

Orr Affidavit

Exhibit 72

RECEIVED

OCT 19 2009

DEPARTMENT OF
WATER RESOURCES

Letter from Lynn Crandall, U.S. Geological
Survey District Engineer, to B.E. Stoutemyer,
District Counsel, U.S. Bureau of Reclamation
(Jun. 18, 1937)

Third Orr Affidavit

EXHIBIT 12

c
c
p
y

UNITED STATES
DEPARTMENT OF THE INTERIOR
Geological Survey

Idaho Falls, Idaho
June 18, 1937

Mr. B.E. Stoutemyer
603 Post Office Bldg.,
Portland, Oregon.

Dear Mr. Stoutemyer:

Herewith is a clipping from the Twin Falls News relative to proof of completion of works and application of water to beneficial use by Idaho Power Co. at Twin Falls and Lower Salmon Falls with dates of priority of April 2, 1929 and March 20, 1935, respectively.

I understand that when the Federal Power Commission granted a license for the development at Twin Falls a provision was made that any water rights acquired would not be adverse to future storage rights above Milner. I do not know whether a similar provision applies to the increased development at Lower Salmon Falls.

If my understanding of this matter is correct I wonder if it wouldn't be desirable for you to file a request with the Commissioner of Reclamation asking that he include a provision in his license to the Power Co. reciting the restriction in the Federal Power Commission license.

I suppose the latter would control anyhow but it seems to me that it would be desirable to have it reaffirmed in the State water right license so that it will be clearly evident that the date of priority applies only to rights below Milner and is not adverse to subsequent developments above Milner.

Yours truly,

/s/ LYNN CRANDALL
District Engineer.