

MEMO

TO: File 3-10184
RE: Priority date

This is a beneficial use right is for water diverted in excess of the permits/licenses at Hells Canyon Dam. Idaho Power would like the same priority date for the beneficial use right that it has for license 3-2017. The first permit for Hells Canyon Dam is 3-2020 with a priority date of 5-18-1953 and 21,000 cfs. The second permit is 3-2017 with a priority date of 5-29-1964 for 9,000 cfs. The licenses are both conditioned so that the two rights cannot exceed a combined diversion rate of 30,000 cfs. I think this may have come about when it was discovered that Idaho Power had developed a diversion capacity in excess of the permitted 30,000 cfs, and IDWR wanted Idaho Power to come in and file for another permit, which of course would have been subordinated to upstream water uses.

The reason I recommended the 1968 priority date for 3-10184 is because of the information at this Idaho Power web site:

<http://www.idahopower.com/riversrec/relicensing/hellscanyon/hellscanyon/hellscanyonhistory.asp>

Since Idaho Power is stating power production at Hells Canyon did not begin until 1967, and the third unit was not put to full power until 1968, I could not recommend the 1964 priority date as claimed.

(Copy of web page is attached.)

CS 5-1-07



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Home

IDACORP

Site Map

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Hells Canyon History

Relicensing

[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](#)

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) granted 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 of 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 far 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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HOL-40737551450

07/17/2006

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

RIGHT NUMBER: 3-10184

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 500.000 CFS

PRIORITY DATE: 06/18/1968

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	01/01 12/31	500.000 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:

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 - Beneficial Use

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.

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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 full power production in 1968, for a total nameplate capacity of 391,500 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. Morrison-Knudsen, the contractor, set up trailer-type offices, a first aid facility, and machine and carpentry shops on a small strip of level ground two miles upstream. Housing and a mess hall for construction crews were built nine miles upstream.

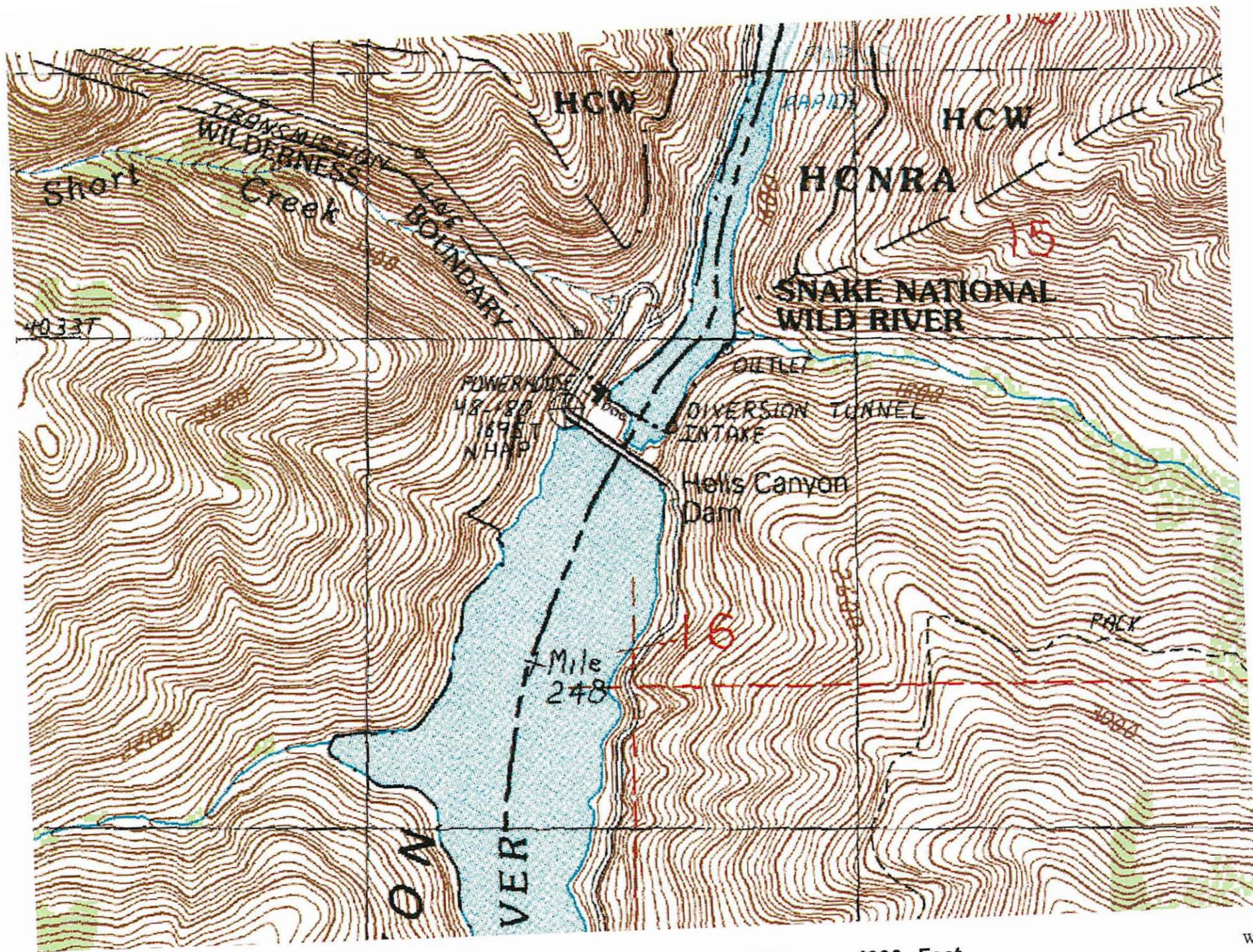
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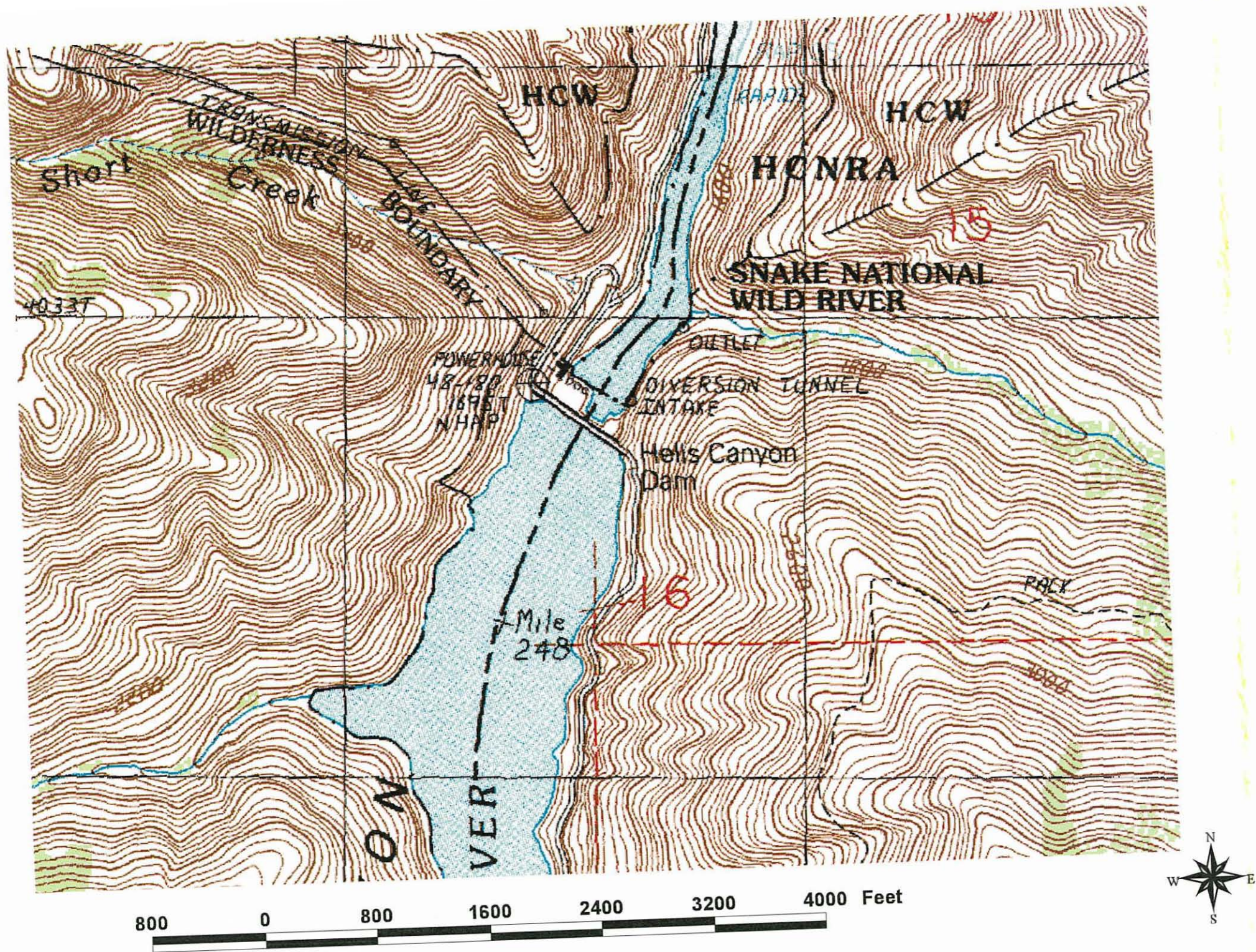
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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

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 3-10184
Date Received: 4/21/2003
Receipt No:
Received By: 6030353

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

IDAHO POWER CO Phone: (208)388-2181
PO BOX 70
BOISE ID USA 83707

2. Date of Priority: 05/29/1964

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	Type
22N	03W	16	NE SE SE 1	ADAMS	

5. Description of diverting works:

320 ft. high 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	500	

7. Total Quantity Appropriated is:
500 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

Number of other uses: Power generation at Hells Canyon Dam

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
22N	03W	16	SE SE	POWER	

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used: 03-2017, 03-2020

14. Remarks:

This claim is being filed to reflect historical beneficial use.

15. Basis of Claim: Beneficial Use

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: 39356

Ident. Number A03-10184

Date Received 4-21-03

Receipt Number W030353

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
APR 21 2003
WATER RESOURCES
WESTERN REGION

Please type or print clearly

1. Name of Claimant (s) IDAHO POWER COMPANY Phone (208) 388-2112 (J.Tucker)

Mailing Address P.O. BOX 70, Boise, Idaho Zip 83701

2. Date of Priority (Only one (1) per claim) 5/29/1964

3. Source of water supply (a) SNAKE RIVER
which is tributary to (b) COLUMBIA RIVER

4. a. Location of existing point of diversion is: Township 22N Range 3W Section 16,
NE 1/4 of SE 1/4 of SE 1/4, Govt. Lot, 1 B.M., County of ADAMS

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

320' High Concrete Dam, Penstocks to Generators

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For POWER purposes from 1/1 to 12/31 amount 500 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 500 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Power generation at Hells Canyon Dam

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
22N	3W	16																P	

Total number of acres irrigated -0-

11. In which county (ies) are lands listed above as place of use located? ADAMS

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
03-02017; 03-02020 or None ()

14. Remarks: This claim is being filed to reflect historical beneficial use.

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Senior Attorney _____
Title _____

of IDAHO POWER COMPANY _____, that I have signed the foregoing
Organization _____

document in the space below as Senior Attorney _____ of IDAHO POWER COMPANY _____
Title _____ Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature] _____

Title and Organization Senior Attorney, IDAHO POWER COMPANY Date 8/22/02

State of Idaho/or Idaho)
County of Ada) SS.

Subscribed and sworn to (or affirmed) before me this

22nd day of August, 2002

Notary Public [Signature]

Residing at [Signature]

My Commission Expires 12-17-03

Please Print Name

17. Notice of Appearance.

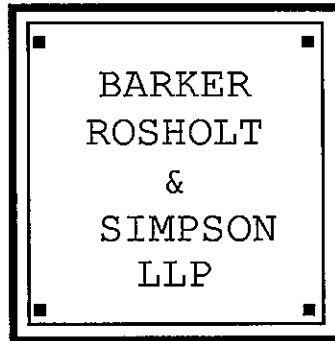
Notice is hereby given that I, James C. Tucker will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature [Signature]

Address Idaho Power Company, P. O. Box 70, Boise, ID 83701

Date 8/22/02

John A. Rosholt
Albert P. Barker
John K. Simpson
Amy D. Chestnut
Travis L. Thompson



1221 West Idaho St., Suite 600
Post Office Box 2139
Boise, ID 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

Sharon H. Strickland
Certified Legal Assistant
Telephone & Fax: 208-934-4147

Sharon H. Strickland, CLA
shs@idahowaters.com

April 21, 2003

RECEIVED

APR 21 2003

**WATER RESOURCES
WESTERN REGION**

Attn: Adjudication Section
Idaho Department of Water Resources
Western Division
2735 Airport Way
Boise, ID 83705-5082

Re: NOTICE OF CLAIM – HELLS CANYON

To Whom It May Concern:

Enclosed herewith, please find a Notice of Claim to be filed on behalf of our client, Idaho Power Company.

Also enclosed is our check in the amount of \$100.00, computed on the basis of \$50.00 flat fee [I.C. §42-1414(1)(a)(ii)] plus \$50.00 late fee [I.C. §42-1414(3)].

If you have any questions or concerns regarding the enclosed claim, please contact the undersigned at 208-934-4147, or Jim Tucker at Idaho Power Company, 388-2112.

Thank you for your assistance.

Sincerely,
BARKER, ROSHOLT & SIMPSON



Sharon H. Strickland, CLA

Encls.

cc: Jim Tucker-IPC
Jon Bowling-IPC