



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 287-4800 FAX: (208) 287-6700 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

September 7, 2007

IDAHO POWER COMPANY
PO BOX 70
BOISE ID 83707

RE: Snake River Basin Adjudication (SRBA) Claim Nos. 03-10246 and 03-10247

Dear Claimant:

Please find enclosed the Preliminary Director's Report for your claims to storing water in the reservoirs created by Oxbow and Hells Canyon dams for hydropower purposes. This is an important opportunity to review the Idaho Department of Water Resources' (IDWR) conclusions regarding your water rights, resolve errors, and have questions answered **before** the report is finalized for the SRBA Court.

A Notice of Error deadline of October 10, 2007 has been set for the preliminary recommendations. A postage paid envelope is also enclosed to assist you in returning your Notice of Error Reply.

If you have any questions, you may contact Craig Saxton or me by phone at (208) 287-4800.

Carter Fritschle

A handwritten signature in black ink, appearing to read 'Carter Fritschle', written in a cursive style.

Section Manager
Adjudication Bureau

Enclosures:

Preliminary recommendations
Notice of Error Reply form w/ return envelope

cc James C. Tucker w/enclosures
John K. Simpson w/enclosures
James S. Lochhead w/enclosures
Adam T. DeVoe w/enclosures

09/05/2007

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

RIGHT NUMBER: 03-10247

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 167,720.000 AFY

PRIORITY DATE: 05/29/1967

POINT OF DIVERSION:

T22N R03W S16 SESE Lot 1 Within ADAMS County

T04S R49E S4 WM Within WALLOWA County, Oregon, supplied for informational purposes.

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 STORAGE	01/01 12/31	167,720.00 AFY
POWER FROM STORAGE	01/01 12/31	167,720.00 AFY

Power generation is at the Hells Canyon Dam Power Plant.

PLACE OF USE: POWER FROM STORAGE in WALLOWA OR County

T04S R49E S04

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 above the backwater created by said dam for the irrigation of lands and other beneficial consumptive uses in the Snake River watershed.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



Idaho Department of Water Resources

SRBA Recommendation:

3-10247

(Power From Storage)

T19N

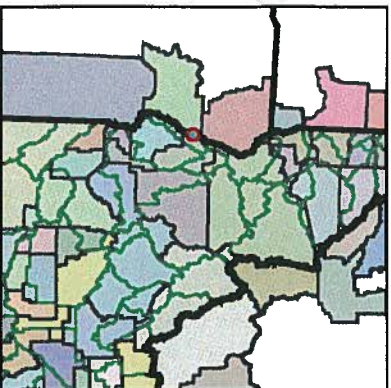
R04W

R48E (OR)

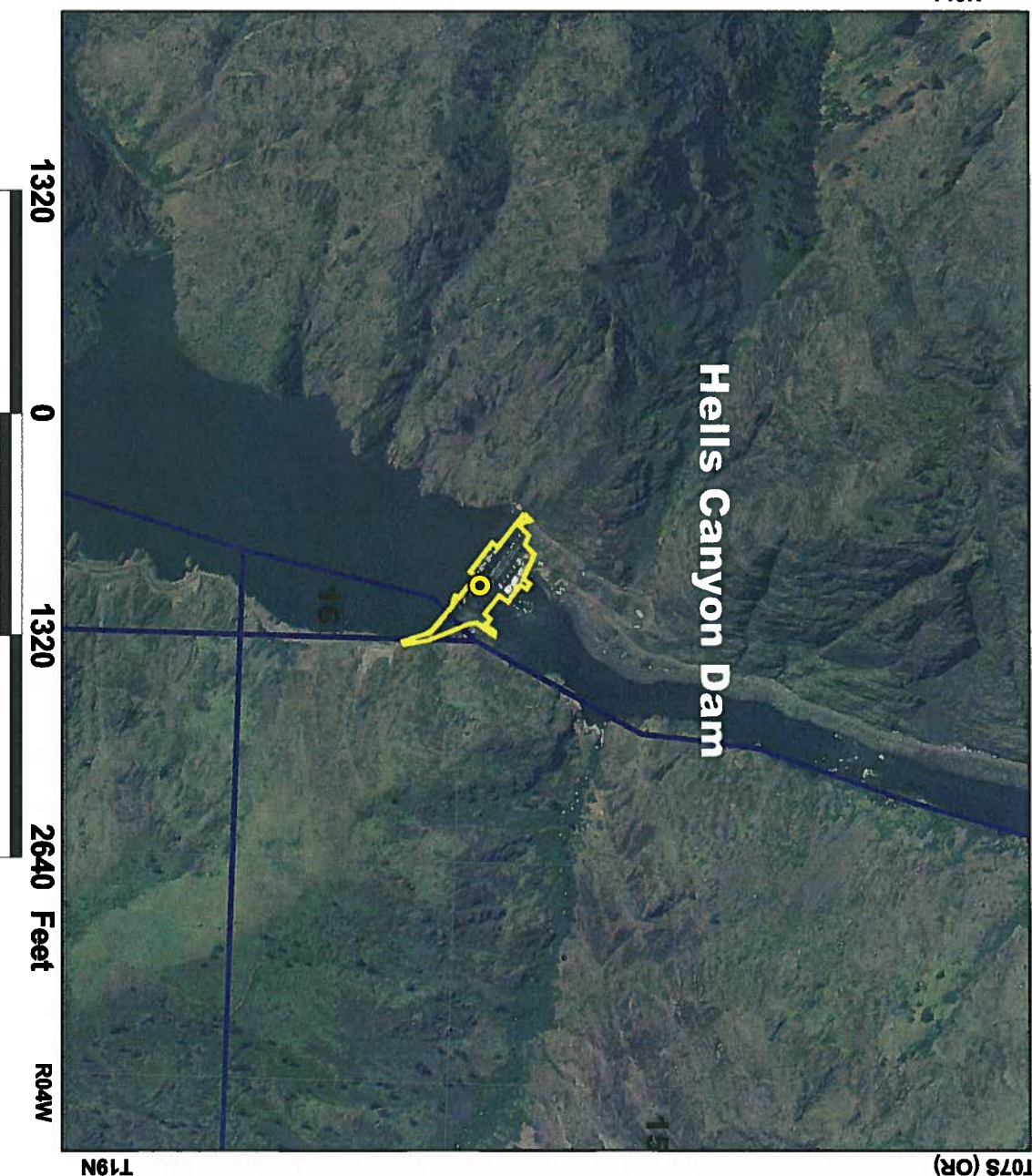
T07S (OR)

Legend

- Point of Diversion
- Place of Use
- PLSS Section Lines/Sections
- GCDB22N03W GCDB



Adams County
IDWR Basin 3



Prepared by C. Saxton
On Wednesday, September 5, 2007
2004 Aerial Photography



Idaho Department of Water Resources

SRBA Recommendation:

3-10247

(Power From Storage)

T19N

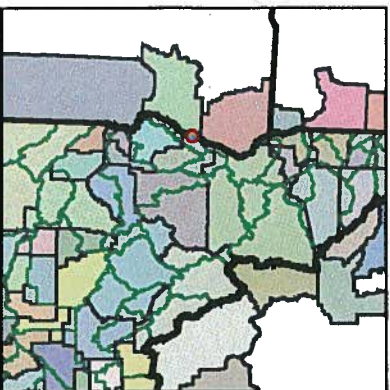
R04W

R48E (OR)

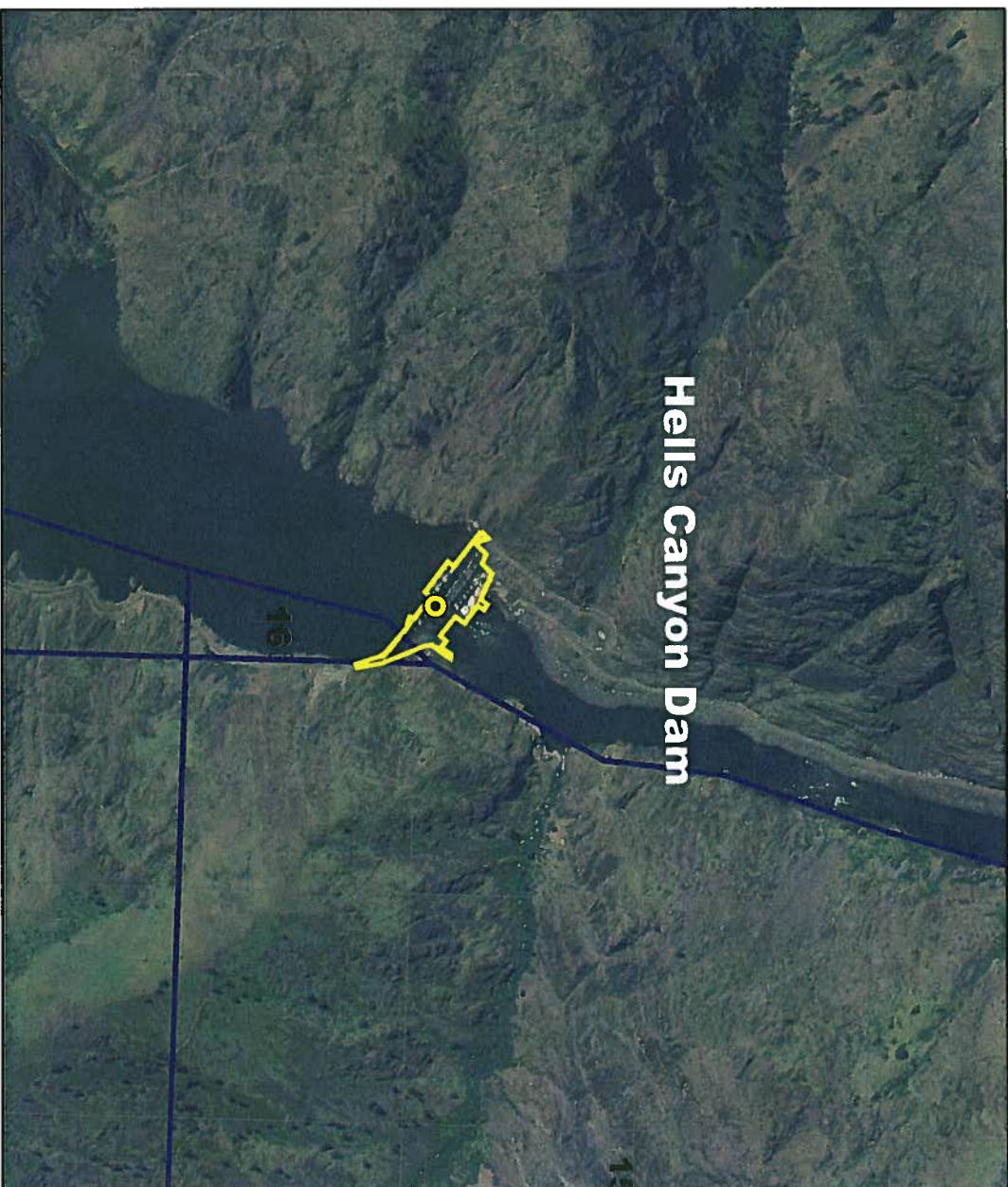
T07S (OR)

Legend

- Point of Diversion
- ▭ Place of Use
- ▭ PLSS Section Lines/Sections
- ▭ GCDB22N03W GCDB



Adams County
IDWR Basin 3



Prepared by C. Saxton
On Wednesday, September 5, 2007
2004 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 3-10247 V1

WATER RIGHT NUMBER: 3-10247 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	IDAHO POWER CO PO BOX 70 BOISE, ID 83707 (208) 388-2781
Attorney	JOHN K SIMPSON BARKER ROSHOLT & SIMPSON PO BOX 2139 BOISE, ID 83701-2139
Attorney	BROWNSTEIN HYATT & FARBER P C 410 17TH ST 22ND FLOOR DENVER, CO 80202
Attorney	BROWNSTEIN HYATT & FARBER P C 410 17TH ST 22ND FLOOR DENVER, CO 80202

Priority Date: 05/29/1967

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
POWER STORAGE	01/01 to 12/31		167,720.00 AF
POWER FROM STORAGE	01/01 to 12/31		167,720.00 AF
<u>Total Diversion:</u>			167,720.00 AF

Location of Point(s) of Diversion

SNAKE RIVER	L1 (SE1/4SE1/4)	Sec. 16, Twp 22N, Rge 03W, B.M.
ADAMS County		

Place of Use

POWER FROM STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04S	49E	4																	

Conditions of Approval:

1. C18 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.

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Adjudication Recommendation Report 3-10247 V1

2. 162 Power generation is at the Hells Canyon Dam Power Plant.
3. T04S R49E S4 WM Within WALLOWA County, Oregon, supplied for informational purposes.
Water is diverted by a dam that spans the Snake River between Idaho and Oregon.
4. 163 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 above the backwater created by said dam for the irrigation of lands and other beneficial consumptive uses in the Snake River watershed.
5. The place of use for this water right is in Oregon, and is described as T04S, R49E, S04, WM.

Remarks:Comments:

1. csaxton 9/5/2007 Rec Volume

Comment: Claimed capacity (vol) confirmed from IDWR dam safety reports.

2. csaxton 9/5/2007 Priority Date

Comment: Recommended year for priority date was taken from the history description for the dam on Idaho Power website. The month and date of the priority recommended as claimed.

3. csaxton 9/5/2007 POD

Comment: 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.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	9/5/2007 10:37:06 AM	csaxton			Active
Contacts	9/5/2007 10:37:16 AM	csaxton			Active
Priority Date	9/5/2007 10:38:45 AM	csaxton			Active
POD	9/5/2007 10:38:55 AM	csaxton			Active
Source	9/5/2007 10:42:23 AM	csaxton			Active

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POU	9/5/2007 10:42:50 AM	csaxton	Active
Use	9/5/2007 10:48:56 AM	csaxton	Active
Season	9/5/2007 10:49:49 AM	csaxton	Active
Quantity	9/5/2007 10:50:59 AM	csaxton	Active
Summary		09/05/2007 csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Use	9/5/2007 10:48:57 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Desktop Reveiw
Season	9/5/2007 10:49:50 AM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (No) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required? Description for Question 15 - SOU standard for Power is year round.
Quantity	9/5/2007 10:51:00 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - This claim is for volume only. Volume claimed confirmed with IDWR dam safety reports.

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Adjudication Recommendation Report 3-10247 V1

Summary	9/5/2007 10:51:34 AM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Contacts	9/5/2007 10:37:07 AM	csaxton	(No) 1. Do you want to schedule an appointment?
Contacts	9/5/2007 10:37:17 AM	csaxton	(No) 1. Do you want to schedule an appointment?
General	9/5/2007 10:38:46 AM	csaxton	Comment for 1: Desktop Review (No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Recommended priority date found on Idaho Power website.
POD	9/5/2007 10:38:56 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	9/5/2007 10:42:23 AM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required?

Description for Question 10 - Desktop Review

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 3-10247 V1

POU

9/5/2007 10:42:51 AM

csaxton

(No) 1. Is the basis of this claim a Decree or License?

(Yes) 2b. Is the POU required?

(No) 3. Is the basis of claim a Application or Permit?

(No) 7. Is there evidence that there has been a change in the POU?

(Yes) 13. Does the file contain all the necessary information to verify the POU?

(No) 14. Is a POU remark and/or condition required?

Description for Question 13 - Desktop Review

Water Supply Bank:



energy and experience working for you

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About

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) issued Idaho Power a license on August 4, 1955, to build the Brownlee, Oxbow and Hells Canyon power plants.

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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[Water Information](#)

[Swan Falls Project](#)
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[Mid-Snake Projects](#)
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[Hells Canyon Complex](#)
[Brownlee](#)
[Oxbow](#)
[Hells Canyon Operations](#)
[Project Status](#)
[The Application](#)

Dam Safety Report
 Lists Storage
 Capacity @ 170,000 ac
 13
 9/4/07
 Review 5/29/1967

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 towers 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.

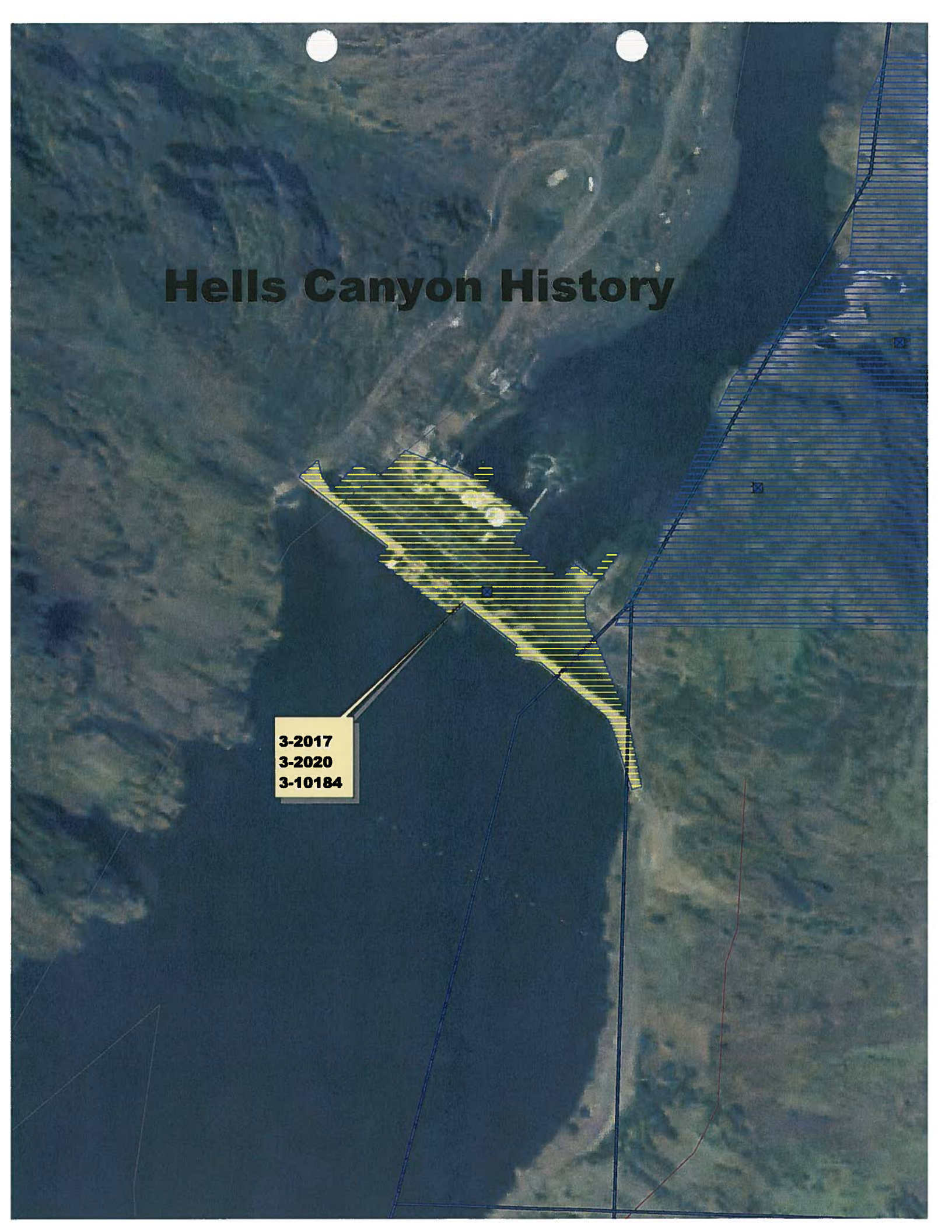
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HOL-

Hells Canyon History



The image is an aerial photograph of a rugged, mountainous landscape. A large, irregularly shaped area in the center is filled with yellow diagonal hatching. To the right of this area, a larger, more rectangular region is filled with blue diagonal hatching. A legend box in the lower-left quadrant of the map contains three entries: '3-2017', '3-2020', and '3-10184'. A line connects the legend box to the yellow hatched area. Several small blue 'x' marks are scattered across the map, including one within the yellow hatched area and others in the blue hatched area and the surrounding terrain. The overall scene depicts a complex land management or historical site boundary.

3-2017
3-2020
3-10184