

MEMORANDUM

To: Gary Spackman
From: Aaron Marshall
Date: June 6, 2007

Re: License Processing for Water Right No(s). 3-7018

I have drafted the attached license for water right 3-7018 which provides for 5,000 cfs for power generation at Brownlee Dam. Please review the license with the following information in mind.

Water right 3-2023 provides for 20,000 cfs and water right 3-2024 provides for 10,000 cfs for power generation at Brownlee Dam. If this license is issued, Idaho Power will have total appropriations at Brownlee Dam of 35,000 cfs. Michele Edl and I have compiled data for Brownlee Reservoir inflows and stream flows at the Snake River near Weiser gage. Data indicates the availability of 35,000 cfs of natural flow water in portions of most years of record from 1910 to present. Please see the enclosed graphs for stream flow data. A text document with reservoir inflow data from 1928 to present along with a description of the inflow calculation method is located in:
\\A006\WRDocs\RESEARCH\BrownleeDamUnit5

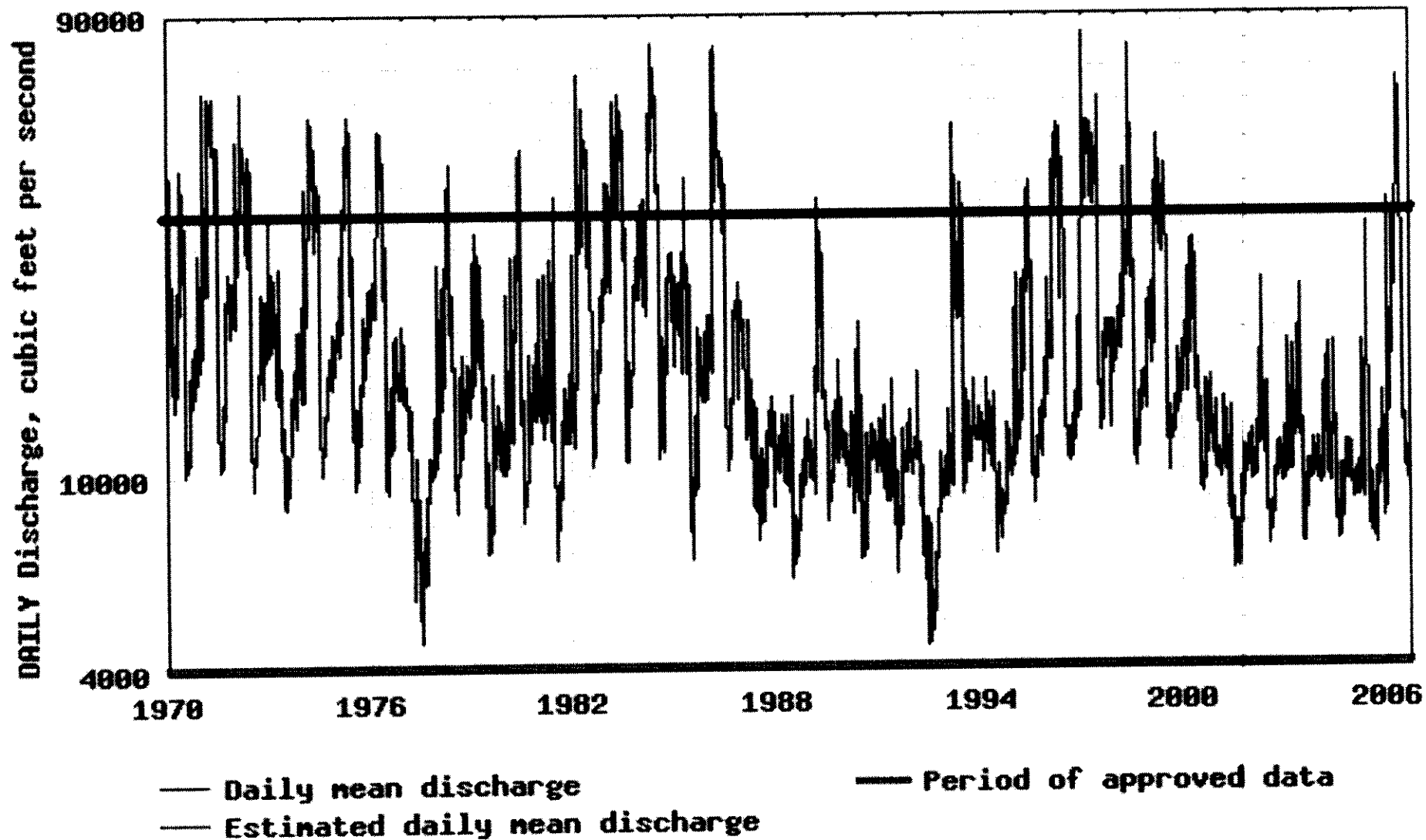
Idaho Power has filed an objection to a provision in the SRBA Director's Report referring to the water right as subordinate. They subsequently suggested a provision in its place that is identical to a condition on water rights 3-2023 and 3-2024. On the license, I used the current standard hydropower subordination condition. Please see the enclosed Director's Report and objection and review condition number 1 on the license.

Idaho Power filed an application for a new FERC license in 2003. The existing FERC license for the Hell's Canyon complex expired in 2005. It is unclear at this time if or when the new FERC license will be issued. With that in consideration, please review condition number 3 on the drafted license.

Thank you and please let me know if any changes to the license are necessary.

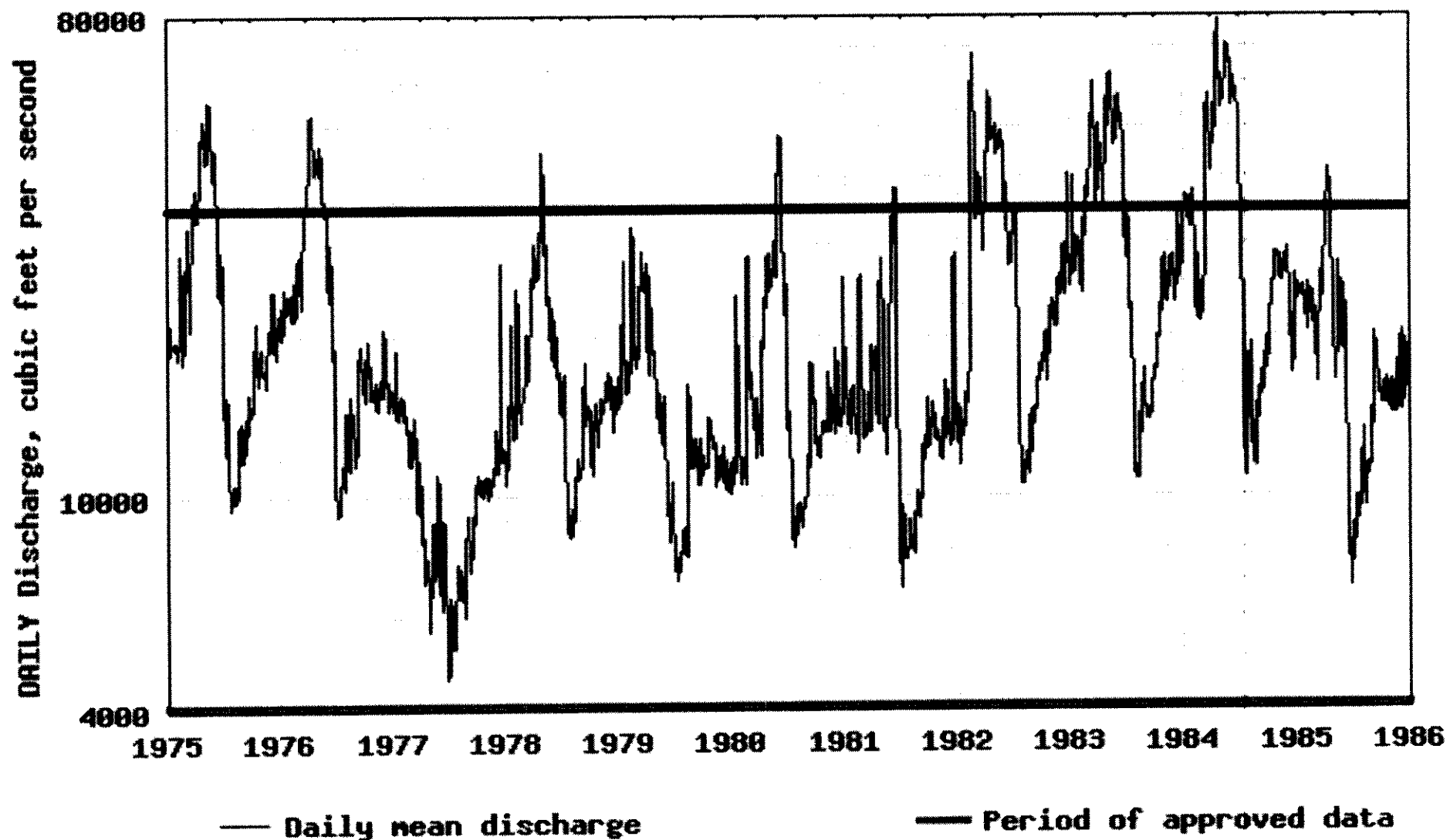


USGS 13269000 SNAKE RIVER AT WEISER ID





USGS 13269000 SNAKE RIVER AT WEISER ID



SRBA

DIRECTORS REPORT 03-07018

Return to SRBA Home Page

IWT072

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 03-07018

Name and Address: IDAHO POWER CO
PO BOX 70
BOISE, ID 83707

Source: SNAKE RIVER Tributary: COLUMBIA RIVER

Quantity: 5000.00 CFS

Priority Date: 12-24-1975

Diversion Point: T17N R05W S02 LOT 3 (SESE)Within Washington County

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:	Purpose of Use	Period of Use	Quantity
	Power	01-01 TO 12-31	5000.00 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 / Administration of this Water Right:

The rights for the use of the waters under this permit shall be subordinate to and not prevent or interfere with any future upstream diversion and use of the waters of the Snake River and its tributaries for the irrigation of lands or other consumptive beneficial uses in the Snake River watershed. This permit has been issued subject to Section 42-207, Idaho Code. In the event of its sale, transfer, assignment, or its being mortgaged, without a compliance with the provisions of this section, it shall be cancelled and revoked by the Director of the Department of Water Resources.

This right is conditioned upon completion of the appropriation in accordance with the statutory procedure for appropriation of water rights. This right remains subject to all conditions set forth in the permit upon which this right is based, and will be subject to all conditions set forth in the license issued by IDWR upon completion of the statutory appropriation process.

Explanatory Material: Basis of Claim - Permit

RECEIVED

NOV 03 2006

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA)

A. Subcase No. 3-7018

Case No. 39576)

**STANDARD FORM 1
OBJECTION**

_____)
Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING:

Name: IDAHO POWER COMPANY
Address: P. O. BOX 70
BOISE, IDAHO 83707
Daytime Phone: (208) 388-2781

Name and Address of Attorney, if any:

John K. Simpson
Barker, Rosholt & Simpson, LLP
P.O. Box 2139
Boise, ID 83701
Telephone: (208) 336-0700

James S. Lochhead
Adam T. DeVoe
Brownstein Hyatt & Farber, PC
410 17th St., 22nd Floor
Denver, CO 80202
Telephone: (303) 223-1100

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT:

Name: IDAHO POWER COMPANY
Address: P. O. BOX 70
BOISE, IDAHO 83707

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate boxes):

1. ☐ **Name and Address**
Should be:

2. ☐ **Source**
Should be:

3. ☐ **Quantity**
Should be:

4. ☐ **Priority Date**
Should be:

5. ☐ **Point(s) of Diversion**
Should be:

6. ☐ **Instream Flow Beginning and Ending Point**
Should be:

7. ☐ **Purpose(s) of Use**
Should be:

8. ☐ **Period of Year**
Should be:

9. ☐ **Place of Use**
Should be:

10. ☐ **I object because:**

☐ This water right should not exist

☐ This water right was not recommended, but should be recommended with the elements described above.

11. ☒ I object to the language included in the second paragraph under "*OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT.*"

Should be: 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.

E. REASONS SUPPORTING OBJECTION(S): The language included in this section should be consistent with the language included in all state licenses and FERC licenses for this project.

F.

VERIFICATION

State of IDAHO)
) ss.
County of Gooding)

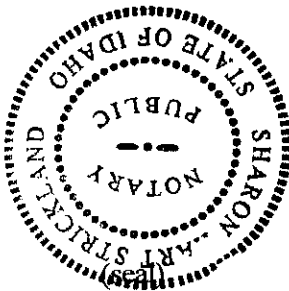
John K. Simpson, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6), or that I am the attorney for the party/claimant objecting, and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

J. K. S.
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: October 30, 2006



Sharon Hart Strickland

Notary Public for: Idaho
Residing at: Gooding
My Commission Expires: 01-22-09

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. **Fax filings will not be accepted.**
You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on November 1, 2006, I hand-delivered and mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original hand-delivered to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy mailed to the claimant of the water right at the following address:

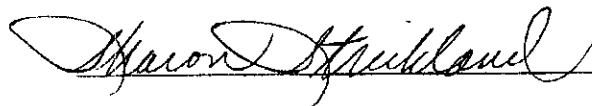
Name: Idaho Power Company
Address: P.O.Box 70
Boise, Idaho 83707

3. Copies mailed to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449



07/17/2006

**NOTICE OF ERROR
REPLY**

Please type or print clearly. Fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: July 28, 2006

Water right number: 3-7018

IDAHO POWER CO.
P.O. BOX 70
BOISE, ID 83707
Telephone Number: (208) 388-2781

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Point of Diversion; Place of Use; Other Provisions Necessary for
Definition or Administration of this Water Right.

2. Describe the changes you wish to make in the proposed recommendation:

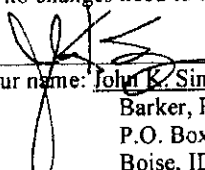
Recommendation should reflect what was claimed. See answer to
#3 below.

3. Give a brief explanation as to why you disagree with these portions:

Claimant requests a meeting with IDWR to discuss the issues of
concern and determine changes.

 I AGREE with this proposed recommendation; no changes need to be made.

DATE: 7/24/06

SIGNATURE: 

Please print your name: John K. Simpson, Attorney for Claimant

James S. Lochhead
Adam T. DeVoe
Brownstein Hyatt & Farber, PC
410 17th St., 22nd Floor
Denver, CO 80202
Telephone: (303) 223-1100
Attorneys for Claimant

Barker, Rosholt & Simpson, LLP
P.O. Box 2139
Boise, ID 83701
Telephone: (208) 336-0700

IDWR State Office, 322 E. Front St.
P.O. Box 83720, Boise, ID 83720-0098. (208) 287-4800

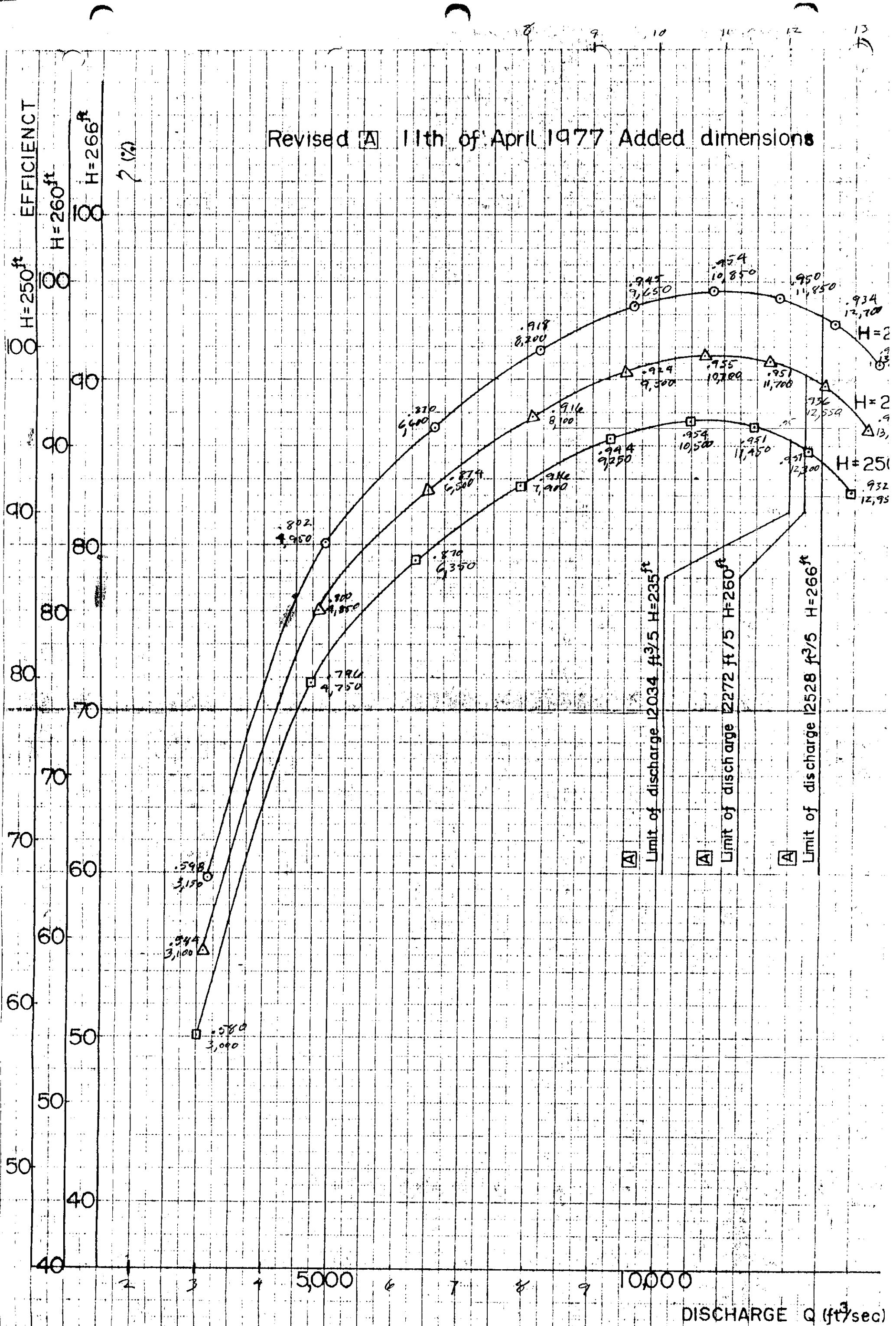


Fig 11-(3) Expected efficiency curves of prototype turbine (3)

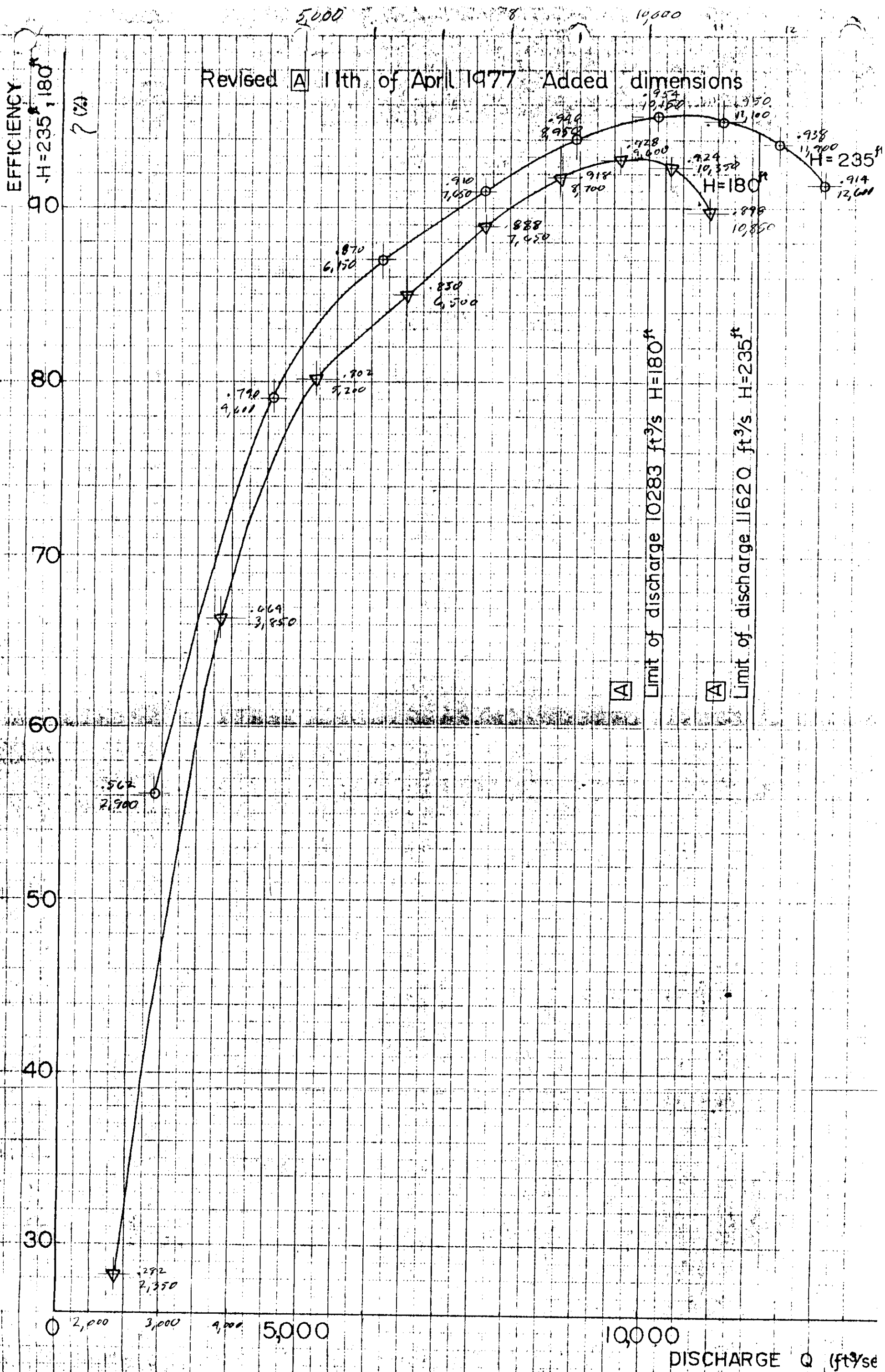
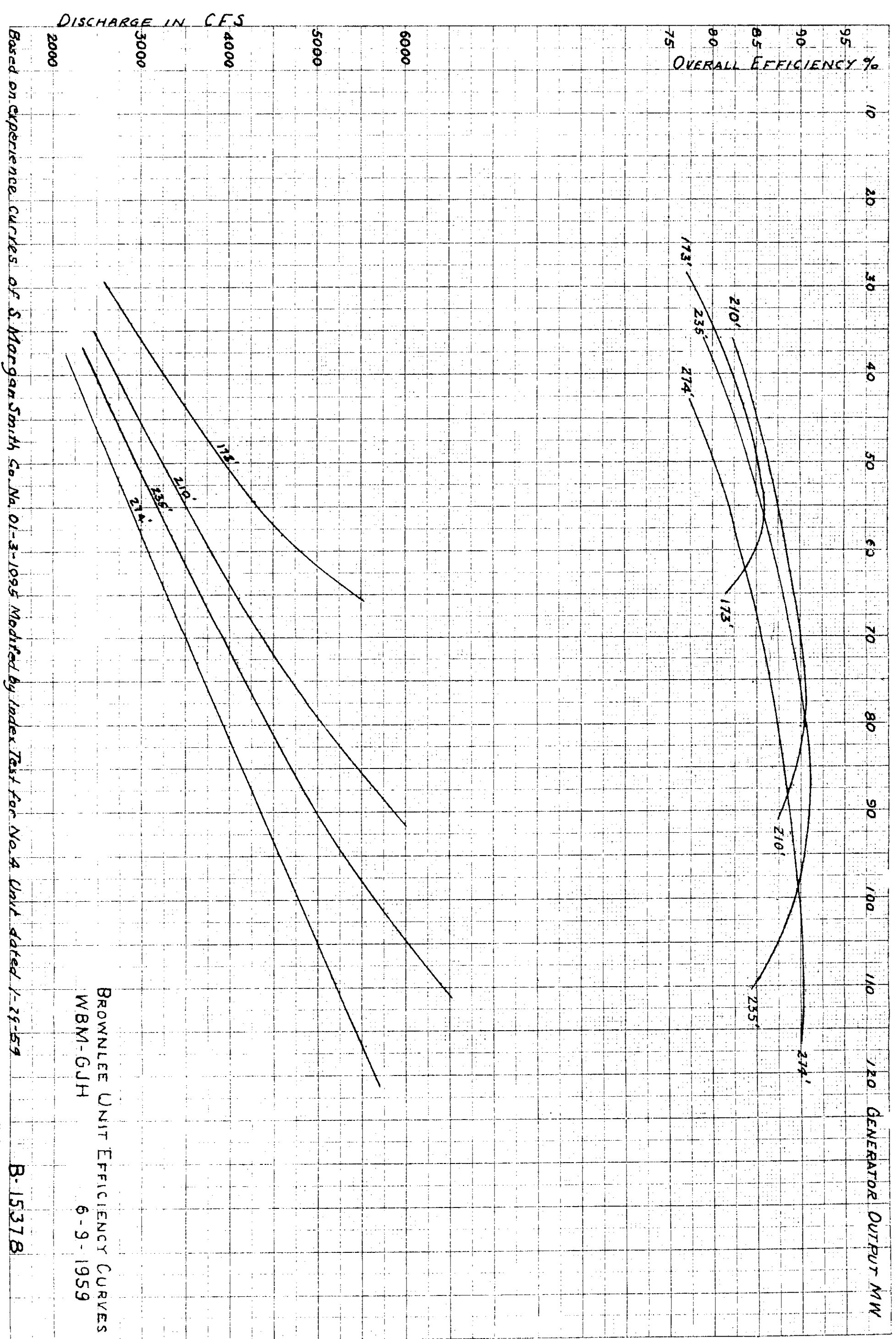


Fig II-(4) Expected efficiency curve of prototype turbine (4)

file



BROWNLEE UNIT EFFICIENCY CURVES
WBM-GJH
6-9-1959

B-15378