
Boise, Idaho 83707

- 383-2692

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 ☒ 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
20 Statehouse Mail
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
24 Indian Resources Section,
Rm. 6317
25 P. O. Box 44378
Washington, D.C. 20026-4378

26
27
28 MICROFILMED

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 Prepa
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

for John A. Roschert
JAMES C. TUCKER

28