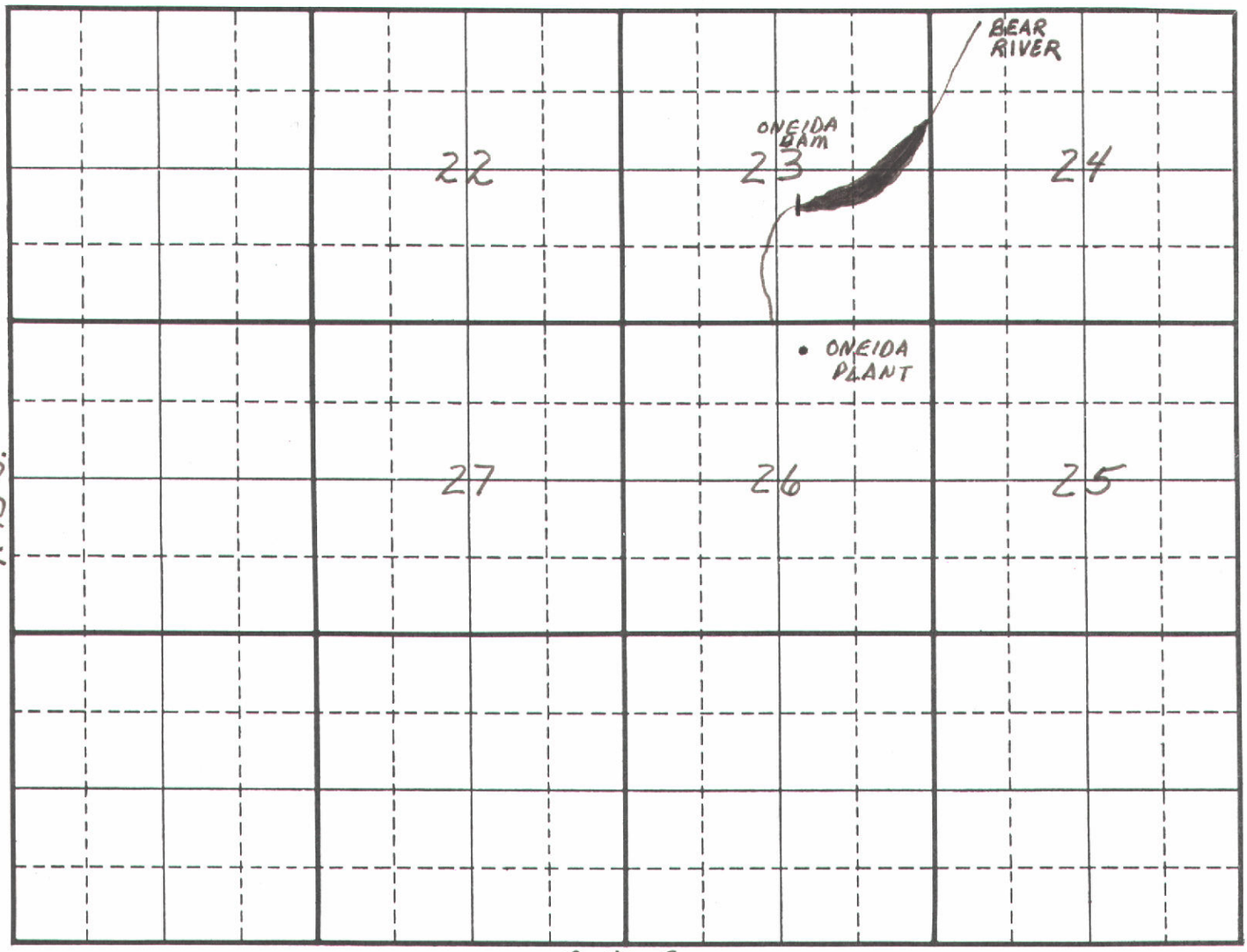
(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of ~~Idaho~~ Utah)
) ss.
County of Salt Lake)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

A. Klein
Vice President (Claimant)

Sworn to before me this 28th day of April, 1980.

Carol L. Koning
Notary Public
Residing at Salt Lake City, Utah

My commission expires Sept 28, 1981

FOR DEPARTMENT USE ONLY

Received by	CW KW	Date	5/19/80 4/29/80	Exception filed by:		Fowarded to claimant by:	Date
Prelim. check by	JC	Date	4/14/80				
$20.00 fee received by	KW	Date	4/21/80 5/20/80 #14809				
Published in	Preston Citizen						
Dates	5/29 & 6/05/80						

№ 1127

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

J. Walter Ross
being duly sworn,

deposes and says:

That he is the Co. Publisher of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with May 29, 1980, and ending with the issue of June 5, 1980

J. Walter Ross

Fee $12.24

Subscribed and sworn to before me this 30th day of May, 1980.

Kevin D. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1982

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

13-4129

UTAH POWER AND LIGHT COMPANY
1407 WEST NORTH TEMPLE, SALT LAKE CITY, UT 84110
Source: BEAR RIVER tributary to GREAT SALT LAKE
Priority Date: 01-01-1910
Amount: 700.00 CFS 11485.0 AC-FT
Diversion Point: NWSE Sec. 23 T 13S R 40E, FRANKLIN Co.
Use: POWER (700.00 CFS) from 01-01 to 12-31
POWER STORAGE (11485.0 AC-FT) from 01-01 to 12-31
POWER FROM STORAGE (11485.0 AC-FT) from 01-01 to 12-31
Place of Use: NWSE Sec. 23 T 13S R 40E
Diversion Means: RESERVOIR AND PIPELINE.

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401.

C. STEPHEN ALLRED
Director

Legal No. 1127 - 34L - Pub. May 29 and June 5, 1980.

ok kw 6/11/80

RECEIVED
JUN 11 1980
Department of Water Resources
Eastern District Office
MICROFILMED

FEDERAL POWER COMMISSION

In the matter of:

Utah Power and Light Company

PROJECT No. 472

Sheet No. 2

DATE	
1961	
Apr. 24	Filed Licensee's application for amendment of license pertaining to Article 18 (re amortization reserves).
June 12	Order issued amending license, pursuant to application last above. (designated Amendment No. 1, Instrument No. 2)
June 26	Amendment No. 1, Instrument No. 2 executed and accepted by licensee on 6/21/61 and, filed, together with resolution of Board of Directors authorizing such acceptance.
July 18	Letter sent to Licensee advising that order of 6/12/61 has been properly executed.
Dec. 19	Letter sent to Idaho Public Utilities Commission and Utah Public Service Commission requesting views and comments relative to Staff's recommendations on actual legitimate original cost.
1962	
Jan. 5	Filed comment of Idaho Public Utilities Commission.
July 3	Order issued determining net changes in actual legitimate original project costs; accumulated provisions for depreciation; accumulated provisions for amortization of limited-term electric plant; and prescribing accounting therefor.
Sept. 5	Certified copy of amendment no. 1, Instrument no. 2 sent to Comptroller General.
*Sept. 4	Letter sent to Secretary of Treasury transmitting copy of order of 7/3/62 in compliance with Sec. 4(b) of FPA.
1963	
July 8	Order issued determining and directing establishment and maintenance of amortization reserves.
1965	
Jan. 21	Filed licensee's statement of gross generation of energy for calendar year 1964.
Apr. 13	Letter sent to Licensee determining actual legitimate original cost of project plant as of 12/31/63.
Aug. 16	Letter sent to Licensee enclosing copy of statutory provisions and the Commission's regulations relating to recapture or relicensing of licensed projects, requesting supplemental information pursuant to Sec. 2.6 not later than 6/30/66.
Aug. 16	Letter sent to Secretary of the Interior requesting comments and recommendations regarding recapture of project no later than 6/30/66 and enclosing Exhibit J and L drawings.
Sept. 10	Notice of expiration of License on 6/30/70, issued. (Pub: 9/16/65; 30 FR 11685)
1966	
Jan. 24	Filed Licensee's statement of gross generation of energy for calendar year 1965.
Jun. 21	Filed Licensee's supplemental information, pursuant to request sent 8/16/65.
July 27	Filed letter by Chief of Engineers, submitting comments, pursuant to letter sent 8/16/65.
1965	
Mar. 16	Letters sent to the following, requesting comments and recommendations regarding recapture of project no later than 6/30/66: Chief of Engineers Secretary of Health, Education and Welfare Secretary of Agriculture
Aug. 8	Filed letter from Secretary of Interior submitting comments, pursuant to letter sent 8/16/65.(Power)
1967	
Jan. 18	Filed licensee's statement of gross kilowatt hours generated for calendar year 1966.
Jan. 27	Filed Licensee's letter requesting extension of time to 6/1/67, in which to complete and submit the report required on the Oneida Project No. 472-Idaho in accord with Order No. 315.
Feb. 1	Letter sent to Licensee granting extension of time to and including 6/1/67 pursuant to request filed last above.

DATE	
1967	
Mar. 13	Filed letter from Department of Agriculture commenting regarding recapture of license.
Mar. 23	Letter sent to Licensee enclosing copy of letter from Department of Agriculture filed last above.
Apr. 13	Letter sent to Governor of Idaho requesting comment within 60 days regarding recapture or relicensing of project.
May 31	Filed licensee's safety inspection report, pursuant to order No. 315.
May 31	Filed letter from Governor of State of Idaho requesting an extension of time of (60) days from 6/13/67 to respond to letter of 4/13/67.
June 6	Letter sent to Governor of State of Idaho granting extension of time to 8/13/67, pursuant to request last above.
July 25	Notice of Expiration of License sent to Federal Register. (Pub: 7/29/67; 32 FR 11096)
Aug. 1	Notice of Expiration of License, issued 7/25/67, served on licensee, State Commissions, Federal Agencies and State Conservations Agencies.
Aug. 4	Letter sent to Water Resources Council requesting recommendations concerning recapture or relicensing of project.
1968	
Jan. 19	Filed licensee's statement showing gross kilowatt hours generated for calendar year 1967.
Feb. 12	Filed letter from licensee listing certain changes to be made in FPC Form 80.
1969	
Jan. 13	Filed Licensee's statement showing the gross kilowatt hours generated for the calendar year 1968.
Jan. 22	Filed Licensee's letter submitting revised Exhibit L for approval.
Mar. 25	Order issued approving revised Exhibit L drawing filed last above, and deleting superseded Exhibit L. (Designated Instrument No. 3)
Mar. 27	Erratum Notice issued correcting order issued last above.
June 5	Filed Licensee's Application for renewal of license for a period of fifty (50) years, together with Exhibits: J, K, & L. (Tracings received)
March 19	Filed Licensee's FPC Form 80, Licensed Project Recreation Report . (Power)
July 30	Notice of Expiration of License sent to Federal Register. (Pub: 8/9/69; 34 FR 12976)
1970	
Jan. 15	Filed Licensee's Statement showing the gross amount of kilowatt hours generated during the year 1969.
Feb. 27	Filed Licensee's supplement to application for renewal of license filed 6/5/69.
July 23	Notice of annual license for the period 6/30/70 to 6/30/71, issued. (Pub: 7/31/70 35 FR 12301)
Aug. 25	Letter sent to Licensee requesting additional information on environmental matters within 30 days hereof.
Oct. 7	Filed Licensee's amendment to application for renewal of license togetherwith Exhibit U.
1971	
Jan. 19	Filed Licensee's Statement showing the gross amount of kilowatt hours generated during the calendar year 1970.
Jan. 20	Filed Licensee's Exhibit R for approval. (Tracings received) (Power)
Feb.	Letters (6) sent to the following requesting comments on relicensing of project within 90 days. Secretar, of Health, Education, and Welfare Department of Agriculture Acting Secretary of the Interior Department of the Army Idaho Department of Parks Idaho Public Utilities Commission
Feb. 10	Notice of Application for new license filed 6/5/69, issued. (Due Date: 3/30/71) (Pub: 2-18-71; 36 FR 3137).
Feb. 24	Advertising Order sent to The Citizen, Preston, Idaho for publication of notice of application last above.

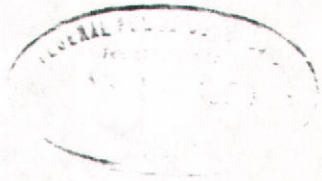


EXHIBIT "A"
MATTER OF WATER POWER,
FROM THE PUBLIC DOMAIN OF THE STATE OF UTAH

To Accompany Application for License
Under Act of June 10, 1920

Oneida Power Plant
FROM OTTO A. TIBBS, ENSIGN

RECEIVED
1954

EXHIBIT

EXHIBIT IN THE MATTER, STATE OF
DOCKET NO. IN THE MATTER

To Accompany Application for License
Under Act of June 10, 1920

Oneida Power Plant
UTAH POWER & LIGHT COMPANY

[illegible] Jordan
[illegible] Clara B. Jordan,
[illegible] 1930,
December 8, 1917.
(Cont'd)

Eliminate
see letter 3/7/28

[illegible] 3° E, 89.1 feet; [illegible] S 45° 57' E, 112.5 feet; thence S 1°06' E, 100.1 feet; thence S 1°29' E, 96.2 feet; thence S 5°53' W, 245.3 feet; thence S 18°09' W, 96.9 feet; thence S 25°40' W, 71.5 feet; thence S 389.3 feet; thence N 9°15' E, 121.5 feet; thence N 14°07' E, 133.3 feet; thence N 7° 43' E, 140.3 feet; thence N 5°39' E, 305.7 feet; thence N 2°16' E, 202.7 feet; thence N 12°31' W, 170.0 feet; thence N 21°00' E, 135.3 feet; thence N 27°43' W, 140.4 feet; thence N 15°07' E, 90.2 feet; thence N 45°57' W, 213.1 feet; thence N 29°15' W, 153.0 feet; thence N 17°25' W, 128.6 feet; thence N 47°33' W 250.3 feet; thence N 54°27' W, 132.7 feet; thence N 30°15' W, 109.0 feet; thence N 22°21' W, 87.3 feet; thence N 14°37' W, 168.7 feet; thence N 10°37' W, 104.4 feet more or less to the place of beginning, containing 11.47 acres more or less.

Also beginning at a point which bears East 923 feet from the Southwest corner, Section 31, Township 12 South, Range 41 East, S.L.B.& M.; thence East 372.4 feet; thence N 1°00' W, 90.6 feet; thence N 4°37' W, 150.7 feet; thence N 36° 06' W, 75.1 feet; thence N 28°14' W, 124.9 ft; thence S 52°24' W, 106.3 feet; thence N 87° 46' W, 189.6 feet; thence S 83°34' W,37.3 feet; thence N 17°21' W, 192.4 feet; thence S 89° 33' W, 113.3 feet; thence in a southeasterly direction down middle of Bear River to point of beginning; containing approximately 2.25 acres more or less.

I hereby certify that the foregoing five pages comprise a full, true and correct tabulation of the lands owned by the applicant, and that said lands were acquired for use and are used in connection with the Oneida power plant.

A. E. Buckeler
Engineer and Custodian of Records
Utah Power & Light Company.

This statement is a part of said application made by the undersigned this 20th day of August, 1928.

UTAH POWER & LIGHT COMPANY

By [illegible]
Vice-President & General Manager

1. Estimate of the Power Capacity of the Project.
2. Stream flow data involved in Determining Power Capacity.
3. List of all Present and Proposed Source of Power for the System of which the Project is a part.

(1) Estimate of Power Capacity:

(a)	Average Static Head	- 140 ft
(b)	Hydraulic Capacity	- 3450 cfs*
(c)	Flow Available, 90% of time	- 1165 cfs
(d)	Power Capacity	- 10270 hp

*Flow assumed necessary to generate 30,000 kw. the installed generator capacity.

(2) Stream Flow Data:

Oneida Plant receives its water supply from the Oneida Reservoir on Bear River through one steel pipe 10 feet in diameter and about 1/2 mile long. Immediately below the tailrace is installed a Stevens Recorder - also a gaging cable - for the purpose of obtaining a record of the stream flow passing this plant.

The flow of Bear River is regulated by Bear Lake storage; hence the record secured at the gaging station below the tailrace is a record of the Regulated Flow of Bear River. The Natural Flow (or flow which would have occurred without storage regulation) can be obtained by considering the regulating effect (the storage change) secured by the operation of the Bear Lake storage canals. This has been done in the following sheets.

The inflow to Bear River below Storage Control does not exceed the hydraulic capacity of the Oneida Plant, therefore it has been assumed that the Available Flow for Oneida Plant for 90% of the time is equal to the Storage flow that has occurred through the stream for period, 1914-1932; the entire period during which records have been obtained.

line, 165-mi double circuit, [illegible] to the Utah Power & Light Company's 66-kv pole tower line, 100-mi single circuit. The [illegible] towers will extend from the Ontario Plant of the Portland Cement Company, located west of Salt Lake City, Utah, a distance of 115 miles from the Ontario Plant. Steel towers are placed approximately 850 feet apart; suspension insulators carrying 250,000-cm copper, 12 strands, static, 5/8-inch Siemens Martin steel 7-strand. Wood pole tower line towers spaced approximately 300 feet apart; suspension insulators carrying 250,000-cm copper, 12 strands, 5/16-inch Siemens Martin steel 7-strand static.

This statement is a part of the application for license made by the undersigned this 20th day of August, 1923.

UTAH POWER & LIGHT COMPANY

By [signature]

Vice-President & General Manager

Account number 310 Title: Hydraulic Power Plant Land

1. General description: NE 1/4 of NE 1/4 Sec. 23, NE 1/4 of NW 1/4 and part of NW 1/4 of NE 1/4 Sec. 26, T. 13 S., R. 40 E., Boise Meridian
2. From whom acquired: Telluride Power Company
3. Deed dated January 28, 1913 recorded in Book 23 page 96 records of Bannock County, State of Idaho
4. Term of title: Perpetual
5. Purpose for which used: Power house, surge tank, part of pipe line, road and incidental structures and grounds
6. Location shown on Exhibit K
7. Area 116.40 acres

Items of Cost	Amount		
	Actual	Estimated	Total
8. Amount paid for land		$1,881.87	

Inventory and Original Cost as of January 1 1924

PROJECT LANDS AND RIGHTS OF WAY

Account number 312 Title: Hydraulic Power Plant Land

1. General description: Part of NE 1/4 of NW 1/4 of Sec. 26, T. 13 S., R. 40 E., Boise Meridian
2. From whom acquired: Telluride Power Company
3. Deed dated January 28, 1913 recorded in Book 23 page 96 records of Bannock County, State of Idaho
4. Term of title: Perpetual
5. Purpose for which used: Grounds adjacent to operators cottages, used for general purposes
6. Location shown on Exhibit K
7. Area 30 acres

Items of Cost	Amount		
	Actual	Estimated	Total
8. Amount paid for land		$459.37	

Form No. 11-8 [illegible] August 6, 1924 10:30

Name of applicant: Utah Power & Light Company

Inventory and Original Cost as of January 1, 1924
of
PROJECT LANDS AND RIGHTS OF WAY

Account number 312. Title: Hydraulic Power Plant Land

1. General description: Part of the NW 1/4 of NW 1/4 of Sec. 6, T. 13 S., R. 41 E., Boise Meridian
2. From whom acquired: Clara Dalton Forman
3. Deed dated January 21, 1918 recorded in Book 39 page 270 records of Bannock County, State of Idaho
4. Term of title: Perpetual
5. Purpose for which used: Flowage
6. Location shown on Exhibit K
7. Area 3.45 acres

Items of Cost	Amount		
	Actual	Estimated	Total
8. Amount paid for land	$500.00		

Name of Applicant: Utah Power & Light Company

Inventory and [illegible] Cost as of January 1 1924

of

PROJECT LANDS AND RIGHTS OF WAY

Account number 312 Title: Hydraulic Power Plant Land

1. General description: Parts of NE 1/4 of SW 1/4, NW 1/4 of NE 1/4, SW 1/4 of NE 1/4, Sec. 7 T. 13 S., R. 41 E., Boise Meridian
2. From whom acquired: Charles M. Hopkins
3. Deed dated November 19 1915 recorded in Book 29 page 522 records of Bannock County State of Idaho
4. Term of title: Perpetual
5. Purpose for which used: Flowage
6. Location shown on Exhibit A
7. Area 48 acres

Items of Cost	Amount		
	Actual	Estimated	Total
8. Amount paid for land	$1,550.00		

Form 11-48 Sheet 6 of 6 Project No. 472, Idaho

Name of Applicant: Utah Power & Light Company

Inventory and Original Cost as of January 1, 1924
of
PROJECT LANDS AND RIGHTS OF WAY

Account number 312. Title: Hydraulic Power Plant Land

1. General description: Part of S 1/2 of SW 1/4 of Sec. 31, T. 12 S., R. 41 E., Boise Meridian
2. From whom acquired: Arron M. Putnam
3. Deed dated January 21, 1918 recorded in Book 34 page 272 records of Bannock County, State of Idaho
4. Form of title: Perpetual
5. Purpose for which used: Flowage
6. Location shown on Exhibit K
7. Area 2.25 acres

	Items of Cost	Amount		
		Actual	Estimated	Total
8	Amount paid for land	$205.00		

[illegible] Inventory and Original Cost as of January 1, 1954

of

[illegible]

Account number [illegible] Title: Water Rights

Items

1. General description: Water rights granted by State of Idaho for 1000 and 1500 second feet of water, covered by certificates 6808 and 7256 respectively. For complete statement of the nature, extent and ownership of water rights see Exhibit E.
2. Conveyances dated: No. 6808 dated January 6, 1917, No. 7255 dated February 18, 1916. Rights continue during beneficial use.
3. Purpose: To operate hydroelectric plant at location shown on Exhibit K.

Items of Cost	Amount		
	Actual	Estimated	Total
Direct Costs -			
4. Two Applications to State of Idaho	$[illegible]1.00		
5. Premiums on two bonds	[illegible]0.00		
6. Cost of two certificates	750.00		
7. Cost of two examinations, beneficial use	10.00		

[illegible] Plant [illegible] Project No. [illegible] Line

Plan of Development Wheat Power & Light Company

Inventory and Original Cost as of January 1, 1924

of

PROBERT LANDS LTD. LESS CP Ltr

Account number 312. Title: Hydraulic Power Plant Land

Items of Cost	Amount		
	Actual	Estimated	Total
1. Amount paid for land or right of way	$3,616.80	$2,281.24	$5,898.04
2. Engineering and superintendence (A/C 390)	816.76	-	816.76
3. Law expenditures (included in A/C 395a)	-	-	-
4. Taxes (A/C 393)	37.84	-	37.84
5. Interest (A/C 394)	750.14	-	750.14
6. Miscellaneous expenditures (a) General officers and clerks (A/C 395a)	187.12	-	187.12
Total Cost			$7,699.90

[illegible] Department of Interior and Installed Material Cost as of January 1, 1924

[illegible]

Account Number 314. Title Hydraulic Power Plant Structures

1 General description:

(a) Power plant building. Built in 1914-16 and 1919-20. Substructure of massive reinforced concrete, south portion of which is supported on piles. Integral with substructure are the draft tubes and machine foundations. Superstructure of steel frame, metal lath and plaster construction and has concrete roof, supported on steel trusses. Floors are concrete, marblsoid and tile. Stairways, doors and windows are steel. Length above floor line 150 ft; width 52 ft; height to eaves 46 ft; and to ridge 58 ft. Building equipped with 80-ton electric crane, lighting and ventilating systems and necessary plumbing.

(b) Operators' cottages, A & B. Built in 1920 and 21. Twin frame houses, each with five rooms and basement; concrete foundations, wood floors, walls with rustic exterior and lath and plaster interior, shingle roof, painted two coats inside and outside; bath, toilet, lavatory and sink; electric lighting; furnace heating; length overall 46'10"; width overall 31'8"; height from bottom of foundations to roof 14'1"; capacity each 20,094 cu ft.

(c) Operators' cottages, C & D. Built in 1922. Twin frame houses, each four rooms and basement; concrete foundations, wood floors, shingle roof; walls exterior rustic and interior lath and plaster; painting exterior and interior two coats; plumbing: bath, toilet, lavatory and sink; electric lighting; length 39'10"; width 26'4"; height from top of foundations to eaves 9'8"; capacity each 12,074 cu ft.

(d) Operators' cottages; E, F, G, H, I and one quarters building. These buildings were first constructed for housing the construction forces. The cost figures given below cover only the cost of remodeling for permanent use. The balance of the cost is included in Account No. 389 - General Construction Equipment. Operators' cottage E: Frame structure, 6 rooms and basement; concrete foundation, wood floors, shingle roof; walls exterior rustic, interior lath and plaster; painting exterior two coats interior two coats; plumbing, bath, toilet, lavatory and sink; electric lighting; length 44'0"; width 30'6", height from bottom of foundation to eaves 13'5". Capacity 18,708 cu ft. Operators' cottages F, G & H; each of frame construction, five

wood - interior lath and plaster painting two coats interior and exterior, plumbing bath toilet lavatory and sink; electric lighting; length 30'6", width 28'5", height from bottom of foundations to eaves 13'8", capacity 12,228 cu ft each. Operators' cottage I: frame house, five rooms and basement; foundations concrete wood floor, shingle roof; walls exterior wood interior lath and plaster and Beaver board. Painting exterior and interior two coats, plumbing, bath, toilet, lavatory and sink; electric lighting, length 30'6"; width 28'5"; height from bottom of foundation to eaves 13'8". Capacity each 12,228 cu ft.

Quarters building: Frame, nine rooms and basement; concrete foundations, wood floors, shingle roof; walls exterior rustic, interior wood and lath and plaster; painting exterior and interior two coats; plumbing, two baths, two toilets two lavatories and sink; electric lighting; length 80'8"; width 48'6"; height from bottom of foundations to eaves 14'0"; capacity 32,324 cu ft

(e) School house at plant: Frame, with wood foundations, floors and walls; roof corrugated iron; painting exterior and interior two coats; electric lighting; length 24'0", width 12'0", height from sills to eaves 9'6"; capacity 2,736 cu ft. Constructed prior to 1915.

(f) School teacher's cottage: five room corrugated iron structure with wood foundation and floors walls and roof corrugated iron with walls lined with wood; plumbing, toilet and lavatory; electric lighting; length 44'0"; width 20'0"; height from bottom of foundation to eaves 10'6". Capacity 9,240 cu ft. Constructed prior to 1916.

(g) Machine shop at plant: Corrugated iron walls and roof, wood foundations, earth and wood floors; electric lighting; painted two coats on exterior; length 70'9"; width 30'0"; height from ground to eaves [average 15'6"]; capacity 32,550 cu ft. Constructed prior to 1916.

(h) Warehouse at plant: Corrugated iron walls and roof; foundation and floor wood; electric lighting; painting exterior two coats; length 40'0"; width 20'0"; height from sills to eaves 8'0", capacity 6,400 cu ft. Constructed prior to 1916

(i) Two garages A & B: Corrugated iron walls and roof; concrete foundations and earth floor; length 26'8"; width 17'8"; height 7'4" each; capacity 3,454 cu ft each. Built in 1923.

(j) Multiple garage at plant: C. Four stalls, corrugated iron walls and roof; concrete foundations with earth floor; length 36'10"; width 17'8"; height 7'4"; capacity 4,641 cu ft. Built in 1927.

(k) Barn A: Frame structure with wood walls and floors and shingle Mansard roof; painting exterior two coats; electric lighting, length 32'0"; width 27'0"; height from sills to eaves 16'0"; capacity 13,824 cu ft. Constructed 1922-23

[illegible] and roof of [illegible] iron, [illegible] lighting; length 22'0", width 10'0"; height [illegible] to eaves 8'9"; capacity 3 080 cu ft. Constructed in 1911

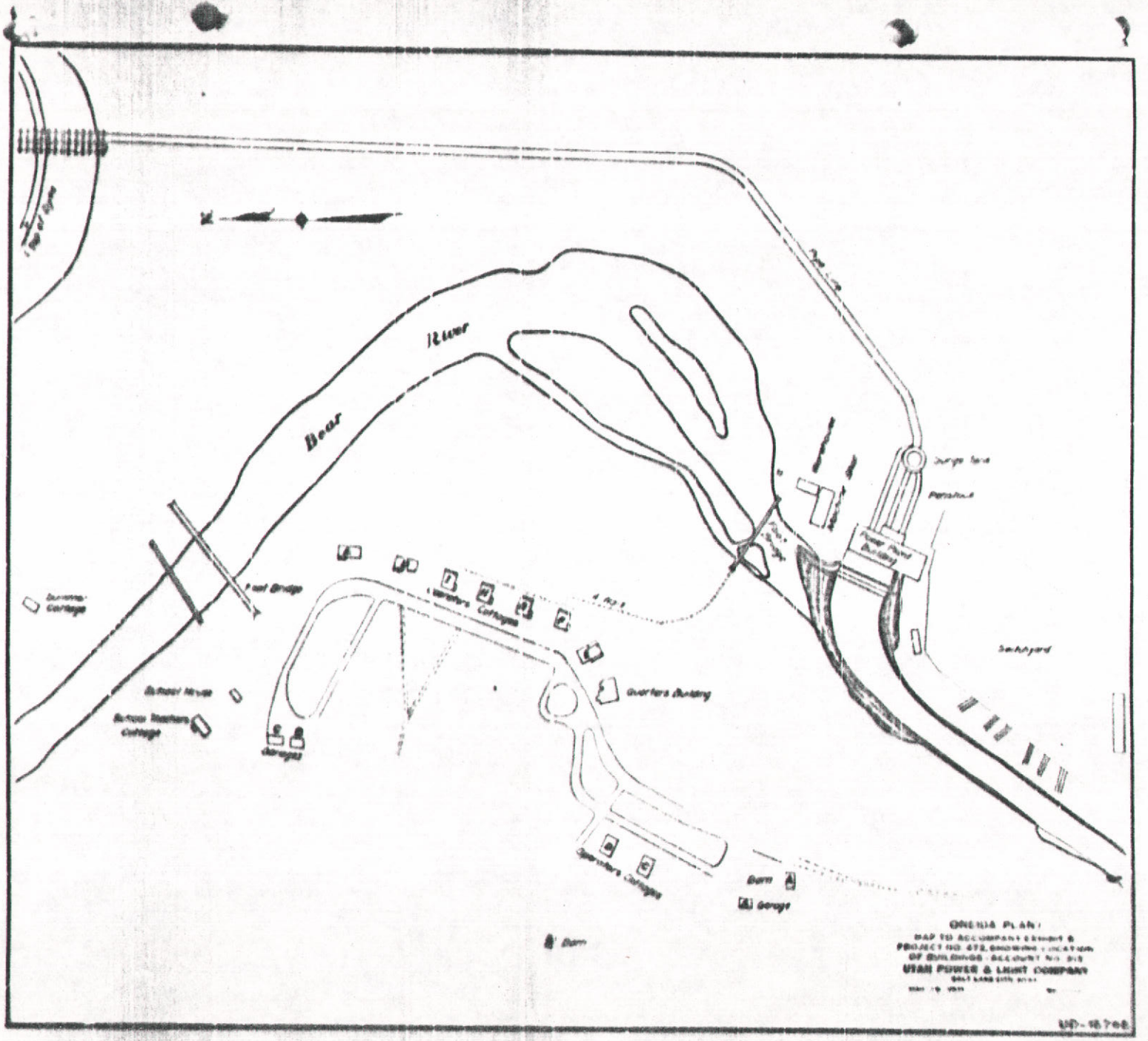
(l) Burner cottage. Frame structure with foundations, walls floors, roof of wood tar paper and [illegible] length 15'3"; width 15'6"; height 8'6"; capacity 1 875 cu ft. Constructed in 1916.

(m) Improvements to grounds and installation of utilities, such as grading and planting, roads, walks and fences, yard lighting, water supply, sewerage, foot bridge, etc., all constructed in 1913-16 - 1920-23.

All of the foregoing structures are shown as to location on accompanying sketch map.

Items of Cost	Actual	Amount Estimated	Total
2 Power plant building			
Direct costs			
Substructure			
(a) Dewatering, excavation and back/fill	$25,361 28		
(b) Piling, 112 piles, material & labor	1,524 77		
(c) Concrete, reinforced, material & labor, 5945 cu yd	73,612.00		
(d) Floors materials, labor, freight and hauling	4,374.46		
(e) Grouting machinery	1,430.00		
(f) Doors, windows, hardware and unclassified material & labor	4,194.31		
Superstructure			
(g) Structural steel-material & erection	19,349 68		
(g-1) Freight and hauling	7,315.22		
(h) Concrete, materials and labor	3,629.29		
(i) Surface lath, materials, labor, freight and hauling	5,436.07		
(j) Plastering - material and labor	14,412.19		
(j-1) Credit on plastering material	(213.97)		
(k) Roofing - materials and labor	2,658.45		
(k-1) Freight and hauling	1,572.18		
(l) Doors, windows, hardware, etc., materials and labor	6,691.09		
(l-1) Freight, hauling & handling	1,204.12		
(m) Floors, material and labor	7,197.06		
(m-1) Freight hauling & handling	681.09		
(n) Lighting - Materials labor & freight	1,984.42		
(o) Plumbing to	1,838.67		
(p) Fire protection - materials labor & freight	224.26		
( ) Painting to	4 463.00		

Items of cost	Total	Item: Estimated	Total
(c) Lighting & transmitting - materials labor and freight	$ 1 995 99		
(d) Crane, materials and labor	9 009 13		
(d-1) Freight handling & handling	1 644 10		
(t) Miscellaneous	429.19		
Indirect costs			
(u) Camp operation	8,167.54		
(v) General construction equipment (A/C 389) (See Form 11-51)	51,251.63		
3. Operators cottages, A & B	11,941.77		
4. Operators' cottages, C & D	7,677.98		
5. Operators' cottages, E, F, G, H, I and quarters building - alterations	22 967.15		
6. School house at plant		$ 273.50	
7. School teacher's cottage		646.80	
8. Machine Shop		2.278.50	
9. Warehouse		448.00	
10. Two garages, A & B	528.55		
11. One garage, C	368.01		
12. Barn A	1 729.83		
13. Barn B		215.00	
14. Summer cottage		95.25	
15. Pastures and Grounds			
Direct costs			
(a) Grading and planting	1,678.18		
(b) Roads, walks and fences	33,389.73		
(c) Yard lighting	1 817.75		
(d) Water supply	8 851.04		
(e) Sewerage	282.70		
(f) Foot bridge	1.407.26		
Indirect costs			
(g) Camp operation	3 825.51		
(h) Changes in camp lighting (credit)	(475.00)		
(i) General construction equipment (A/C 389)	11,974.28		
Overhead Costs			
16. Engineering and superintendence (A/C 390)	51,817.62		
17. Law expenditures (included in A/C 395a)			
18. Injuries and damages (A/C 392)	9,452.13		
19. Taxes (A/C 393)	2,100.88		
20. Interest (A/C 394)	48,225.76		
21. Miscellaneous expenditures			
(a) General officers and clerks (A/C 395a)	11,871.27		
(b) Other miscellaneous construction expenditures (A/C 395b)	19.765.95		
Total Cost			$515,722.39


Bear River
Garage
Dam
Garage
Dam

[illegible] of Hydraulic Work Circular Letter of January 1, 1924

[illegible]

Account number 19 Title, Water Turbines and Water Wheels

Items

1. General description: 3 I.P. Morris vertical turbines, 15 000 H.P., 180 R.P.M., 140' head, also 3 I.P. Morris governors, oil pressure, with pumps, oil filters, motors and sump tanks; also one electric air compressor, American Steam Pump Co., pressure, 5" x 1-1/2" x 5", and return mains to each unit; also accessories as below specified.
2. Names of manufacturers given above or in items below.
3. Manufacturer's number given in items below
4. Location of units: in power house.
5. Year purchased and year installed given in items below.
6. New when installed.

Items of Cost	Amount Actual
Direct Costs	
7. Two I.P. Morris turbines, mfr's. Nos. not available, purchased in 1914 and installed 1914-15, and one same, mfr's. No. not available, purchased in 1915 and installed 1919-21.	
(a) Materials and erection	$120,869.50
(b) Freight, hauling and handling	1[illegible]
8. Two I.P.Morris governors with air compressor and appurtenances mfr's Nos. not available, purchased in 1914 and installed 1914-15, and one same mfr's No. not available, purchased in 1915 and installed 1919-21	
(a) Materials and erection	33,167.46
(b) Freight, hauling and handling	3,359.48
9. Gages and indicating devices viz: 2 electric tachometers; 1 Bristol gauge model 55; 3 Bristol gages model 10 T; 1 Bristol gauge model 10; 3 Bristol time recorders model 910 T; 1 Stevens water storage recorder Type A; 1 Mestrom water level indicator; 1 Westinghouse graphic recording wattmeter A circuit, 3-phase	
(a) Materials and erection	4,[illegible].73
(b) Freight and hauling	129.74
10. Miscellaneous material and labor	43.31
11. Testing and experimenting	500.00
Indirect Costs	
[illegible]	2,595.00

Items of Cost	Amount (total)
11. General construction (A/C 390)	$ 15,889.11
Overhead Costs	
14. Engineering and superintendence (A/C 390)	21,752.62
15. Law expenditures (Included in A/C 390a)	
16. Injuries and damages (A/C 392)	5,792.06
17. Taxes (A/C 393)	1,471.18
18. Interest (A/C 394)	29,551.62
19. Miscellaneous expenditures	
(a) General officers and clerks (A/C 395a)	7,274.44
(b) Other miscellaneous construction expenditures (A/C 395b)	11,499.35
Total Cost	$315,635.37

Items of Cost	Amount Actual
22. Additional emergency water pumps	} 517.59
23. Miscellaneous material and labor	. 778.65
24. Testing and experimenting	595.00
Indirect Costs	
25. Camp operation	4,956.00
26. General construction equipment (A/C 389)	66,707.80
Overhead Costs	
27. Engineering and superintendence (A/C 390)	46,489.38
28. Law expenditures (Included in A/C 395a)	
29. Injuries and damages (A/C 392)	9,480.22
30. Taxes (A/C 393)	2,153.96
31. Interest (A/C 394)	48,266.67
32. Miscellaneous expenditures	
(a) General officers and clerks (A/C 395a)	10,650.59
(b) Other miscellaneous construction expenditures (A/C 395b)	16,836.31
Total Cost	$463,589.53

[illegible] Cost as of January 1, 1924
of
[illegible] EQUIPMENT

Account number [illegible] Title: Miscellaneous Power Plant Equipment - Hydro

Items

1. General description: (a) Utility equipment - 1 wagon, 1 Dodge Bros. business car, 2 horses, 1 light bob sled and 2 saddles; (b) machine shop equipment - air compressor, hoist, vacuum cleaner, lathe, forge, drill, motor, shafting, etc.
2. Manufacturers' names given below in items.
3. Manufacturers' numbers given below in items.
4. Location: in machine shop.
5. Years purchased and installed: 1913-16 & 1919

Items of Cost	Amount Actual	Amount Estimated	Total
Direct Costs			
7. Utility equipment	$1,227.57	$ 541.16	$1,768.73
8. Air compressor, Chicago, Type T 39 cfm, with motor [illegible] 7-1½-hp 220-v, 1200-rpm	505.00		505.00
9. Peerless hoist & traveler, 3000# for 8" I-beam	65.07		65.07
10. Equipment material, labor, freight and hauling	707.72	2,096.49	2,804.21
Indirect Costs			
11. Camp operation	11.00		11.00
Overhead Costs			
12. Engineering and superintendence (A/C 390)		126.06	126.06
13. Law expenditures (included in A/C 395a)			
14. Injuries and damages (A/C 392)		10.52	10.52
15. Interest (A/C 394)		68.55	68.55
16. Miscellaneous expenditures			
(a) General officers and clerks (A/C 395a)		42.08	42.08
Total Cost			$5,491.22

Statement of Inventory and Original Cost as of January 1, 1924
of
PROJECT'S EQUIPMENT

Account number 333 Title: Transmission Substation Equipment

Items

1. General description: This equipment consists of two banks of 130-kv outdoor type transformers and one spare with the fittings and equipment material pertaining thereto.
2. Name of manufacturer: General Electric Company
3. Manufacturer's number or mark: Transformers - G.E., outdoor type, W.C., 1 ph, 5000-kva, 130000-66000-V Nos. 1197927, 28, 29, 30, 31, 32 and 33.
4. Location: adjoining power house
5. Year purchased and installed: 1915-16 & 1919
6. New when purchased

Items of Cost		Amount Actual
Direct Costs		
7. Seven transformers		$ 57,359.31
8. Fittings, equipment material and labor		11,875.52
9. Freight, hauling and handling		10,900.05
10. Testing and experimenting		241.00
Indirect Costs		
11. Camp operation		358.00
12. General construction equipment (A/C 389)		20,296.84
Overhead Costs		
13. Engineering and superintendence (A/C 390)		13,990.72
14. Law expenditures (Included in A/C 395a)		
15. Injuries and damages	(A/C 392)	2,552.07
16. Taxes	(A/C 393)	648.22
17. Interest	(A/C 394)	13,020.92
18. Miscellaneous expenditures		
(a) General officers and clerks (A/C 395a)		3,205.28
(b) Other miscellaneous construction expenditures (A/C 395b)		5,066.80
Total Cost		$139,514.66

Statement of Inventory and Original Cost As of January 1 1924
of
PROJECT EQUIPMENT

Account number 712 Title: Communication System Equipment

Items

1 General description: This equipment includes telephone and telegraph instruments and accessories.
2 Located in power house
3. Purchased and installed: 1913-1916
4 New when purchased

Items of Cost		Amount Actual
Direct Costs		
5. Equipment and labor		$1,097.63
Indirect Costs		
6 Camp operation		24.00
7 General construction equipment (A/C 389)		297.23
Overhead Costs		
8. Engineering and superintendence (A/C 390)		196.49
9. Law expenditures (included in A/C 395a)		
10. Injuries and damages	(A/C 392)	35.84
11. Taxes	(A/C 395)	9.10
12. Interest	(A/C 394)	182.97
13. Miscellaneous expenditures		
(a) General officers and clerks (A/C 395a)		45.01
(b) Other miscellaneous construction expenditures (A/C 395b)		71.16
Total Cost		$1,969.36

Items

1. General description: (a) Clearing reservoir site and rebuilding 5.9 miles of county road; this is included in Account No. 392, and cannot be segregated. It is approximately $13,000.00
(b) Dam: concrete gravity section; width at base 87'; at crest 10'; length at crest 420'; height to sluices 111'; main spillway controlled by 5 hoist-operated gates; auxiliary spillway at fixed crest; 2 ice-chute gates and 2 sluice gates for reservoir drainage; north half built first, unwatering having been accomplished by crib dam and wooden flume; temporary sluice gate in north half subsequently permitted unwatering for south half.
2. Year built or installed: 1912-16 1917 & 1930-21.
3. Map or maps on which location of property is shown: Exhibit I.

Items of Cost	Amount Actual
Direct Costs	
4. Unwatering	$ 5,093.15
5. Excavation, 16,397 cu yds	24,915.04
6. Concrete, material & labor, 62,865 cu yds	252,338.32
7. Painter gates, 5 - 15' long	
(a) Material and labor	9,108.63
(b) Freight, hauling and handling	1,209.62
8. Discharge apparatus	
(a) Headgates, 2 - rectangular C I 5'x5'6" with 10" diameter sluice gate, butterfly valves 2 5 6" diameter; hoist structural steel and piping	6,832.22
(b) Erection material labor and inspection	1,706.74
(c) Gate alterations, material and labor	857.62
(d) Freight, hauling and handling	2,049.76
9. Ice chute gates, materials and labor	3,723.20
(a) Freight, hauling and handling	667.49
10. Ice buffers, flood damage and miscellaneous	14,983.26
11. Ice gate heater	135.98
Indirect Costs	
12. Camp operation	8,985.00
13. General construction equipment (A/C 389)	54,202.15
Overhead Costs	
14. Engineering and superintendence (A/C 390)	19,073.44
15. Law expenditures (included in A/C 795a)	
16. Injuries to persons (A/C 392)	10,775.70

Items of Cost		Amount Actual
17. Taxes	(A/C 393)	$ 2,737.02
18. Interest	(A/C 394)	54,978.65
19. Miscellaneous expenditures		
(a) General officers and clerks	(A/C 395a)	13,533.56
(b) Other miscellaneous construction expenditures	(A/C 395b)	21,393.68
Total Cost		$589,077.27

Project [illegible]

[illegible] Power & Light Company

[illegible] as of January 1, 1924

of

PROJECT COSTS CLASSIFIABLE UNDER ACCOUNTS

314, 315, 316, 317, 318, 324, 325, 326, 327, 328, 329 and 340

Account number 31[illegible] Title: Reservoirs Dams and Intakes

Items

1. General description: (a) Dike: located on saddle, southeast of dam, approximately 240' wide at base and 16' on top; height 60'; length 1100'; constructed by compacting sand and clay in alternating 6" layers. (b) Intake: reinforced concrete structure built in reservoir just off dike, as shown on exhibits K & L.
2. Year built or installed: 1912-15 & 1920-21.
3. Map or maps on which location of property is shown: Exhibit K

Items of Cost	Amount Actual
Direct Costs	
4. Dike, labor and material 79,725 cu yds	$ 79,807.33
5. Intake	
(a) Excavation, 7405 cu yds	3,518.30
(b) Concrete, reinforced 3920 cu yds	47,519.34
(c) Gates, seats and stems, material and labor	5,956.48
(d) Gate hoists, material and labor	9,441.22
(e) Screens, material and labor	13,959.06
(f) Floor, operating platform, ventilators and bridge	2,589.09
(g) Derrick, material and labor	3,835.29
(h) Freight, handling and hauling	7,027.11
(i) Miscellaneous material and labor	1,776.10
Indirect Costs	
6. Camp operation	8,771.00
7. General construction equipment (A/C 389)	44,330.35
Overhead Costs	
8. Engineering and superintendence (A/C 390)	31,646.97
9. Law expenditures (Included in A/C 395a)	
10. Injuries and damages (A/C 392)	5,772.76
11. Taxes (A/C 393)	1,486.28
12. Interest (A/C 394)	29,453.29
13. Miscellaneous expenditures	
(a) General officers and clerks (A/C 395a)	7,280.35
(b) Other miscellaneous construction expenditures (A/C 395b)	11,441.07
Total Cost	$315,081.82

Items

1 General description: (a) Waterway 16' plate steel pipe, intake to surge tank 2220' long; also stub through dike 220' long for future duplicate installation (b) Surge tank: steel, diameter 40', height 117'; (c) Penstocks Three 12' diameter, see Exhibit L (d) Tailrace: Excavated space 118' x 100' with reinforced concrete bottom apron and retaining walls, also river channel excavated for 1000'

2 Year built or installed, 1913-14 & 1919-20

3 Map or maps on which location of property is shown: Exhibits K & L

Items of Cost	Amount Actual
Direct Costs	
4 Waterway	
(a) Excavation backfill drains labor & misc	$70,827.50
(b) Concrete, material & labor, 4157 cu yd	33,607.90
(c) Steel, material and erection	80,878.85
(d) Freight hauling and handling	38,307.55
5 Surge tank	
(a) Excavation and backfill	1,944.16
(b) Concrete, material & labor 1300 cu yd	9,421.49
(c) Steel, material and erection	[illegible]
(d) Freight hauling and handling	7,565.10
6 Penstocks	
(a) Excavation and backfill	16,652.02
(b) Concrete, material & labor, 1443 cu yd	11,238.14
(c) Steel, material and erection	33,121.14
(d) Valves 3 Johnson 12" diam. 6'6" long material and erection	49,091.85
(e) Gates, piping and housing	2,535.99
(f) Unclassified material and labor	2,103.08
(g) Freight, hauling and handling	17,669.74
7 Tailrace	
(a) Unwatering, excavation, backfill and riprap	17,595.18
(b) Concrete, material and Labor, 3140 cu yd	23,111.97
(c) Screens	1,302.01
(d) Unclassified material and labor	812.51
Indirect Costs	
8 Camp operation	12,338.00
9 General construction equipment (A C 789)	39 870.63
Overhead Costs	
[illegible]	70 [illegible]

12. Law expenditures (Included in A/C 395c)	
13. Injuries and damages (A/C 392)	$ 12,821.18
14. Taxes (A/C 393)	3,256.07
15. Interest (A/C 394)	56,414.88
16. Miscellaneous expenditures	
(a) General officers and clerks (A/C 395a)	16,102.55
(b) Other miscellaneous construction expenditures (A/C 395b)	25,454.70
Total Cost	**$700,397.89**

Form [illegible] Project No [illegible]72 Idaho

[illegible] Power & Light Company

[illegible] Cost as of January [illegible] 1924
of
OVERHEAD ITEMS

Account numbers 390-395 Title: Overheads

Items

1. Detail analysis of costs charged to the above designated overhead accounts that have been distributed to other fixed capital accounts

			Actual
Account number	390	Engineering and superintendence	$306,071.00
" "	391	Law expenditures (included in A/C 395a)	
" "	392	Injuries and damages	55,682.00
" "	393	Taxes during construction	14,181.00
" "	394	Interest during construction	284,855.00
" "	395a	General officers and clerks	70,120.00
" "	395b	Miscellaneous	110,549.00
		(1) Securing labor	(31,132.00)
		(2) Construction Co's fee	(79,417.00)

2. Statement showing the distribution to accounts and to items of property of the total overhead costs appearing under item above, and the basis for such distribution

Item	Account Number and Distribution of Overhead Costs					
	390	392	393	394	395a	395b
	$306,071.00	$55,682.00	$14,181.00	$284,855.00	$70,120.00	$110,549.00
Project lands & rights of way-$5,[illegible]8.04	816.76	-	[illegible]	750.14	187.12	-
Project structures - $374,188.81	[illegible] 817.62	9 452.15	2 400.33	48,225.76	11 871.27	18,765.96
Water turbines-$229,294.12	31,752.62	5 792.06	1 471.18	29,551.62	7,274.44	11,499.33
Electric equipment-Hydro $[illegible],712.20	46,489.38	8 480.22	2 153.96	43,266.87	10 650.59	16,836.31
Trans. Substa. equipment $101,030.70	13,990.72	2 552.07	643.22	13,020.92	3 205.23	5,066.90
Communication system equipment $1,418.91	196.49	35.84	9.10	182.87	45.01	71.16
Dam-$426 585.20	59,073.46	10 775.70	2,737.02	54,978.65	13,533.56	21,390.69
Dike and intake $228 531.20	31,646.97	5 772.78	1.466.28	29,453.29	7 250.23	11,461.07
Waterways, surge tank [illegible] [illegible]	[illegible]	[illegible]	3 256.37	65,414.38	16 102.56	25 454.70

Form 11-61 Project No. 472, Idaho

Name of Applicant: Utah Power & Light Company

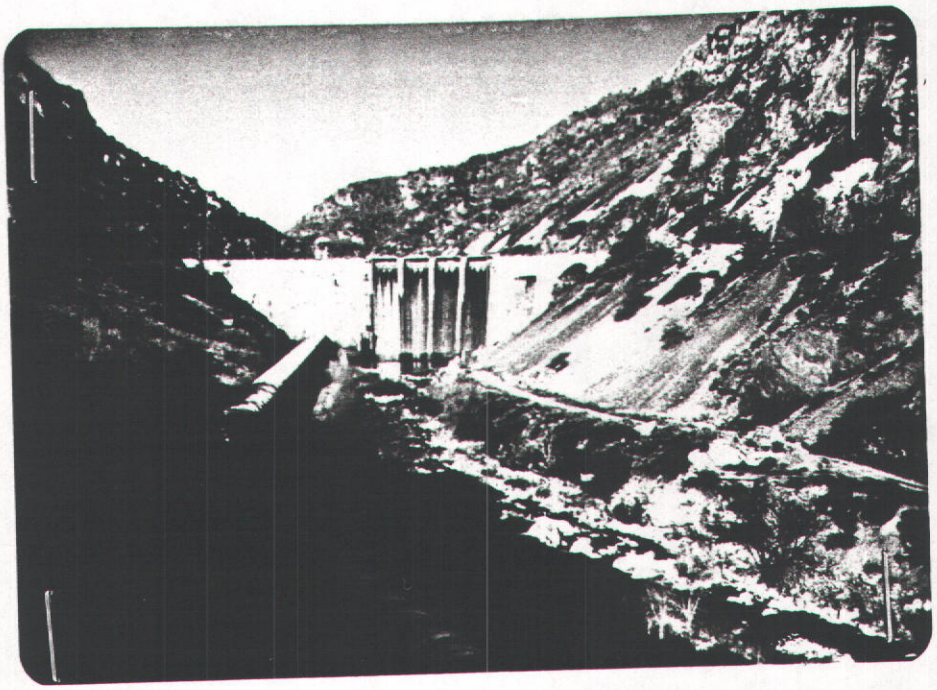
Statement of Distribution as of January 1 1924
of
ACCOUNT 389

Cost of General Construction Equipment
to other capital accounts

1 Cost of General Construction Equipment $424,620 00

DISTRIBUTION

Name of Account	No. of Account	Direct Cost	% of Total	Distributed amount of Account 389
2. Project structures	313			
(a) Power plant building		$ 202,847.08	12.07	$ 51,251.43
(b) Fixtures and grounds		47,426.67	2.82	11,974.28
3. Water turbines	319	180,910.01	10.76	45,689.11
4. Electric equipment-hydro	320	264,048.40	15.71	66,707.80
5. Transmission substation equipment	353	80,375.86	4.78	20,296.34
6. Communication system equipment	382	1,097.68	0.07	297.23
7. Dam	314	333,400.05	19.83	84,202.15
8. Dike and intake	314	175,429.87	10.44	44,330.35
9. Waterway	316	178,619.80	10.63	45,157.11
10. Surge tank, penstocks and tailraces	317	216,712.60	12.89	54,735.52
Totals		$1,680,868.02	100.00	$424,620.00



1. Cutler Dam and Penstock.

C. E. Madsen
April 20, 1977

FPC Form 847

LICENSED PROJECT PROCEEDING

FP #1627

PROJECT NO. 2420

RECEIVED
JAN 05 1987
Department of Water Resources

In the matter of: Utah Power & Light Company

Effective: 5/1/65

Period:
Permit:
License:

Expires: 12/31/93

Construction completed:

In operation

Hearings

Project Location:

cutler

FEDERAL ENERGY
REGULATORY COMMISSION
WASHINGTON, D.C. 20426
OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, $300
RC 102

Licensee-Tra

Effective Date:

Amendments:

Instrument No. 2

Issued:
10/13/70

Cost Determination:

Cost $ as of determined

Oneida Reservoir & Direct Flow
H. 2-13-80
Form No. 243
7/78

Claim No. 13 4129

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, **Idaho Code**, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), **Idaho Code.** Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Utah Power & Light Company
(Name of Claimant)

1407 West North Temple, Salt Lake City, Utah 84110 Telephone No. 535-2174
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) January 1, 1910

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Bear River tributary to Great Salt Lake

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive) (Mo., Day)		(Mo., Day)
Quantity	11,485 AFA	Use Power Storage	Period of Use From	Jan. 1	To	Dec. 31
Quantity	11,485 AFA	Use Power from Storage	Period of Use From	Jan. 1	To	Dec. 31
Quantity	700 CFS	Use Power	Period of Use From	Jan. 1	To	Dec. 31
Quantity		Use	Period of Use From		To	
Quantity		Use	Period of Use From		To	

(4) 11,485 AFA, 700 CFS TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW ¼ SE ¼, Sec. 23 Twp. 13 S Rge. 40 E B.M., County of Franklin
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Reservoir - 11,485 ac. ft. capacity and 100 ft. in elevation, with a 16 foot diameter pipeline - 2,200 ft. from reservoir to the hydro-electric plant.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
13S	40E	23														X			

No. of acres

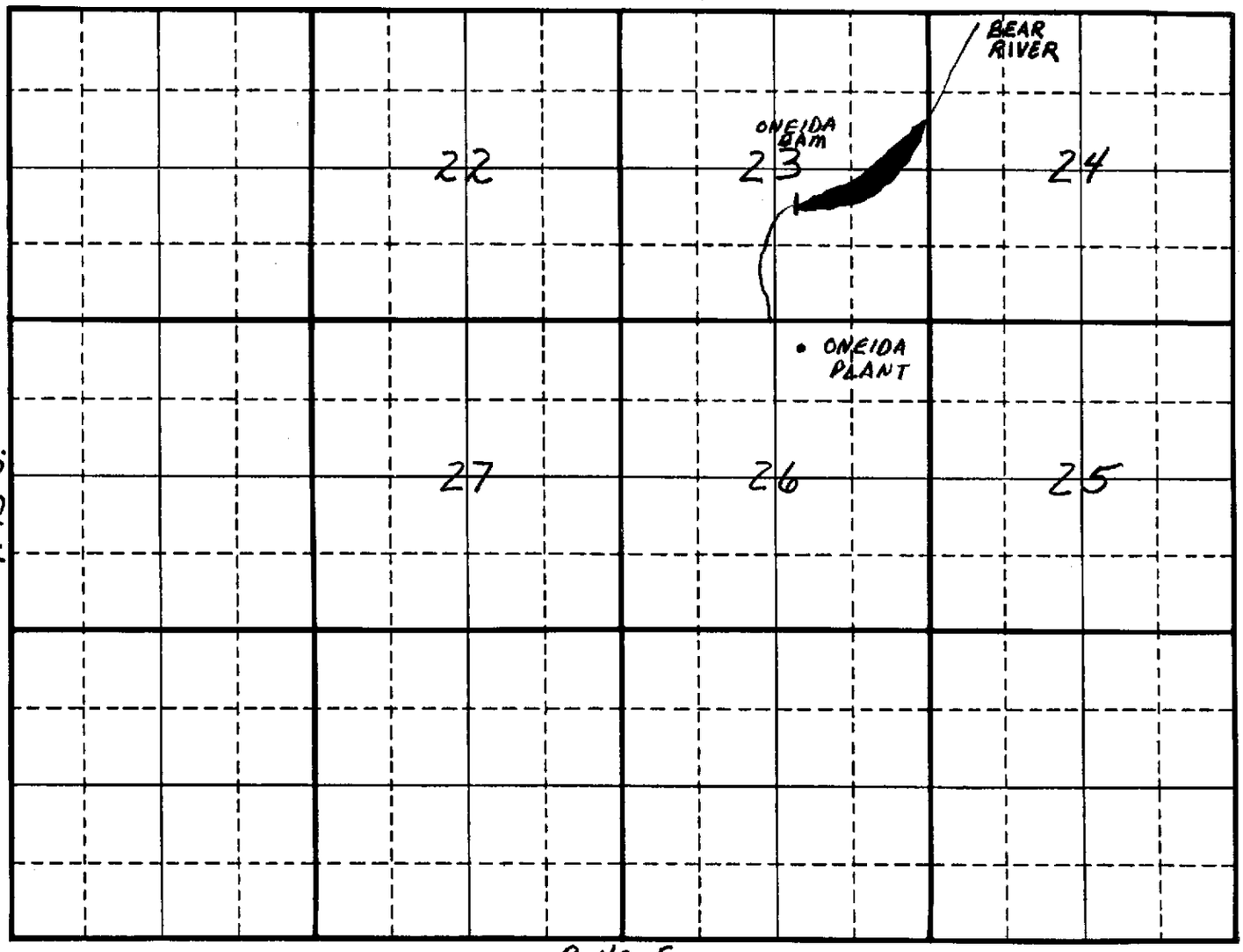
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Generation of Hydro-Electric Power at Oneida Plant.

NOTE: Include here the type and number of stock watered: n/a

(7) If you are claiming water as a member of an organization, list name of organization: n/a

RECEIVED

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of ~~Idaho~~ Utah)
) ss.
County of Salt Lake)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

C. Klein
Vice President (Claimant)

Sworn to before me this 28th day of April, 1980.

Carol L. Koning
Notary Public
Residing at Salt Lake City, Utah

My commission expires Sept 28, 1981

FOR DEPARTMENT USE ONLY

Received by CW	Date 5/1/80	4/29/80 4/14/80	Exception filed by:	Fowarded to claimant by:	Date
Prelim. check by TC	Date	4/29/80			
$20.00 fee received by CW	Date	5/20/80 #14809			
Published in Preston Citizen					
Dates 5/29 & 6/05/80					

№ 1127

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

J. Walter Ross

being duly sworn, deposes and says:

That he is the Co. Publisher of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with May 29, 1980, and ending with the issue of June 5, 1980

J. Walter Ross

Fee $ 12.24

Subscribed and sworn to before me this 30th day of May, 1980.

Kevin D. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1982

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

13-4129

UTAH POWER AND LIGHT COMPANY
1407 WEST NORTH TEMPLE, SALT LAKE CITY, UT 84110
Source: BEAR RIVER tributary to GREAT SALT LAKE
Priority Date: 01-01-1910
Amount: 700.00 CFS 11400.0 AC-FT
Diversion Point: NWSE Sec. 23 T 13S R 40E, FRANKLIN Co.,
Use: POWER (700.00 CFS) from 01-01 to 12-31
POWER STORAGE (11485.0 AC-FT) from 01-01 to 12-31
POWER (FROM STORAGE (11485.0 AC-FT) from 01-01 to 12-31
Place of Use: NWSE Sec. 23 T 13S R 40E
Diversion Means: RESERVOIR AND PIPELINE.

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401.

C. STEPHEN ALLRED
Director

Legal No. 1127 - 34L - Pub. May 29 and June 5, 1980.

ok tw
6/11/80

RECEIVED
JUN 11 1980
Department of Water Resources
Eastern District Office
MICROFILMED

AGREEMENT
Regarding the Bear River System

This Agreement is entered into this 5th day of October, 1999, by and among PACIFICORP, an Oregon corporation ("PacifiCorp"); SCOTTISH POWER plc, a public limited company registered in Scotland ("ScottishPower"); the STATE OF IDAHO, by and through the Director of the Department of Water Resources ("Idaho"); the STATE OF UTAH, by and through the Director of the Division of Water Resources, ("Utah"); and the STATE OF WYOMING, by and through the State Engineer ("Wyoming"). PacifiCorp, ScottishPower, Idaho, Utah, and Wyoming are individually referred to as a "Party" and collectively as the "Parties."

RECITALS

A. PacifiCorp operates hydroelectric plants on the Bear River and holds water rights in the Bear River and Bear Lake (such hydroelectric plants and water rights referred to herein as "Bear River System"). PacifiCorp's water rights in the Bear River System are subject to the Amended Bear River Compact among the States of Idaho, Utah and Wyoming, as well as the laws of the three States, and other obligations.

B. PacifiCorp and ScottishPower are parties to a merger transaction that is currently the subject of approval proceedings before the public utility commissions in the States of Idaho, Utah and Wyoming.

C. The Parties recognize the need to assure the public utility commissions of the States of Idaho, Utah, and Wyoming, and the other public officials and water users of the three States that PacifiCorp's merger with ScottishPower will not affect the operation of the Bear River System or PacifiCorp's ownership or exercise of its Bear River water rights.

D. By this Agreement, PacifiCorp and ScottishPower intend to assure the States of Idaho, Utah and Wyoming that PacifiCorp or ScottishPower will not make any separate agreement with any State individually regarding PacifiCorp's or ScottishPower's water rights in the Bear River System.

NOW, THEREFORE, IT IS HEREBY AGREED BY THE PARTIES AS FOLLOWS:

1. Both ScottishPower and PacifiCorp agree that:

   a. PacifiCorp's water rights are constrained by the historic practice of not making a delivery call for hydropower generation; and

   b. Bear Lake is operated, consistent with long-standing historic practice and applicable laws, primarily as a storage reservoir to satisfy

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FEB 17 2000

contracts for existing irrigation uses and flood control needs in the three States, with the use of water for hydropower generation being incidental to the other purposes for which the water is being released.

2. The Parties agree to jointly negotiate an enforceable Bear River System Operations Agreement consistent with the provisions set forth in paragraph 1. With respect to the Bear River, the Operations Agreement shall confirm and continue PacifiCorp's historic practice of utilizing its water rights primarily for existing irrigation uses and contractual obligations. The Operations Agreement shall be made available for public review and comment in each of the three States.

3. This Agreement, the Operations Agreement, or any other agreement that may be entered into with PacifiCorp and/or ScottishPower concerning utilization of PacifiCorp's water rights in the Bear River System may be recorded in the County Recorders' Offices of the appropriate counties and shall be provided to the public utility commissions of the respective States within 10 days of execution of the document.

4. Approval and execution of the Operations Agreement by each of the States of Idaho, Utah, and Wyoming shall be required for the Operations Agreement to be effective.

5. The Parties commit to use their best efforts to complete negotiation, review, and execution of the Bear River System Operation Agreement within sixty (60) days of the execution of this Agreement.

6. No agreements between PacifiCorp and/or ScottishPower and one or more of the States concerning utilization of PacifiCorp's water rights in the Bear River System shall be effective unless jointly approved by all three States.

7. Nothing in this Agreement, nor in any Operations Agreement, shall be interpreted to modify, limit or enhance any rights or obligations of the three States under the laws of the States and the Amended Bear River Compact.

8. Consideration. ScottishPower and PacifiCorp acknowledge receiving sufficient consideration for the commitments contained in this Agreement and waive any argument that they might have in any judicial proceeding that no consideration exists to support this Agreement or that the consideration received is not sufficient.

9. Binding Effect of Agreement. This Agreement is intended to be a final and binding settlement agreement between the three States and ScottishPower and PacifiCorp, jointly and severally, and inures to the benefit of, and is binding upon, the representatives, successors in interest, and assigns of each entity.

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FEB 17 2006

10. Sovereign Immunity. Each of the three States and their various agencies do not waive their sovereign immunity by entering into this Agreement and fully retain all immunities and defenses provided by law with respect to any action based on or occurring as a result of this Agreement.

11. Capacity to Execute Agreement. ScottishPower and PacifiCorp each warrant and represent that the person executing this Agreement is empowered to do so on behalf of such company and thereby binds each entity by signing this Agreement.

12. Waivers. The failure to object to any breach of any term or condition in this Agreement shall not constitute a waiver and no failure to object shall be deemed a waiver of any prior or subsequent breach.

13. Entirety of Agreement. This Agreement represents the entire and integrated agreement between the Parties and supersedes all prior negotiations, representations and oral agreements. No promise or inducement has been offered or made except as herein set forth and this Agreement is executed without reliance upon any statement or representation by any other Party or their agent.

14. Modification. This Agreement may be amended or modified only by a written agreement signed by each of the Parties to this Agreement.

15. Execution of Agreement in Parts. Due to time constraints, the Parties acknowledge that it is not possible to have all Parties sign the same copy of this Agreement. Therefore, the Parties agree that this Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

16. Signatures. In witness whereof, the Parties to this Agreement through their duly authorized representatives have executed this Agreement and certify that they have read, understood, and agreed to the terms and conditions of this Agreement as set forth herein.

IN WITNESS WHEREOF, the Parties have executed this Agreement the day and the year first above written.

PACIFICORP

By: _____
DENNIS P. STEINBERG
Senior Vice President of PacifiCorp

SCOTTISH POWER plc

By: _____
MATTHEW R. WRIGHT
Manager of Scottish Power plc

MICROFILMED
FEB 17 2006

STATE OF IDAHO

By: _____
Karl J. Dreher, Director
Department of Water Resources

STATE OF UTAH

By: _____
Larry Anderson, Director
Division of Water Resources

STATE OF WYOMING

By: _____
Gordon W. Fassett
State Engineer

APPROVAL AS TO FORM:

By: _____
for Wyoming

MICROFILMED
FEB 17 2006

ACKNOWLEDGMENTS

STATE OF Wyoming)
) ss.
COUNTY OF Laramie)

On this 5th day of October, 1999, before me, Diana M. Gorman, a notary public of the State of Wyoming, personally appeared DENNIS P. STEINBERG, a Senior Vice President of PacifiCorp, known or identified to me to be the person who executed the foregoing instrument on behalf of PacifiCorp, and he acknowledged to me that he executed the same.

DIANA M. GORMAN * NOTARY PUBLIC * LARAMIE COUNTY * WYOMING

Diana M. Gorman
NOTARY PUBLIC FOR WYOMING
residing at:
739 Cypress Lane
Cheyenne, WY 82009

My commission expires: 2/21/02

STATE OF Wyoming)
) ss.
COUNTY OF Laramie)

On this 5th day of October, 1999, before me, Diana M. Gorman, a notary public of the State of Wyoming, personally appeared MATTHEW R. WRIGHT, a Manager of Scottish Power plc, known or identified to me to be the person who executed the foregoing instrument on behalf of Scottish Power plc, and he acknowledged to me that he executed the same.

DIANA M. GORMAN * NOTARY PUBLIC * LARAMIE COUNTY * WYOMING

Diana M. Gorman
NOTARY PUBLIC FOR WYOMING
residing at:
739 Cypress Lane
Cheyenne, WY 82009

My commission expires: 2/21/02

MICROFILMED
FEB 17 2000

Office of the Attorney General

Governor
Jim Geringer

Attorney General
Gay Woodhouse

Water & Natural Resources Division
123 Capitol Building
Cheyenne, Wyoming 82002
307-777-6946 Telephone
307-777-3542 Fax

Deputy Attorney General
Thomas J. Davidson

October 22, 1999

Mr. Norman K. Johnson
Utah Attorney General's Office
Natural Resources Division
Post Office Box 140855
Salt Lake City, Utah 84114-0855

Mr. Phillip J. Rassier
State of Idaho
Office of the Attorney General
Natural Resources Division
Water Resources Unit
1301 North Orchard Street
Boise, ID 83706-2237

Mr. Brent R. Kunz
Hathaway, Speight & Kunz, LLC
Post Office Box 1208
Cheyenne, WY 82003-1208

Mr. Paul J. Hickey
Hickey, Mackey & Evans
Post Office Box 467
Cheyenne, WY 82003-0467

Dear Norm, Phil, Brent, and Paul:

Enclosed please find one of five originals of the *Agreement Regarding the Bear River System,* dated October 5, 1999, with original signatures of each of the five signatories. On behalf of the Wyoming Attorney General's Office and the State Engineer's Office, we wish to express our sincere appreciation to each person involved in negotiating this agreement for their diligent efforts. We enjoyed working with you and look forward to doing so in the future.

Truly yours,

Thomas J. Davidson
Deputy Attorney General

Brian C. Shuck
Assistant Attorney General

Enclosure

cc: Jim Fell, Jody Williams, Jeff Fassett, Sue Lowry

RECEIVED
OCT 27 1999
Department of Water Resources
FEB 17 2000

PACIFICORP'S BEAR RIVER BASIN WATER RIGHTS
IDAHO

Bear Lake Storage water rights are underlined

RIGHT NO.	*AMOUNT*	*PRIORITY DATE*	*STATUS*	*TYPE OF USE*	*PLACE OF USE*
11-00248	3000 cfs	03/01/1911	Decree	Irrigation / Power Storage / Other	Bear Lake
11-00249	2500 cfs	09/11/1912	Decree	Irrigation / Power Storage / Other	Bear Lake
11-00250	300 cfs	09/01/1912	Decree	Irrigation / Power Storage / Other	Bear Lake
11-00251	200 cfs	09/01/1912	Decree	Irrigation / Power Storage / Other	Bear Lake
11-04004	0.5 cfs / 97.5 cfs	03/01/1894	Decree	Irrigation	Bear Lake
11-04355	0.12 cfs	09/03/1918	Claim	Domestic/ Irrigation	Lifton Pump
11-00228	0.94 cfs	05/01/1890	Decree	Irrigation	
11-00242	0.5 cfs	05/01/1902	Decree	Irrigation	
11-04356	1.4 cfs	07/08/1933	Claim	Irrigation	Soda Springs Golf Course
11-01096	7.5 cfs	03/14/1889	Decree	Irrigation	Ovid Creek

11-01114	7.5 cfs	06/01/1955	Decree	Irrigation	Ovid Creek
11-01116	1.660 cfs	06/01/1955	Decree	Irrigation	Ovid Creek

HYDRO PROJECTS

- **Bear River hydro water rights appear in bold print**

RIGHT NO.	*AMOUNT*	*PRIORITY DATE*	*STATUS*	*TYPE OF USE*	*PLACE OF USE*
11-00086	70 cfs	02/03/1910	Decree	Power	Paris Hydro
11-02081	**1500 cfs**	**06/12/1922**	**License**	**Power**	**Soda Hydro**
11-02084	1 cfs	06/09/1923	License	Domestic / Irrigation	Soda Hydro
11-04354	0.02 cfs	01/01/1922	Claim	Irrigation	Soda Hydro
11-04357	**400 cfs**	**01/01/1922**	**Claim**	**Power**	**Soda Hydro**
11-04358	0.08 cfs	01/01/1922	Claim	Domestic	Soda Hydro
13-04128	**600 cfs**	**01/01/1922**	**Claim**	**Power / Storage**	**Soda Hydro**
13-00957	**500 cfs**	**12/28/1905**	**Decree**	**Power**	**Grace Hydro**
13-00958	**500 cfs**	**07/06/1908**	**Decree**	**Power**	**Grace Hydro**

13-04333	0.04 cfs	06/01/1905	Claim	Domestic	Grace Hydro
13-04334	0.01 cfs	06/01/1905	Claim	Irrigation	Grace Hydro
RIGHT NO.	***AMOUNT***	***PRIORITY DATE***	***STATUS***	***TYPE OF USE***	***PLACE OF USE***
13-04335	0.06 cfs	05/01/1905	Claim	Irrigation	Grace Hydro
13-04336	0.25 cfs	05/01/1905	Claim	Domestic / Irrigation	Grace Hydro
13-00893	0.07 cfs	06/01/1913	Decree	Domestic	Oneida Hydro
13-00967	**1000 cfs**	**06/17/1910**	**Decree**	**Power**	**Oneida Hydro**
13-00968	**1500 cfs**	**01/18/1911**	**Decree**	**Power**	**Oneida Hydro**
13-04129	**700 cfs**	**01/01/1910**	**License**	**Power**	**Oneida Hydro**
13-04337	0.08 cfs	06/17/1910	Claim	Domestic	Oneida Hydro
13-04338	0.08 cfs	06/17/1910	Claim	Irrigation	Oneida Hydro
13-00962	**1500 cfs**	**03/09/1916**	**Decree**	**Power**	**Cove Hydro**
13-00963	**4000 af**	**03/28/1916**	**Decree**	**Power**	**Cove Hydro**
13-00976	**270 cfs**	**12/01/1903**	**Decree**	**Power**	**Cutler Hydro**

13-00977	**135 cfs**	**12/01/1906**	**Decree**	**Power**	**Cutler Hydro**
13-00978	**135 cfs**	**12/01/1908**	**Decree**	**Power**	**Cutler Hydro**
RIGHT NO.	***AMOUNT***	***PRIORITY DATE***	***STATUS***	***TYPE OF USE***	***PLACE OF USE***
13-00979	**500 cfs**	**12/12/1912**	**Decree**	**Power**	**Cutler Hydro**
11-02018	40 cfs	08/09/1907	License	Power Generation	Georgetown Hydro
13-02013	50 cfs	12/23/1905	License	Power Generation	High Creek Hydro

PACIFICORP'S BEAR RIVER BASIN WATER RIGHTS
UTAH

Bear Lake Storage water rights are underlined

WATER RIGHT	*AMOUNT*	*PRIORITY DATE*	*STATUS*	*TYPE OF USE*	*PLACE OF USE*
	3000 cfs	03/01/1911	Decree	Irrigation / Power Storage / Other	Bear Lake
	2500 cfs	09/11/1912	Decree	Irrigation / Power Storage / Other	Bear Lake
	300 cfs	09/01/1912	Decree	Irrigation / Power Storage / Other	Bear Lake

	200 cfs	09/01/1912	Decree	Irrigation / Power Storage / Other	Bear Lake
23-1844	0.6 cfs	00/01/1910	Diligence	Stockwater/ Storage	Swan Creek
25-9437	102.72 af	05/01/1880	Decree	Irrigation	Cutler Area
WATER RIGHT	***AMOUNT***	***PRIORITY DATE***	***STATUS***	***TYPE OF USE***	***PLACE OF USE***
25-9827	2 cfs / 162.4 af	10/11/1955	Application / WUC	Irrigation / Storage	Bear River
25-9828	91.2 af	07/26/1973	Application / WUC	Irrigation	Bear River
25-9829	52.4 af	03/24/1953	Certificate	Irrigation	Bear River
25-9830	16 af	12/26/1952	Certificate	Irrigation	Bear River
25-9831	16 af	02/18/1960	Application / WUC	Irrigation	Bear River
25-1844	25 cfs / 22.35 af	01/01/1901	Decree	Stockwater / Irrigation	Cutler Area
25-1867	25 cfs/663.54 af	05/01/1880	Decree	Stockwater / Irrigation	Cutler Area
25-2014		05/01/1880	Diligence	Stockwater	Cutler Area
25-2031	25 cfs / 693.3 af	01/01/1880	Decree	Stockwater / Irrigation	Cutler Area
25-2739	.006 cfs		Diligence	Stockwater	Cutler Area

25-2741	.002 cfs	01/01/1900	Diligence	Stockwater	Cutler Area
25-2743	.004 cfs	01/01/1900	Diligence	Stockwater	Cutler Area
25-4405		01/01/1858	Diligence	Stockwater	Cutler Area
WATER RIGHT	***AMOUNT***	***PRIORITY DATE***	***STATUS***	***TYPE OF USE***	***PLACE OF USE***
25-4406		01/01/1858	Diligence	Stockwater	Cutler Area
25-4408		01/01/1858	Diligence	Stockwater	Cutler Area
25-4411		01/01/1958	Diligence	Stockwater	Cutler Area
25-4413		01/01/1958	Diligence	Stockwater	Cutler Area
25-4688	0.05 cfs	05/01/1878	Decree	Stockwater / Irrigation	Cutler Area
25-4789	.01 cfs	01/01/1935	Diligence	Stockwater	Cutler Area
25-4928	20 af	10/13/1965	Application / WUCS	Irrigation / Storage	Spring
25-4930	40 af	02/16/1963	Application / WUCS	Irrigation / Storage	Spring
25-5883	136.8 af	05/01/1860	Decree	Stockwater / Irrigation	Cutler Area
25-6626	3 cfs / 160.4 af	05/01/1918	Decree	Irrigation	Pump

25-6852	.35 cfs/ 209.2 af	04/16/1976	Application / WUCS	Stockwater / Irrigation	BR Slough
25-6943	7.5 af	10/31/1965	Application / WUCS	Irrigation / Storage	Spring
25-7780		01/01/1860	Diligence	Stockwater	BR Project
WATER RIGHT	***AMOUNT***	***PRIORITY DATE***	***STATUS***	***TYPE OF USE***	***PLACE OF USE***
29-1953 (a21627)		01/01/1900	WUC	Stockwater	Cutler Area
25-9637		09/18/1995	Application	Stockwater	Cutler Area
HYDRO PROJECTS • **Bear River hydro water rights appear in bold print**					
WATER RIGHT	***AMOUNT***	***PRIORITY DATE***	***STATUS***	***TYPE OF USE***	***PLACE OF USE***
29-1506	**2500 cfs**	**12/19/1923**	**Certificate**	**Power**	**Cutler Hydro**
29-1855	**270 cfs**	**12/01/1903**	**Decree**	**Power**	**Cutler Hydro**
29-2146	**135 cfs**	**12/01/1906**	**Decree**	**Power**	**Cutler Hydro**
29-2147	**135 cfs**	**02/01/1908**	**Decree**	**Power**	**Cutler Hydro**
29-2148	**500 cfs**	**12/02/1912**	**Decree**	**Power**	**Cutler Hydro**

25-8186	32.5 cfs	08/11/1980	Application	Power	High Creek Hydro

RECEIVED
MAY 18 1998
Department of Water Resources

BILLING CODE 6717-01-M

13-04129

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

PacifiCorp) Project Nos. 20, 472, and 2

NOTICE OF STAFF ATTENDANCE AT RELICENSING MEETING

(May 11, 1998)

Staff from the Federal Energy Regulatory Commission, Offi of Hydropower Licensing, will be attending a May 28, 1998, Technical Advisory Committee meeting in Pocatello, Idaho on th relicensing of Pacificorp's Soda, Grace-Cove, and Oneida hydroelectric projects. The meeting will be conducted by Pacificorp and will include briefings on the status of the relicensing process, flow issues, and PacifiCorps's proposed enhancement measures.

A meeting agenda may be obtained from Michael Burke of PacifiCorp at 503-464-5344.

David P. Boergers
Acting Secretary

MICROFILMED
FEB 17 2000

UTAH POWER & LIGHT COMPANY
1407 WEST NORTH TEMPLE STREET
SALT LAKE CITY, UTAH 84140

LEGAL DEPARTMENT
JODY L. WILLIAMS
ATTORNEY AT LAW
801-220-2851

RECEIVED
APR 4 1990
Department of Water Resources

RECEIVED
APR 0 6 1990

April 2, 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street
Boise, Idaho 83706-2237

Re: **Notice to Change Mailing Address**

Dear Dept. of Water Resources representative:

Please change your mailing records (~~which are currently as shown on the attached mailing label~~) to reflect the following corrected address (P.O. Box 899 is no longer being used by our Company):

Ms. Jody L. Williams
Utah Power & Light Company
1407 W. North Temple
Salt Lake City, Utah 84140

Thank you.

Very truly yours,

Jody L. Williams

JLW:cld

21-7363 13-4128
25-7403 4129
01-7051 21-4060
11-2081 27-7018
2084 35-2830
4004 + misc. decreed files - computer updated 4-17-90 SC

MICROFILMED
FEB 1 7 2006

Form 243a
11/78

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: JC

Right Number 13 4129 (13-4129) Applicant UP+L

NOTE: *IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.*

CHECK:

- ☑ Name and address.
- ☑ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☑ Source.
- ☑ Quantity, use, period.
- ☑ Point(s) of diversion.
- ☑ Location of use.
- ☑ Signature/notarization/fee.

6 1/16

FINAL REGIONAL PROCESSING REVIEW:

- ☐ Affidavit of publication received.
- ☐ Claim published correctly.
- ☐ Exceptions processed.

By Ernest Tolson Date 7-14-80.

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By [signature] Date 7/17/80

MICROFILMED

UTAH POWER & LIGHT COMPANY

LEGAL OFFICES
SIDNEY G. BAUCOM
SENIOR VICE PRESIDENT
AND
GENERAL COUNSEL

ROBERT GORDON
535-4258

THOMAS W. FORSGREN
535-4261

VERL R. TOPHAM
535-4259

P. O. BOX 899
SALT LAKE CITY, UTAH 84110

SAM F. CHAMBERLAIN
535-4265

ROSEMARY RICHARDSON
535-4263

RALPH L. JERMAN
535-4253

HELEN J. EDWARDS
535-4255

MARY STIRK
LEGAL ASSISTANT
535-4256

STEVE D. WHITE
CLAIMS SPECIALIST
535-4027

May 15, 1980

RECEIVED
MAY 19 1980
Department of Water Resources
Eastern District Office

Mr. Anthony R. Kozlowski
Sr. Resource Agent
State of Idaho
Department of Water Resources
Eastern Region
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Utah Power & Light Company Claims to Water Rights

Dear Mr. Kozlowski:

Transmitted herewith please find Utah Power & Light Company's corrected Claims to Water Rights, together with a check in the amount of $60.00 representing the filing fee therefor.

If you have questions regarding the claims or wish further information, please contact us.

Very truly yours,

Thomas W. Forsgren

THOMAS W. FORSGREN

TWF:ck

Encls.

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

JUNE 16, 1980

UTAH POWER & LIGHT COMPANY
1407 WEST NORTH TEMPLE
SALT LAKE CITY UT 84110

RE: Claim No. 13-4129

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

MAY 23, 1980

The Preston Citizen
P. O. Box 472
Preston, Idaho 83263

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JUNE 16, 1980.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the followins claim(s) to water right(s) have been established by diversion and application to beneficial use:

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401 .

C. STEPHEN ALLRED

Director

Published 5/29 & 6/05/80.

MICROFILMED

13-4129

UTAH POWER & LIGHT COMP

1407 WEST NORTH TEMPLE, SALT LAKE CITY, UT 84110

Source: BEAR RIVER tributary to GREAT SALT LAKE

Priority Date: 01/01/1910

Amount: 700.00 CFS 11485.0 AC-FT

Diversion Point: NWSE Sec 23 T 13S R 40E, FRANKLIN Co.

Use:			
	POWER	(700.00 CFS)	from 01/01 to 12/31
	POWER STORAGE	(11485.0 AC-FT)	from 01/01 to 12/31
	POWER FROM STORAGE	(11485.0 AC-FT)	from 01/01 to 12/31

Place of Use: NWSE Sec 23 T 13S R 40E

Diversion Means: RESERVOIR & PIPELINE.

MICROFILMED

Per Jeff Peppersack
on 2-17-00
The manilla folders
inside this file are not
to be microfilmed.

But are in the file
for Ralph Mellin
as reference material.

DBS

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Pacificorp

Project No. 472-012
Idaho D: 11-0273+0274
C 13-4129

ORDER AMENDING LICENSE

(Issued May 10, 1994)

Pacificorp, licensee for the Oneida Project, FERC No. 472, filed a letter on October 29, 1993, that stated the wording of license article 41 does not indicate the intent of the article. Article 41 requires maximum flow releases during specific periods of the operating year. This order amends the license[1] to clarify the requirements of the article.

Background

Article 41 states, in part, that Pacificorp must "...discharge from Oneida Dam to Bear Creek, flows not exceeding 500 cubic feet per second (cfs) from 6:00 a.m. to 9:00 a.m. and from 6:00 p.m. to 9:00 p.m. on weekends and holidays from Memorial Day weekend through Labor Day weekend...".[2] The Commission included this requirement in order to maintain and enhance fishery resources in the Bear River below the Oneida Project.

There is approximately 3,700 feet of bypass reach between the dam and the powerhouse. On several occasions before 1993, the project released more than 500 cfs during the specified periods. Pacificorp's October 29, 1993, filing indicates that the project's operator had followed the exact wording of the article which states discharges from the Oneida Dam cannot exceed 500 cfs. On the days in question, Pacificorp indicates that the discharge from the dam never exceeded 500 cfs; however, the combined discharges from the bypass and powerhouse did exceed the required flow. The Commission discussed this compliance matter in a March 22, 1994, letter to the licensee.

Evaluation

The intent of article 41 is to limit total project flows into Bear River to a maximum of 500 cfs during the specified times. This is verified by the former licensee's (Utah Power and Light Company) July 31, 1984, application to amend article 41 which states, in part, "...we will initiate a program of minimizing flow fluctuations in the Bear River below the Oneida

[1] 15 FERC ¶62,137, issued May 1, 1981.

[2] 31 FERC ¶61,017, issued April 4, 1985.

Plant..." Also, the discussion of the September 6, 1984, Order Amending License,[3] indicates that the purpose of the article 41 requirement is to "...limit flow fluctuations and improve angler access to the Bear River below the project."

In accordance with article 15 of the license, the Commission's March 22, 1994, letter gave Pacificorp notice and an opportunity for hearing concerning the Commission's intent to revise article 41. The licensee did not comment on the proposed revision. Therefore, this order clarifies the wording of article 41, by amending the license to reflect that the flow release requirements must be met below the project not the dam.

The Director orders:

(A) Article 41 of the license is revised to read as follows:

> Article 41. The licensee shall discharge, from the Oneida Project to Bear Creek, flows not exceeding 500 cubic feet per second (cfs) from 6:00 a.m. to 9:00 a.m. and from 6:00 p.m. to 9:00 p.m. on weekends and holidays from Memorial Day weekend through Labor Day weekend to maintain and enhance fishery resources and limit flow fluctuations downstream from the project. These flows may be temporarily modified if required by downstream irrigation requirements, operating emergencies beyond the control of the licensee, or for short periods upon mutual agreement between the licensee and the Idaho Department of Fish and Game (IDFG).

(B) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the issuance date of this order, pursuant to 18 C.F.R. §385.713.

Joseph A. Morgan

J. Mark Robinson
Director, Division of Project
Compliance and Administration

[3] 28 FERC ¶62,331.

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UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Utah Power & Light Company) Project No. 472 - Oneida

ORDER ISSUING NEW LICENSE (MAJOR) To June 30, 2000

(Issued May 1, 1981)

The Utah Power & Light Company (UP&L) has filed an application for a license under Part I of the Federal Power Act (Act) for the continued operation and maintenance of the Oneida Project No. 472. 1/ The project is located on the Bear River in Franklin County, Idaho, and occupies lands of the United States under the jurisdiction of the Department of the Interior and affects the interests of interstate or foreign commerce

Notice of the application has been published and comments have been received from interested Federal, State, and local agencies. None of the agencies objected to issuance of the license. The Attorney General of the State of Wyoming submitted a protest and the State of Idaho Water Resources Board (IWRB) was granted intervention. The significant concerns of the protestor, intervenor, and commenting agencies are discussed below.

PROJECT HISTORY AND DESCRIPTION:

Construction of the project was initiated in 1912 and commenced in stages until completion in 1920. In 1956 the dam intake structure and spillway piers were repaired, and the crest of the dam was raised two feet. In 1968 the dam was strengthened by installing post-tensioned cables. The project was originally issued a license effective July 5, 1923, for a term ending June 30, 1970. 50

The Oneida Project consists of a concrete dam, an earth dike, a storage reservoir, penstocks, a surge tank, a powerhouse containing three 10,000-kW generating units and electrical facilities to connect to a nearby substation.

A more detailed project description is contained in ordering paragragh (B).

1/ Authority to act on this matter is delegated to the Director, Office of Electric Power Regulation, under Section 375.308 (1980), as amended by 46 Fed. Reg. 14119 (1981).

SAFETY AND ADEQUACY:

Staff inspection of the project revealed all project structures to be in good condition and well maintained. No structural conditions were observed that would impair the safety and stability of project works.

Staff has reviewed the stability of the post-tensioned concrete gravity dam and found it to be safe and adequate against sliding and overturning for combinations of loading conditions including the probable maximum flood (PMF), ice, and earthquake.

The effects of failure of the Oneida dam earth embankment have not been adequately addressed by UP&L or the inspection reports filed pursuant to Part 12 of the Commission's regulations. Preliminary studies by staff indicate that there is a potential for loss of human life downstream of the dam in the event of embankment failure during extreme floods, such as a PMF. Failure of the embankment would probably occur before the PMF peak inflow at the site since the streamflow which would raise the water surface of the reservoir to the crest of the embankment is about 70 percent of the estimated PMF peak inflow. Reservoir wave action could cause the embankment to fail before this streamflow occurred.

For these reasons, Article 37 requires UP&L to have its engineering consultant for the 1982 Part 12 Inspection Report analyze such possible failure and evaluate the hazard to downstream life and property.

It is concluded that the project, under the conditions of this license, will be safe and adequate.

FISH AND WILDLIFE RESOURCES:

Interior reported that the project does not significantly affect the fish and wildlife resources of the area and that there is little opportunity to enhance the fishery in the reservoir. Interior also reported that there is no need for fishways at the project.

A trout fishery exists in several miles of the Bear River below the project and is supported by a stocking program of the Idaho Fish and Game Department (IF&G). 2/ IF&G indicated that the extreme flow fluctuations resulting from the peaking operations of the project limit the fishery by hindering fish reproduction and river access.

Accordingly, Article 41 requires UP&L, in consultation with State and Federal fisheries agencies, to study the downstream effects of the project on the fisheries resource. Under Articles 12 and 15 of this license, the Commission reserves the right to require reasonable modification of project operation in the future.

RECREATION:

Interior recommended that UP&L revise the Exhibit R (Recreation Report) to meet more of the present and future recreation needs of the area. The Idaho State Comprehensive Outdoor Recreation Plan shows a future shortage of general outdoor recreation areas in this region. Interior contends that the project has good potential for providing outdoor recreation opportunities. Interior recommended that a revised Exhibit R should provide for the development of two sites and designate a third site for future development. Interior also recommended that a revised Exhibit R include provisions for periodic review and consultation with the appropriate Federal, State and local agencies to assure that development is undertaken to meet recreation needs as they arise. UP&L stated that its intention had always been to increase the project's recreational facilities when the demand became evident. Access to the project is quite limited and the third site for development recommended by Interior is on privately owned land outside of the project boundary.

It is concluded that the Exhibit R is adequate and it is being approved herein. However, Article 42 provides for the filing of a revised Exhibit R drawing and Article 43 provides for the filing of a recreation facility construction schedule.

2/ The Idaho Department of Health has issued a water quality certificate for the project, in accordance with Section 401 of the Federal Water Pollution Control Act.

Article 43 requires UP&L to construct facilities at Site 1 as described in the Exhibit R, within two years from date of issuance of the license and to consult with Federal and State agencies concerning future recreational development at the project. Article 42 requires UP&L to file revised Exhibit R drawings that conform to the requirements of the Commission's regulations.

Consistent with the Commission's Order Amending License for Project No. 1490, Article 36 has been added to this license. 3/ Article 36 gives UP&L authority to grant, without prior Commission approval, permission to allow certain types of uses and occupancy of project lands and waters in the interest of protecting the project's scenic, recreational, and other environmental values. Article 36 also grants UP&L authority to grant without prior Commission approval, fee title, easements or rights-of-way, or leases for certain kinds of uses that usually prove to be routine or inconsequential. Under Article 17 of this license, the Commission reserves the right to require additional recreational development in the future.

CULTURAL RESOURCES:

The project does not affect any sites included in or being considered for inclusion in the National Registry of National Landmarks or the National Register of Historic Places.

In accordance with standard Commission practice, 4/ Article 39 of this license requires cultural resources protection measures in the event of any future construction or development at the project.

ENVIRONMENTAL CONSIDERATIONS:

Issuance of this license will permit continued project operation, which began over 60 years ago. No new construction, except for recreational development, nor change in project operation is proposed. The impacts of continued operation are discussed earlier in this order. Planned recreational facilities would be beneficial and their construction would have impacts that are only minor and short-term. On the basis of the record, including agency and intervenor comments and our staff's independent analysis, it is found that issuance of a license for this project, as conditioned, is not a major Federal action significantly affecting the quality of the human environment.

3/ See, the Brazos River Authority, Morris Shepard Project No. 1490, Order Amending License (issued May 15, 1980).

4/ See, S. D. Warren, Project No. 2897, Order Denying Rehearing (issued Feb. 19, 1980).

PROJECT OPERATION:

The Bear River is controlled for irrigation purposes. At river mile 220, flows are diverted into Bear Lake from which water is released during the irrigation season. The Oneida Project is downstream from Bear Lake and utilizes the water released from Bear Lake and such inflow from below Bear Lake as is available. During the non-irrigation season, the only water available is the inflow from tributary streams below Bear Lake.

Normal operation of the project is to fill the reservoir during the night and early morning and then operate at capacity during those periods of the day when the need for power is the greatest on UP&L's interconnected system. The project has an installed capacity of 30,000 kW with a maximum water flow of 3,450 cfs, but the average load factor is only 21 percent because of the limited water supply. Even in an exceptionally good water year, such as 1965, when watershed yield in the Bear River basin exceeded that of any year since 1930, the load factor was only 33 percent. Between the years 1936 and 1966 water was spilled from the project reservoir only once. All of UP&L's projects on the Bear River 5/ are coordinated to derive the greatest possible benefit from the limited water supply.

The U. S. Army Corps of Engineers (Corps) recommended that releases from the project reservoir during flood periods be no greater than natural inflow. Article 34 provides for the Corps' recommendation.

COMPREHENSIVE DEVELOPMENT:

Project No. 472 is one of 14 hydroelectric projects in the Bear River Basin. The 14 projects are operated subject to the provisions of the Bear River Compact, an agreement entered into between the States of Idaho, Utah, and Wyoming which was consented to by Congress on March 17, 1958 (Public Law 85-348, 72 Stat. 38) and approved by the President. A major purpose of the Compact was to remove the causes of present and future controversy over the distribution and use of the waters of the Bear River and to provide for efficient use of water for multiple purposes. The Compact specifically provides that the waters of Bear Lake shall constitute a reserve for irrigation, and that such waters shall be used for power generation after release for

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5/ Soda Project 20 is at river mile 175.
Grace-Cove Project 2401 is at river mile 160.
Oneida Project 472 is at river mile 130.
Cutler Project 2420 is at river mile 56.

irrigation, provided that such power use is not inconsistent with use of the waters for irrigation. Thus, the operation of hydroelectric projects along the Bear River must be coordinated to ensure maximum generation from a limited water supply.

In 1962 and 1966 Interior's Bureau of Reclamation (now the Water and Power Resources Service) formulated plans to more fully develop the water resources in the Bear River Basin below Bear Lake. The 1966 plan, if implemented, would result in the inundation of the Oneida Project and would reduce power generation at UP&L's other three projects. Interior however, has given no indication that its plan will be carried out in the foreseeable future. Should Interior's plans be rejuvenated, Articles 9, 10, and 13 would facilitate comprehensive development by providing for changes in project facilities and operation and joint use of project facilities for power and other beneficial public uses. 6/

Intervenor IWRB requested that project uses be subordinate to future depletions in the flows of the Bear River and not prevent or interfere with future water development projects. Interior recommended that UP&L be prevented from making any claims under the authority of the license against the United States or other parties claiming through the United States for damages resulting from any future depletion in the flows of the Bear River and its tributaries for the irrigation of lands and other beneficial uses.

Article 33 makes clear that UP&L's water rights under applicable state law rather than the terms of its license shall govern any claim UP&L may have for damages. This provision is consistent with that provided in the Commission's order issuing a license for the downstream Cutler Project No. 2420. 7/ It is concluded that, as conditioned in this license, Project No. 472 is best adapted to a comprehensive plan for development of the Bear River Basin for beneficial public uses and that issuance of this license is in the public interest.

FEDERAL TAKEOVER:

Section 14 of the Federal Power Act reserves to the United States the right to take over a non-publicly owned project upon expiration of the license, after paying the Licensee's net investment in the project, not to exceed the fair value of the property taken, plus any severance damages. No Federal department or agency, state, or municipality has recommended

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6/ The project, with its average annual generation of 55,200 million kWh, utilizes a renewable resource that saves the equivalent of approximately 90,640 barrels of oil or 25,560 tons of coal per year.

7/ See Order Modifying License Order on Rehearing for Project No. 2420, 41 F.P.C. (1969).

takeover or redevelopment of the project by the United States or any other entity. The project is not in conflict with any project that has been authorized by the United States. There appears to be no reason why Federal takeover of the project would better serve the public interest than would issuance of this license. Thus, Federal takeover will not be recommended.

LICENSE TERM:

As previously stated, the Bear River Compact governs the distribution and use of Bear River waters. The IWRB in its petition to intervene, and the Attorney General of Wyoming, in its letter of protest, expressed concern about the effect relicensing the project would have on the Bear River Compact. The IWRB and Interior recommended that the project be relicensed for a five-year period. The Attorney General of Wyoming noted that the operation of the Oneida Project has a significant effect on the availability of water within the Bear River drainage and therefore recommended an annual or biennial license renewal.

UP&L in its response to agency comments strongly objected to a short term of license. UP&L argued: 1) that UP&L's water rights are appropriated and fixed by judicial decree, 2) that the Compact if amended would be subject to UP&L's water rights, 3) the parties to the Compact have been negotiating since 1970 and have yet to execute a new agreement, and 4) that the extent of any proposed Compact amendment is unknown and the parties may or may not amend the Compact at all.

A one-year or five-year license term would be administratively inefficient and would be inconsistent with the Commission's policy of issuing new licenses for essentially unchanged constructed projects for a term of 30 years. Even if the Bear River Compact were to be revised, a development which is currently uncertain, Articles 9, 10, 13, and 33 provide for changes in the project or its operation in the interest of comprehensive development. Therefore, consistent with the Commission's Order Issuing License for Project No. 2301, this license will terminate 30 years from the expiration of the original license. 8/

8/ See The Montana Power Co., Mystic Lake Project No. 2301, Order Issuing New License (Major) (issued Oct. 5, 1976).

EXHIBITS:

Exhibits J, K, L, M, R and S have been filed. Exhibits J, L, M, S, and the text of Exhibit R, substantially conform to the Commission's Rules and Regulations. Exhibits J, L, M, and the text of Exhibit R are being approved and made a part of the license. Although Exhibit S is adequate, it does not contain provisions for implementing programs of enhancement of fish and wildlife and mitigation of adverse environmental effects of project operation and is not being approved. Exhibit K is deficient as follows: (1) some land status designations on sheet 1 are incorrect; (2) the area of each parcel of project land is not shown; (3) on sheet 2, the project boundary is greater than 200 feet from project works without justification; (4) the project boundary is not tied into the public land survey; and (5) recreation sites 1 and 2 as shown in Exhibit R are not entirely within the project boundary. The Exhibit R drawings do not show all project recreational lands to be within the project boundary. For these reasons, Article 42 is included requiring Applicant to file for approval a revised Exhibit K and revised Exhibit R drawings.

It is ordered:

(A) This license is issued to Utah Power & Light Company (Licensee), of Salt Lake City, Utah, under Part I of the Federal Power Act (Act), for a period effective the first day of the month in which this license is issued and terminating June 30, 2000, for the continued operation and maintenance of the Oneida Project No. 472, located in Franklin County, Idaho, on the Bear River and occupying lands of the United States. This license is subject to the terms and conditions of the Act, which is incorporated by reference as part of this license, and subject to the regulations the Commission issues under the provisions of the Act.

(B) The Oneida Project No. 472 consists of:

(1) All lands, to the extent of the Licensee's interests in those lands, constituting the project area and enclosed by the project boundary. The project area and boundary are shown and described by certain exhibits that form part of the application for license and that are designated and described as:

EXHIBIT	FERC DRAWING NO. 472-	TITLED
J	9	General System Map
K-1	10	Detail Map of Project Area
K-2	11	Detail Map of Project Area

(2) Project works consisting of: (a) a 110-foot high and 380-foot long concrete gravity dam having five 15-foot wide Taintor gates; (b) an earth dike approximately 40 feet high and 1,100 feet long; (c) a 480-acre reservoir with 11,500 acre-feet of storage at normal water surface elevation 4,882.9 feet (USGS); (d) a steel pipe 16 feet in diameter extending 2,200 feet from the earth dike to a surge tank; (e) a steel surge tank 40 feet in diameter and 117 feet high; (f) 3 steel penstocks 12 feet in diameter; (g) a powerhouse containing three 10,000-kW generating units; (h) 6.6-kV generator leads, two 6.6/138-kV transformer banks, two 138-kV lines, and electrical facilities to connect to the Oneida 138-kV switchyard; and (i) appurtenant facilities.

The location, nature, and character of these project works are generally shown and described by the exhibits cited above and more specifically shown and described by certain other exhibits that also form a part of the application for license and that are designated and described as:

EXHIBIT	FERC DRAWING NO. 472-	TITLED
L-1	23	Plans, Elevations and Sections of Powerhouse
L-2	24	Powerhouse Cross-Sections and Surge Tank Details
L-3	25	Plans and Sections of Intake
L-4	26	Plan, Elevation and Sections of Gravity Dam

EXHIBIT M: Consisting of one page of text filed June 5, 1969, and titled "General Description and Specifications of Mechanical, Electrical and Transmission Equipment".

EXHIBIT R: Consisting of four pages of text filed June 5, 1969, and titled "A Proposed Plan for Full Public Utilization of Project Water and Adjacent Lands for Recreational Purposes."

EXHIBIT:	FERC DRAWING NO. 472-	TITLED
R-1	19	Oneida Reservoir Recreational Developments
R-2	20	Oneida Reservoir Recreational Developments - Location Plan
R-3	21	Oneida Reservoir Recreational Developments - Site 1
R-4	22	Oneida Reservoir Recreational Developments - Site 2

(3) All of the structures, fixtures, equipment, or facilities used or useful in the operation or maintenance of the project and located within the project boundary, all portable property that may be employed in connection with the project, located within or outside the project boundary, as approved by the Commission, and all riparian or other rights that are necessary or appropriate in the operation or maintenance of the project.

(C) Exhibits J, L, M and R, except the Exhibit R drawings, designated in ordering paragraph (B) above, are approved and made a part of the license.

(D) Exhibit K and R drawings, designated in ordering paragraph (B) above, are approved and made a part of the license only to the extent that they show the general location, description, nature, etc. of the project.

(E) This license is also subject to the terms and conditions set forth in Form L-1 (revised October, 1975), entitled "Terms and Conditions of License for Constructed Major Project Affecting Lands of the United States" attached to and made a part of this license. The license is also subject to the following additional articles:

Article 33. This license shall not be construed as affecting in any way any claim the Licensee may have concerning its water rights acquired pursuant to state law. Those rights,

not in 1976 order

not this license, shall govern any claim the Licensee may advance against the United States or other parties claiming through the United States for any damages resulting from any future depletion in the flow of the waters of the Bear River and its tributaries for the irrigation of lands or other beneficial consumptive uses.

Article 34. Licensee shall restrict water releases from the Oneida Reservoir to no greater than the inflow during flood periods to minimize flooding downstream.

Article 35. Pursuant to Section 10(d) of the Act, a specified reasonable rate of return upon the net investment in the project shall be used for determining surplus earnings of the project for the establishment and maintenance of amortization reserves. One half of the project surplus earnings, if any, accumulated under the license, in excess of the specified rate of return per annum on the net investment, shall be set aside in a project amortization reserve account at the end of each fiscal year under the license, the amount of that deficiency shall be deducted from the amount of any surplus earnings subsequently accumulated, until absorbed. One-half of the remaining surplus earnings, if any, cumulatively computed, shall be set aside in the project amortization reserve account. The amounts established in the project amortization reserve account shall be maintained until further order of the Commission.

The annual specified reasonable rate of return shall be the sum of the annual weighted costs of long-term debt, preferred stock, and common equity, as defined below. The annual weighted cost for each component of the reasonable rate of return is the product of its capital ratio and cost rate. The annual capital ratio for each component of the rate of return shall be calculated based on an average of 13 monthly balances of amounts properly includable in the Licensee's long-term debt and proprietary capital accounts as listed in the Commission's Uniform System of Accounts. The cost rates for long-term debt and preferred stock shall be their respective weighted average costs for the year, and the cost of common equity shall be the interest rate on 10-year government bonds (reported as the Treasury Department's 10-year constant maturity series) computed on the monthly average for the year in question plus four percentage points (400 basis points).

Article 36. (a) In accordance with the provisions of this article, the Licensee shall have the authority to grant permission for certain types of use and occupancy of project lands and waters and to convey certain interests in project lands and waters for certain other types of use and occupancy, without prior Commission approval. The Licensee may exercise the authority only if the proposed use and occupancy is consistent with the purposes of protecting and enhancing the scenic, recreational, and other environmental values of the project. For those purposes, the Licensee shall also have continuing responsibility to supervise and control the uses and occupancies for which it grants permission, and to monitor the use of, and ensure compliance with the covenants of the instrument of conveyance for, any interests that it has conveyed, under this article. If a permitted use and occupancy violates any condition of this article or any other condition imposed by the Licensee for protection and enhancement of the project's scenic, recreational, or other environmental values, or if a covenant of a conveyance made under the authority of this article is violated, the Licensee shall take any lawful action necessary to correct the violation. For a permitted use or occupancy, that action includes, if necessary, cancelling the permission to use and occupy the project lands and waters and requiring the removal of any non-complying structures and facilities.

(b) The types of use and occupancy of project lands and waters for which the Licensee may grant permission without prior Commission approval are: (1) landscape plantings; (2) non-commercial piers, landings, boat docks, or similar structures and facilities; and (3) embankments, bulkheads, retaining walls, or similar structures for erosion control to protect the existing shoreline. To the extent feasible and desirable to protect and enhance the project's scenic, recreational, and other environmental values, the Licensee shall require multiple use and occupancy of facilities for access to project lands or waters. The Licensee shall also ensure, to the satisfaction of the Commission's authorized representative, that the uses and occupancies for which it grants permission are maintained in good repair and comply with applicable State and local health and safety requirements. Before granting permission for construction of bulkheads or retaining walls, the Licensee shall: (1) inspect the site of the proposed construction, (2) consider whether the planting of vegetation or the use of riprap would be adequate to control erosion at the site, and (3) determine that the proposed construction is needed and would not change the basic contour of the reservoir shoreline. To implement this paragraph (b), the Licensee may, among other things, establish a program for issuing permits for the specified types of use and occupancy of project lands and waters, which may be subject to the payment of a reasonable fee to cover the Licensee's costs of administering the permit program. The Commission reserves the right to require the Licensee to file a description of its standards, guidelines, and procedures for

implementing this paragraph (b) and to require modifications of those standards, guidelines, or procedures.

(c) The Licensee may convey easements or rights-of-way across, or leases of, project lands for: (1) replacement, expansion, realignment, or maintenance of bridges and roads for which all necessary State and Federal approvals have been obtained; (2) storm drains and water mains; (3) sewers that do not discharge into project waters; (4) minor access roads; (5) telephone, gas, and electric utility distribution lines; (6) non-project overhead electric transmission lines that do not require erection of support structures within the project boundary; (7) submarine, overhead, or underground major telephone distribution cables or major electric distribution lines (69-kV or less); and (8) water intake or pumping facilities that do not extract more than one million gallons per day from a project reservoir. No later than January 31 of each year, the Licensee shall file three copies of a report briefly describing for each conveyance made under this paragraph (c) during the prior calendar year, the type of interest conveyed, the location of the lands subject to the conveyance, and the nature of the use for which the interest was conveyed.

(d) The Licensee may convey fee title to, easements or rights-of-way across, or leases of project lands for: (1) construction of new bridges or roads for which all necessary State and Federal approvals have been obtained; (2) sewer or effluent lines that discharge into project waters, for which all necessary Federal and State water quality certificates or permits have been obtained; (3) other pipelines that cross project lands or waters but do not discharge into project waters; (4) non-project overhead electric transmission lines that require erection of support structures within the project boundary, for which all necessary Federal and State approvals have been obtained; (5) private or public marinas that can accommodate no more than 10 watercraft at a time and are located at least one-half mile from any other private or public marina; (6) recreational development consistent with an approved Exhibit R or approved report on recreational resources of an Exhibit E; and (7) other uses, if: (i) the amount of land conveyed for a particular use is five acres or less; (ii) all of the land conveyed is located at least 75 feet, measured horizontally, from the edge of the project reservoir at normal maximum surface elevation; and (iii) no more than 50 total acres of project lands for each project development are conveyed under this clause (d)(7) in any calendar year. At least 45 days before conveying any interest in project lands under this paragraph (d), the Licensee must file a letter to the Director, Office of Electric Power Regulation, stating its intent to convey the interest and briefly describing the type of interest and location of the lands to be conveyed (a marked Exhibit G or K map may be used), the nature of the proposed use, the identity of any Federal or

State agency official consulted, and any Federal or State approvals required for the proposed use. Unless the Director, within 45 days from the filing date, requires the Licensee to file an application for prior approval, the Licensee may convey the intended interest at the end of that period.

(e) The following additional conditions apply to any intended conveyance under paragraphs (c) or (d) of this article:

(1) Before conveying the interest, the Licensee shall consult with Federal and State fish and wildlife or recreation agencies, as appropriate, and the State Historic Preservation Officer.

(2) Before conveying the interest, the Licensee shall determine that the proposed use of the lands to be conveyed is not inconsistent with any approved Exhibit R or approved report on recreational resources of an Exhibit E; or, if the project does not have an approved Exhibit R or approved report on recreational resources, that the lands to be conveyed do not have recreational value.

(3) The instrument of conveyance must include covenants running with the land adequate to ensure that: (i) the use of the lands conveyed shall not endanger health, create a nuisance, or otherwise be incompatible with overall project recreational use; and (ii) the grantee shall take all reasonable precautions to ensure that the construction, operation, and maintenance of structures or facilities on the conveyed lands will occur in a manner that will protect the scenic, recreational, and environmental values of the project.

(4) The Commission reserves the right to require the Licensee to take reasonable remedial action to correct any violation of the terms and conditions of this article, for the protection and enhancement of the project's scenic, recreational, and other environmental values.

(f) The conveyance of an interest in project lands under this article does not in itself change the project boundaries. The project boundaries may be changed to exclude land conveyed under this article only upon approval of revised Exhibit G or K drawings (project boundary maps) reflecting exclusion of that land. Lands conveyed under this article will be excluded from the project only upon a determination that the lands are not necessary for project purposes, such as operation and maintenance, flowage, recreation, public access, protection of environmental resources, and shoreline control, including shoreline aesthetic values. Absent extraordinary circumstances, proposals to exclude lands conveyed under this article from the project shall be consolidated for consideration when revised Exhibit G or K drawings would be filed for approval for other purposes.

Article 37. Licensee shall have its engineering consultant for the 1982 Part 12 (18 C.F.R. Part 12) Inspection Report analyze the Oneida earth embankment assuming a failure by overtopping during extreme floods and evaluate the hazard potential of such failure on downstream life and property. In the event that such failure would constitute a hazard to human life or would cause extensive property damage, the consultant shall make recommendations for modifying the project structures to prevent failure by overtopping, and Licensee shall file, at the same time its Inspection Report is submitted, a plan and schedule for making such modifications.

Article 38. The Licensee shall pay the United States the following annual charges:

(a) For the purpose of reimbursing the United States for the cost of administration of Part I of the Act, a reasonable amount as determined in accordance with the provisions of the Commission's regulations in effect from time to time. The authorized installed capacity for that purpose is 40,000 horsepower.

(b) For the purpose of recompensing the United States for the use, occupancy, and enjoyment of its lands, other than for transmission line right-of-way, a reasonable amount as determined in accordance with the provisions of the Commission's regulations in effect from time to time. The acreage of those lands shall be determined later.

Article 39. Prior to commencement of any construction or development of any project works or other facilities at the project, the Licensee shall consult and cooperate with the State Historic Preservation Officer (SHPO) to determine the need for, and extent of, any archeological or historic resources surveys and any mitigative measures that may be necessary. The Licensee shall provide funds in a reasonable amount for such activity. If any previously unrecorded archeological or historic sites are discovered during the course of construction, construction activity in the vicinity shall be halted, a qualified archeologist shall be consulted to determine the significance of the sites, and the Licensee shall consult with the SHPO to develop a mitigation plan for the protection of significant archeological or historic resources. If the Licensee and the SHPO cannot agree on the amount of money to be expended on the archeological or historic work related to the project, the Commission reserves the right to require the Licensee to conduct, at its own expense, any such work found necessary.

Article 40. The Licensee shall continue to consult and cooperate with the U. S. Fish and Wildlife Service, the interested local and State agencies, and other appropriate agencies for the protection and development of the environmental resources and values of the project area. The Commission reserves the right to require changes in the project works or operations that may be necessary to protect and enhance those resources and values.

Article 41. Licensee shall consult and cooperate with the Idaho Department of Fish and Game, and the Fish and Wildlife Service of the U. S. Department of the Interior, in conducting a study to determine the extent to which flow fluctuations downstream of the Oneida Project may be reduced in order to maintain and enhance fishery resources in the Bear River, taking into account the primary purpose of the project. Further, Licensee shall, within one year following the date of issuance of this license, file a report of the study, and for Commission approval its recommendations, if any, for changes in project operations necessary to maintain and enhance downstream fishery resources. Copies of the filing shall also be served upon the consulted agencies.

Article 42. The Licensee shall file for Commission approval a revised Exhibit K and revised Exhibit R drawings within two years following the date of issuance of this license.

Article 43. The Licensee shall, within two years following the date of issuance of this license, complete the construction of the recreation facilities at Site 1 as proposed in the Exhibit R, and shall, in consultation with the Idaho Department of Parks and Recreation, and other interested State and local agencies, develop and file a construction schedule to provide additional recreational facilities at Site 2 and other locations at the project as the need arises.

(F) This order is final unless a petition appealing it to the Commission is filed within 30 days from the date of its issuance, as provided in Section 1.7(d) of the Commission's regulations, 18 C.F.R. 1.7(d) (1980). The filing of a petition appealing this order to the Commission or an application for rehearing as provided in Section 313(a) of the Act does not operate as a stay of the effective date of this license or of any other date specified in this order, except as specifically ordered by the Commission. Failure of the Licensee to file a

petition appealing this order to the Commission shall constitute acceptance of this license. In acknowledgement of acceptance of this license, the license shall be signed for the Licensee and returned to the Commission within 60 days from the date of this order.

(S E A L)

William W. Lindsay
Director, Office of Electric
Power Regulation

Project No. 472

IN TESTIMONY of its acknowledgment of acceptance of all of the terms and conditions of this Order, Utah Power & Light Company, this _____ day of _____, 1981, has caused its corporate name to be signed hereto by _____ its _____ President, and its corporate seal to be affixed hereto and attested by _____, its _____ Secretary, pursuant to a resolution of its Board of Directors duly adopted on the _____ day of _____, 19___, a certified copy of the record of which is attached hereto.

Utah Power & Light Company

By _____
President

Attest:

_____
Secretary

Form L-1
(Revised October, 1975)

FEDERAL ENERGY REGULATORY COMMISSION

TERMS AND CONDITIONS OF LICENSE FOR CONSTRUCTED MAJOR PROJECT AFFECTING LANDS OF THE UNITED STATES

Article 1. The entire project, as described in this order of the Commission, shall be subject to all of the provisions, terms, and conditions of the license.

Article 2. No substantial change shall be made in the maps, plans, specifications, and statements described and designated as exhibits and approved by the Commission in its order as a part of the license until such change shall have been approved by the Commission: Provided, however, That if the Licensee or the Commission deems it necessary or desirable that said approved exhibits, or any of them, be changed, there shall be submitted to the Commission for approval a revised, or additional exhibit or exhibits covering the proposed changes which, upon approval by the Commission, shall become a part of the license and shall supersede, in whole or in part, such exhibit or exhibits theretofore made a part of the license as may be specified by the Commission.

Article 3. The project area and project works shall be in substantial conformity with the approved exhibits referred to in Article 2 herein or as changed in accordance with the provisions of said article. Except when emergency shall require for the protection of navigation, life, health, or property, there shall not be made without prior approval of the Commission any substantial alteration or addition not in conformity with the approved plans to any dam or other project works under the license or any substantial use of project lands and waters not authorized herein; and any emergency alteration, addition, or use so made shall thereafter be subject to such modification and change as the Commission may direct. Minor changes in project works, or in uses of project lands and waters, or divergence from such approved exhibits may be made if such changes will not result in a decrease in efficiency, in a material increase in cost, in an adverse environmental impact, or in impairment of the general scheme of development; but any of such minor changes made without the prior approval of the Commission, which in its judgment have produced or will produce any of such results, shall be subject to such alteration as the Commission may direct.

January 6, 1987

Miss Betty Knick
Public Information Section
Federal Energy Regulatory Commission
825 North Capital Street NE, Room 1000
Washington, DC 20426

Dear Miss Knick:

As a follow-up to my letter of December 1, 1986 to you and subsequent telephone conversation on January 5, 1987 with Rebecca Poe of FERC's Division of Intergovernmental Affairs, please send copies of the following documents on Utah Power and Light hydroelectric projects:

Project No. 20 - Soda to 1-4-2003

1. July 29, 1980 - Order issuing new license. (major)
2. March 5, 1984 - Order issued amending license pursuant to filing of 6/21/83. (003) new recreation facilities & minor payments to FERC for license

Project No. 472 - Oneida 6-30-2000

1. May 1, 1981 - Order issuing new license. (major)
2. September 6, 1984 - Order issued amending license. (003) (Designated Amendment No. 2, Instrument No. 3) Improve east road at reservoir & limited mowing, parking, weekend hours
3. April 4, 1985 - Order issued granting appeal filed 9/6/84. (005) definition of east road noted & excess flows for irrigation allowed

924 Project No. 2401 Grace-Cove 5-1-1990

1. October 6, 1976 - Order issuing major license for constructed project and denying request for disclaimer of jurisdiction. Original license - 25 yr from 1965 - To 1990
2. March 16, 1977 - Order issued on rehearing affirming commission order issuing major license and granting petition to intervene of Idaho Water Resource Board.
3. February 23, 1978 - Filed notice of intervention of Idaho Public Utilities Commission. (If this article is difficult to locate, it may be left out.)
4. July 29, 1981 - Order amending license. (major) (Designated Amendment No. 1, Instrument No. 3)

Units 1 & 2 removed; units 3, 4 & 5 still operational
11,000 Kw " 33,000 Kw " "

Project No. 2420 - cutler 12-31-1993

1. December 23, 1968 - Order issuing license (major) and dismissing request for disclaimer of jurisdiction filed in application on 10/25/63.
2. February 20, 1969 - Order issued modifying Article 29 of order issued 12/23/68.
3. February 4, 1977 - Commission letter sent February 4, 1977 issued and served on parties of record. (Designated Instrument No. 3) amortization Reserve Account set up

notes: Power is generated only when water in excess of irrigation requirements is available

Ordering information taken from FPC Form 847, Licensed Project Proceeding, for the indicated project number.

In order to reduce delay, you may call me at FTS-554-4496 or (208) 334-4496 for communicating the necessary copying cost or for other needs.

Sincerely,

Ralph J. Mellin, Chief
Special Studies Section

RJM:cjk

December 1, 1986

Miss Betty Knick
Public Information Section
Federal Energy Regulatory Commission
825 North Capital Street NE, Room 1000
Washington, DC 20426

Dear Miss Knick:

Please send to my attention a copy of the hydroelectric license with special conditions and amendments for the following plants owned by Utah Power and Light Company.

Soda
Grace
Cove
Oneida
Cutler

This written request is in response to a telephone request to your office on this date. If further information is needed, you may telephone me at FTS 554-4496 or (208) 334-4496.

Sincerely,

Ralph J. Mellin, Chief
Special Studies Section

RJM:cjk

RECEIVED
JAN 20 1987
Department of Water Resources

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

January 15, 1987

Mr. Ralph J. Mellin, Chief
Special Studies Section
State of Idaho
Department of Water Resources
450 W. State Street
Boise, Idaho 83720

Dear Mr. Mellin:

Thank you for your letter of December 22, 1986, to Chairman Hesse regarding your letter of December 1, 1986, to Betty Knick, Chief of the Federal Energy Regulatory Commission's (FERC) Public Reference Section. Your letter has been referred to me for response and I apologize for any inconvenience or delay in answering your request.

Approximately five years ago, because of severe budgetary constraints, it became necessary to discontinue the free distribution of documents issued by the FERC. At the time free distribution was discontinued generally, the Commission did agree to provide copies of the FERC daily orders to each state's Public Utility Commission and the Governor's energy designee. The object was to furnish copies to the states and permit them to make further distribution within their states, if they deemed it appropriate and feasible. The Idaho Public Utilities Commission and Idaho Department of Water Resources, Bureau of Energy Resources, Hydro Section, at the Governor's request, receives these daily orders which includes for hydro activities copies of all FERC notices of applications for preliminary permits, exemptions, licenses, and subsequent Commission orders.

The FERC's Office of Intergovernmental Affairs will be happy to furnish you with selected items free of charge, but extensive orders, such as your request of December 1, to Betty Knick, will have to be purchased through TS Infosystems. A copy of the TS Infosystems information and order form is enclosed for your use.

As you can see from the docket sheets that were recently sent to you, along with the TS Infosystem information, some of these project files are extensive and complex. Your letter of January 6, was received by the Public Information Section without the TS Infosystem information, which is necessary for processing your requests.

If I can be of further assistance to you in this or any other FERC matter, please do not hesitate to contact me on (202) 357-8392.

Sincerely,

Rebecca Poe
Assistant Director
Intergovernmental Affairs
FC-102

Enclosure

JAN 20 1987

Department of Water Resources

TS INFOSYSTEMS, INC.
DOCUMENT DISTRIBUTION SERVICES & PRICES FOR THE FEDERAL ENERGY REGULATORY COMMISSION

TSI offers to the public its exclusive document photocopy and release service for all or any subset of documents released by the FERC. All customer orders are available for pick up or mailing exactly at 10:00 am and 3:00 pm (FERC document posting times). The following services and prices are available.

I. SUBSCRIPTION RATES:

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B. Partial Package: Standing order for any subset of documents desired by customer, excluding Document Release List. Cost is eight cents per page, postage extra, account billed monthly.

C. Document Release List: TSI List of document number, title, number of pages organization involved, and official posting date of all documents physically released at each daily posting. List is released twice daily at each FERC posting time, cost is 17 cents per page, postage extra, account billed monthly.

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III. ARCHIVAL ORDERS: Requests are mailed to FERC, documents are pulled by FERC, given to TSI for reproduction and mailing.

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C. Diazo Microfiche Duplicates: Cost is $1.75 per fiche.

D. Roll to Roll Microfilm Duplicate: Cost is $15.00 per 100 foot roll.

E. Search Fee: Cost is $5.00 per 20 minute increment to locate documents on microfilm or microfiche.

IV. OTHER INFORMATION: One dollar ($1.00) handling charge: 10% surcharge on Mastercharge and Visa payments: no COD charges. Six percent: (6%) sales tax on sales in Washington, D.C. Minimum order is $2.00, postage extra.

TS INFOSYSTEMS, INC.
FERC DOCUMENT DISTRIBUTION SERVICES

ORDER FORM

MAIL ORDERS TO: TS Infosystems, Inc.
New Accounts Section
10905 Fort Washington Road
Fort Washington, Maryland 20744

This order form allows you to establish an account with TS Infosystems, Inc. (TSI). You may establish your account, but not define a standing order by completing Section I. You may establish your account for a standing order by completing Section II or Section III. You may choose pick-up at FERC or mailing services.

SPECIFY RECIPIENT OF DOCUMENTS:

Company Name:_____

ATTENTION:_____ Phone:_____

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City:_____State:_____Zip_____

CHECK TO INDICATE TYPE OF SERVICE REQUESTED:

1. ___Documents are to be picked up at FERC.

   a. Authorized Agent for pick-up:_____
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2. ___Documents are to be mailed.

   a. Frequency of mailing.

      ___Daily
      ___Weekly

   b. Method of mailing.

      ___1st Class
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I. If you wish to establish an account but do not want to define a standing order, check below and complete the credit information on the last page.

___ A. No Standing Order

II. TOTAL PACKAGE: If you wish to receive one or more sets of All FERC documents, write the NUMBER OF COPIES requested in the space below.

_____ A. All documents released daily by FERC (includes all categories listed below plus TSI Document Release List).

III. PARTIAL PACKAGE: Listed below are document designation prefixes that are used by the FERC along with a brief description of each prefix. Also listed are "X" for the TSI Document Release List: "D" for FERC Determinations and "AH" for Ad Hoc Commission Notices. You can receive any subset of this List in any quantity. Write the NUMBER OF COPIES desired next to each prefix. Whenever documents in these categories are released by FERC, you will receive the number of copies that you have indicated.

_____ AH. Ad Hoc Commission Notices

_____ AN. Weekly Commission Agenda

_____ AR. Area Rate Proceedings (discontinued)

_____ CI. Certificate of Independent Natural Gas Producers

_____ CP. Certificate on Natural Gas Pipelines

_____ CS. Certificate of Small Natural Gas Producers

_____ DA. Power-Site Land Determinations (discontinued)

_____ E. Electric Rates, Securities and Mergers (discontinued)

_____ EA. Review of major energy actions proposed by the Secretary of Energy relating to oil pricing and allocation.

_____ EC. Applications of public utilities for authority for sale, lease, purchase, acquire or merge, and applications for determination of jurisdiction.

_____ EF. Federal Electric Rates

_____ EL. Other formal proceedings related to Electric Power

_____ ER. Electric Rates

_____ ES. Electric Securities, Mergers or Facilities

_____ FE. News Releases

_____ FA. Financial Audit

_____ FS. Fourth Section matters as it pertains to oil pipelines refers to Section 4, Part 1, of the Interstate Commerce Act which set forth the provisions for long and short haul charges; competition with water routes.

_____ G. Gas Companies (discontinued)

_____ GT. Gas Tariff matters

_____ GP. General Docket for matters under the NGPA where the assignment of a docket number would be useful for such purposes as noticing and otherwise tracking the proceeding.

_____ HB. Headwater Benefits (followed by two digits designating river basins)

_____ ID. Interlocking Directorates

_____ IR. Implementation Reports under Subpart D, Section 292, 401, Order No. 69 - Reports by State Regulatory Authority and non-regulated electric utility on cogeneration and small power production.

_____ IS. Suspension and investigations into rates, fares, charges and practices of oil pipelines pursuant to Section 15(7) of the ICC Act, 49 U.S.C. 15(7).

_____ OR. Oil Pipeline Rate Cases (a case formerly under the jurisdiction of the ICC will also carry the former ICC docket number for convenience).

_____ PP. Code Generation Report

_____ P. Hydroelectric Power Project Licenses and Permits

_____ PD. Depreciation and related matters as it pertains to Oil Pipelines

_____ PV. Oil Pipeline Valuation Cases

_____ QF. Qualifying status of a small power production facility

_____ R. Rulemaking Notices and Orders (discontinued)

_____ RA. Appeals from denials of requests for adjustments issued by the Economic Regulatory Administration.

_____ RE. Report of exemption or extension of time (Electric)

_____ RI. Rates of Independent Natural Gas Producers

_____ RM. Rulemaking Notices and Orders (including any former ICC reference).

_____ RO. Appeals from remedial orders issued by the Economic Regulatory Administration.

_____ RP. Rates of Natural Gas Pipeline Companies

_____ SA. Staff adjustments under the interim regulations in order No. 24, Section 502(c) of the NGPA requires the FERC to adopt procedural rules under which any person may seek an adjustment of rules and orders which have the applicability and effect of rules and which are issued under the NGPA.

_____ SP. Special Permission Applications or other permissable waivers of rules regarding tariffs or schedules under Section 6(3) of the Interstate Commerce Act, 49 U.S.C. Section 6(3).

_____ ST. Transportation pursuant to Section 311(a), sales pursuant to Section 311(b) and assignments purusant to Section 312 of the NGPA; including self-implementing sales and transportation pursuant to the FERC's Fuel Oil Displacement Program.

_____ TA. Tracking Filings (following fiscal year, the second element will be either the number "1" or "2" indicating the first half or the second half of the fiscal year.)

_____ TF. Transportation Filing

_____ TC. Tariff Curtails of Natural Gas Pipeline Companies

_____ D. Determinations

_____ X. Document Release List. TSI prepared list containing document number, title, organization involved and official posting data for every document released at each FERC posting time.

_____ GR. Monthly Gas Activity Report

_____ OP. Oil Price Index

_____ PR. Quarterly Report on Qualifying Small Power Production and Cogeneration Facility Filings.

IV. For additional information please contact:

Operations/General Info:	News Accounts/Billing	FERC:
TSI Supervisor	Accounts Receivable Section	Division of Public
Room 1000	TS Infosystems, Inc.	Information
825 N. Capital St., NE	10905 Ft. Washington Rd.	825 N. Capital St., N.
Washington, D.C. 20426	Ft. Washington, MD 20744	Washington, D.C. 2042
PHONE: (202) 898-1151	PHONE: (301) 292-0100	PHONE: 357-8119

(OVER FOR NEW ACCOUNT CREDIT INFORMATION)

V. NEW ACCOUNT CREDIT INFORMATION:

1. Billing Address:

Company Name: _____

ATTENTION: _____ PHONE #: _____
(For Billing Purposes, indicate specific recipient)

Address: _____

City: _____ State: _____ Zip: _____

2. Credit Reference:

Please list one (1) principal source of reference (Bank Reference, Major Credit Card or enclose Company's Annual Report).

Name: _____

Account No.: _____

Address: _____

City: _____

Phone No.: _____ Contact: _____

3. Account Authorization:

Below must be completed and signed by a company official authorized to establish an account with TS Infosystems, Inc.

Signature: _____

Name: (Printed) _____

Position: _____ Phone #: _____

Date: _____

Article 4. The project, including its operation and maintenance and any work incidental to additions or alterations authorized by the Commission, whether or not conducted upon lands of the United States, shall be subject to the inspection and supervision of the Regional Engineer, Federal Power Commission, in the region wherein the project is located, or of such other officer or agent as the Commission may designate, who shall be the authorized representative of the Commission for such purposes. The Licensee shall cooperate fully with said representative and shall furnish him such information as he may require concerning the operation and maintenance of the project, and any such alterations thereto, and shall notify him of the date upon which work with respect to any alteration will begin, as far in advance thereof as said representative may reasonably specify, and shall notify him promptly in writing of any suspension of work for a period of more than one week, and of its resumption and completion. The Licensee shall submit to said representative a detailed program of inspection by the Licensee that will provide for an adequate and qualified inspection force for construction of any such alterations to the project. Construction of said alterations or any feature thereof shall not be initiated until the program of inspection for the alterations or any feature thereof has been approved by said representative. The Licensee shall allow said representative and other officers or employees of the United States, showing proper credentials, free and unrestricted access to, through, and across the project lands and project works in the performance of their official duties. The Licensee shall comply with such rules and regulations of general or special applicability as the Commission may prescribe from time to time for the protection of life health, or property.

Article 5. The Licensee, within five years from the date of issuance of the license, shall acquire title in fee or the right to use in perpetuity all lands, other than lands of the United States, necessary or appropriate for the construction, maintenance, and operation of the project. The Licensee or its successors and assigns shall, during the period of the license, retain the possession of all project property covered by the license as issued or as later amended, including the project area, the project works, and all franchises, easements, water rights, and rights of occupancy and use; and none of such properties shall be voluntarily sold, leased, transferred, abandoned, or otherwise disposed of without the prior written

approval of the Commission, except that the Licensee may lease or otherwise dispose of interests in project lands or property without specific written approval of the Commission pursuant to the then current regulations of the Commission. The provisions of this article are not intended to prevent the abandonment or the retirement from service of structures, equipment, or other project works in connection with replacements thereof when they become obsolete, inadequate, or inefficient for further service due to wear and tear; and mortgage or trust deeds or judicial sales made thereunder, or tax sales, shall not be deemed voluntary transfers within the meaning of this article.

Article 6. In the event the project is taken over by the United States upon the termination of the license as provided in Section 14 of the Federal Power Act, or is transferred to a new licensee or to a non-power licensee under the provisions of Section 15 of said Act, the Licensee, its successors and assigns shall be responsible for, and shall make good any defect of title to, or of right of occupancy and use in, any of such project property that is necessary or appropriate or valuable and serviceable in the maintenance and operation of the project, and shall pay and discharge, or shall assume responsibility for payment and discharge of, all liens or encumbrances upon the project or project property created by the Licensee or created or incurred after the issuance of the license: Provided, That the provisions of this article are not intended to require the Licensee, for the purpose of transferring the project to the United States or to a new licensee, to acquire any different title to, or right of occupancy and use in, any of such project property than was necessary to acquire for its own purposes as the Licensee.

Article 7. The actual legitimate original cost of the project, and of any addition thereto or betterment thereof, shall be determined by the Commission in accordance with the Federal Power Act and the Commission's Rules and Regulations thereunder.

Article 8. The Licensee shall install and thereafter maintain gages and stream-gaging stations for the purpose of determining the stage and flow of the stream or streams on which the project is located, the amount of water held in and withdrawn from storage, and the effective head on the turbines; shall provide for the required reading of

such gages and for the adequate rating of such stations; and shall install and maintain standard meters adequate for the determination of the amount of electric energy generated by the project works. The number, character, and location of gages, meters, or other measuring devices, and the method of operation thereof, shall at all times be satisfactory to the Commission or its authorized representative. The Commission reserves the right, after notice and opportunity for hearing, to require such alterations in the number, character, and location of gages, meters, or other measuring devices, and the method of operation thereof, as are necessary to secure adequate determinations. The installation of gages, the rating of said stream or streams, and the determination of the flow thereof, shall be under the supervision of, or in cooperation with, the District Engineer of the United States Geological Survey having charge of stream-gaging operations in the region of the project, and the Licensee shall advance to the United States Geological Survey the amount of funds estimated to be necessary for such supervision, or cooperation for such periods as may be mutually agreed upon. The Licensee shall keep accurate and sufficient records of the foregoing determinations to the satisfaction of the Commission, and shall make return of such records annually at such time and in such form as the Commission may prescribe.

Article 9. The Licensee shall, after notice and opportunity for hearing, install additional capacity or make other changes in the project as directed by the Commission, to the extent that it is economically sound and in the public interest to do so.

Article 10. The Licensee shall, after notice and opportunity for hearing, coordinate the operation of the project, electrically and hydraulically, with such other projects or power systems and in such manner as the Commission may direct in the interest of power and other beneficial public uses of water resources, and on such conditions concerning the equitable sharing of benefits by the Licensee as the Commission may order.

Article 11. Whenever the Licensee is directly benefited by the construction work of another licensee, a permittee, or the United States on a storage reservoir or other headwater improvement, the Licensee shall reimburse the owner of the headwater improvement for such part of the annual charges for interest, maintenance, and depreciation

thereof as the Commission shall determine to be equitable, and shall pay to the United States the cost of making such determination as fixed by the Commission. For benefits provided by a storage reservoir or other headwater improvement of the United States, the Licensee shall pay to the Commission the amounts for which it is billed from time to time for such headwater benefits and for the cost of making the determinations pursuant to the then current regulations of the Commission under the Federal Power Act.

Article 12. The operations of the Licensee, so far as they affect the use, storage and discharge from storage of waters affected by the license, shall at all times be controlled by such reasonable rules and regulations as the Commission may prescribe for the protection of life, health, and property, and in the interest of the fullest practicable conservation and utilization of such waters for power purposes and for other beneficial public uses, including recreational purposes, and the Licensee shall release water from the project reservoir at such rate in cubic feet per second, or such volume in acre-feet per specified period of time, as the Commission may prescribe for the purposes hereinbefore mentioned.

Article 13. On the application of any person, association, corporation, Federal agency, State or municipality, the Licensee shall permit such reasonable use of its reservoir or other project properties, including works, lands and water rights, or parts thereof, as may be ordered by the Commission, after notice and opportunity for hearing, in the interests of comprehensive development of the waterway or waterways involved and the conservation and utilization of the water resources of the region for water supply or for the purposes of steam-electric, irrigation, industrial, municipal or similar uses. The Licensee shall receive reasonable compensation for use of its reservoir or other project properties or parts thereof for such purposes, to include at least full reimbursement for any damages or expenses which the joint use causes the Licensee to incur. Any such compensation shall be fixed by the Commission either by approval of an agreement between the Licensee and the party or parties benefiting or after notice and opportunity for hearing. Applications shall contain information in sufficient detail to afford a full understanding of the proposed use, including satisfactory

evidence that the applicant possesses necessary water rights pursuant to applicable State law, or a showing of cause why such evidence cannot concurrently be submitted, and a statement as to the relationship of the proposed use to any State or municipal plans or orders which may have been adopted with respect to the use of such waters.

Article 14. In the construction or maintenance of the project works, the Licensee shall place and maintain suitable structures and devices to reduce to a reasonable degree the liability of contact between its transmission lines and telegraph, telephone and other signal wires or power transmission lines constructed prior to its transmission lines and not owned by the Licensee, and shall also place and maintain suitable structures and devices to reduce to a reasonable degree the liability of any structures or wires falling or obstructing traffic or endangering life. None of the provisions of this article are intended to relieve the Licensee from any responsibility or requirement which may be imposed by any other lawful authority for avoiding or eliminating inductive interference.

Article 15. The Licensee shall, for the conservation and development of fish and wildlife resources, construct, maintain, and operate, or arrange for the construction, maintenance, and operation of such reasonable facilities, and comply with such reasonable modifications of the project structures and operation, as may be ordered by the Commission upon its own motion or upon the recommendation of the Secretary of the Interior or the fish and wildlife agency or agencies of any State in which the project or a part thereof is located, after notice and opportunity for hearing.

Article 16. Whenever the United States shall desire, in connection with the project, to construct fish and wildlife facilities or to improve the existing fish and wildlife facilities at its own expense, the Licensee shall permit the United States or its designated agency to use, free of cost, such of the Licensee's lands and interests in lands, reservoirs, waterways and project works as may be reasonably required to complete such facilities or such improvements thereof. In addition, after notice and opportunity for hearing, the Licensee shall modify the project operation as may be reasonably prescribed by the Commission in order to permit the maintenance and operation

of the fish and wildlife facilities constructed or improved by the United States under the provisions of this article. This article shall not be interpreted to place any obligation on the United States to construct or improve fish and wildlife facilities or to relieve the Licensee of any obligation under this license.

Article 17. The Licensee shall construct, maintain, and operate, or shall arrange for the construction, maintenance, and operation of such reasonable recreational facilities, including modifications thereto, such as access roads, wharves, launching ramps, beaches, picnic and camping areas, sanitary facilities, and utilities, giving consideration to the needs of the physically handicapped, and shall comply with such reasonable modifications of the project, as may be prescribed hereafter by the Commission during the term of this license upon its own motion or upon the recommendation of the Secretary of the Interior or other interested Federal or State agencies, after notice and opportunity for hearing.

Article 18. So far as is consistent with proper operation of the project, the Licensee shall allow the public free access, to a reasonable extent, to project waters and adjacent project lands owned by the Licensee for the purpose of full public utilization of such lands and waters for navigation and for outdoor recreational purposes, including fishing and hunting: Provided, That the Licensee may reserve from public access such portions of the project waters, adjacent lands, and project facilities as may be necessary for the protection of life, health, and property.

Article 19. In the construction, maintenance, or operation of the project, the Licensee shall be responsible for, and shall take reasonable measures to prevent, soil erosion on lands adjacent to streams or other waters, stream sedimentation, and any form of water or air pollution. The Commission, upon request or upon its own motion, may order the Licensee to take such measures as the Commission finds to be necessary for these purposes, after notice and opportunity for hearing.

Article 20. The Licensee shall clear and keep clear to an adequate width lands along open conduits and shall dispose of all temporary structures, unused timber, brush, refuse, or other material unnecessary for the purposes of the project which results from the clearing of lands or from the maintenance or alteration of the project works. In addition, all trees along the periphery of project reservoirs which may die during operations of the project shall be removed. All clearing of the lands and disposal of the unnecessary material shall be done with due diligence and to the satisfaction of the authorized representative of the Commission and in accordance with appropriate Federal, State, and local statutes and regulations.

Article 21. Timber on lands of the United States cut, used, or destroyed in the construction and maintenance of the project works, or in the clearing of said lands, shall be paid for, and the resulting slash and debris disposed of, in accordance with the requirements of the agency of the United States having jurisdiction over said lands. Payment for merchantable timber shall be at current stumpage rates, and payment for young growth timber below merchantable size shall be at current damage appraisal values. However, the agency of the United States having jurisdiction may sell or dispose of the merchantable timber to others than the Licensee: Provided, That timber so sold or disposed of shall be cut and removed from the area prior to, or without undue interference with, clearing operations of the Licensee and in coordination with the Licensee's project construction schedules. Such sale or disposal to others shall not relieve the Licensee of responsibility for the clearing and disposal of all slash and debris from project lands.

Article 22. The Licensee shall do everything reasonably within its power, and shall require its employees, contractors, and employees of contractors to do everything reasonably within their power, both independently and upon the request of officers of the agency concerned, to prevent, to make advance preparations for suppression of, and to suppress fires on the lands to be occupied or used under the license. The Licensee shall be liable for and shall pay the costs incurred by the United States in suppressing fires caused from the construction, operation, or maintenance of the project works or of the works appurtenant or accessory thereto under the license.

Article 23. The Licensee shall interpose no objection to, and shall in no way prevent, the use by the agency of the United States having jurisdiction over the lands of the United States affected, or by persons or corporations occupying lands of the United States under permit, of water for fire suppression from any stream, conduit, or body of water, natural or artificial, used by the Licensee in the operation of the project works covered by the license, or the use by said parties of water for sanitary and domestic purposes from any stream, conduit, or body of water, natural or artificial, used by the Licensee in the operation of the project works covered by the license.

Article 24. The Licensee shall be liable for injury to, or destruction of, any buildings, bridges, roads, trails, lands, or other property of the United States, occasioned by the construction, maintenance, or operation of the project works or of the works appurtenant or accessory thereto under the license. Arrangements to meet such liability, either by compensation for such injury or destruction, or by reconstruction or repair of damaged property, or otherwise, shall be made with the appropriate department or agency of the United States.

Article 25. The Licensee shall allow any agency of the United States, without charge, to construct or permit to be constructed on, through, and across those project lands which are lands of the United States such conduits, chutes, ditches, railroads, roads, trails, telephone and power lines, and other routes or means of transportation and communication as are not inconsistent with the enjoyment of said lands by the Licensee for the purposes of the license. This license shall not be construed as conferring upon the Licensee any right of use, occupancy, or enjoyment of the lands of the United States other than for the construction, operation, and maintenance of the project as stated in the license.

Article 26. In the construction and maintenance of the project, the location and standards of roads and trails on lands of the United States and other uses of lands of the United States, including the location and condition of quarries, borrow pits, and spoil disposal areas, shall be subject to the approval of the department or agency of the United States having supervision over the lands involved.

Article 27. The Licensee shall make provision, or shall bear the reasonable cost, as determined by the agency of the United States affected, of making provision for avoiding inductive interference between any project transmission line or other project facility constructed, operated, or maintained under the license, and any radio installation, telephone line, or other communication facility installed or constructed before or after construction of such project transmission line or other project facility and owned, operated, or used by such agency of the United States in administering the lands under its jurisdiction.

Article 28. The Licensee shall make use of the Commission's guidelines and other recognized guidelines for treatment of transmission line rights-of-way, and shall clear such portions of transmission line rights-of-way across lands of the United States as are designated by the officer of the United States in charge of the lands; shall keep the areas so designated clear of new growth, all refuse, and inflammable material to the satisfaction of such officer; shall trim all branches of trees in contact with or liable to contact the transmission lines; shall cut and remove all dead or leaning trees which might fall in contact with the transmission lines; and shall take such other precautions against fire as may be required by such officer. No fires for the burning of waste material shall be set except with the prior written consent of the officer of the United States in charge of the lands as to time and place.

Article 29. The Licensee shall cooperate with the United States in the disposal by the United States, under the Act of July 31, 1947, 61 Stat. 681, as amended (30 U.S.C. sec. 601, et seq.), of mineral and vegetative materials from lands of the United States occupied by the project or any part thereof: Provided, That such disposal has been authorized by the Commission and that it does not unreasonably interfere with the occupancy of such lands by the Licensee for the purposes of the license: Provided further, That in the event of disagreement, any question of unreasonable interference shall be determined by the Commission after notice and opportunity for hearing.

Article 30. If the Licensee shall cause or suffer essential project property to be removed or destroyed or to become unfit for use, without adequate replacement, or shall abandon or discontinue good faith operation of the project or refuse or neglect to comply with the terms of the license and the lawful orders of the Commission mailed to the record address of the Licensee or its agent, the Commission will deem it to be the intent of the Licensee to surrender the license. The Commission, after notice and opportunity for hearing, may require the Licensee to remove any or all structures, equipment and power lines within the project boundary and to take any such other action necessary to restore the project waters, lands, and facilities remaining within the project boundary to a condition satisfactory to the United States agency having jurisdiction over its lands or the Commission's authorized representative, as appropriate, or to provide for the continued operation and maintenance of nonpower facilities and fulfill such other obligations under the license as the Commission may prescribe. In addition, the Commission in its discretion, after notice and opportunity for hearing, may also agree to the surrender of the license when the Commission, for the reasons recited herein, deems it to be the intent of the Licensee to surrender the license.

Article 31. The right of the Licensee and of its successors and assigns to use or occupy waters over which the United States has jurisdiction, or lands of the United States under the license, for the purpose of maintaining the project works or otherwise, shall absolutely cease at the end of the license period, unless the Licensee has obtained a new license pursuant to the then existing laws and regulations, or an annual license under the terms and conditions of this license.

Article 32. The terms and conditions expressly set forth in the license shall not be construed as impairing any terms and conditions of the Federal Power Act which are not expressly set forth herein.

GPO 880-003

LICENSE,
APPEAL

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

31 FERC ¶61,017

Before Commissioners: Raymond J. O'Connor, Chairman;
Georgiana Sheldon, A. G. Sousa,
Oliver G. Richard III and Charles G. Stalon.

Utah Power & Light Company) Project No. 472-005

ORDER ON APPEAL

(Issued April 4, 1985)

Utah Power & Light Company (Licensee) has appealed the September 6, 1984, order of the Director, Office of Hydropower Licensing, amending its license 1/ for the Oneida Hydroelectric Project No. 472, located on the Bear River in Franklin County, Idaho. For the reasons discussed below, this appeal is granted in part.

Background

On July 31, 1984, the Licensee filed an application for amendment of its license for Project No. 472. The Director granted the amendment on September 6, 1984. This amendment added Article 41 governing project flows and required the Licensee to develop a plan for improving the existing road along the east side of the reservoir. This appeal followed.

The Licensee requests that Article 41 be modified and that the road the Licensee is required to maintain be more fully described. We will consider both of these requests below.

Discussion

I. Project Flows

The Licensee requests that Article 41 be amended to allow the Licensee to temporarily deviate from the prescribed maximum flow, when necessary, for runoff uncertainties, downstream irrigation requirements, and energy demands within the Licensee's system.

Article 41 should be amended in part. Under Article 41 the Licensee may deviate from the prescribed flow "if required by operating emergencies beyond the control of the Licensee, and for short periods upon mutual agreement between the Licensee and Idaho Department of Fish and Game." Deviations in energy demands within

1/ 28 FERC ¶ 62,331 (1984).

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the Licensee's system and runoff uncertainties would, by themselves, not constitute operating emergencies. The Licensee is expected to operate its system with sufficient flexibility to provide for short-term changes in energy demands, and should use this provision to deviate from the prescribed flows only during a valid emergency situation. Designating deviations in energy demands and runoff uncertainties as legitimate reasons to temporarily modify the maximum flow releases negotiated between the Licensee, the Idaho Department of Fish and Game, and the U.S. Fish and Wildlife Service, as requested by the Licensee, would make the limitation on maximum flow and the revised Article 41 unnecessary. The intent of a flow requirement is to provide assurance to the resource agencies and the resource users that, barring emergencies, specified flows will be provided. Accordingly, we will not modify Article 41 to include energy demand and runoff uncertainties as a basis for flow deviation. However, providing for downstream irrigation requirements is a legitimate reason 2/ for temporarily deviating from the prescribed maximum flow. Article 41 will be amended to allow the Licensee to temporarily deviate from the prescribed maximum flow to meet downstream irrigation requirements.

II. Other Considerations

The Licensee next arugues that the description of the road it is required to maintain is vague. The Licensee requests that the license be amended to make it clear that the Licensee is only required to maintain the portion of the road located within the project boundary, i.e., from the Oneida powerhouse to Maple Grove Springs.

We agree that the description of the road should be clarified and will amend the license as requested.

2/ Project No. 472 is one of 14 hydroelectric projects in the Bear River Basin. The 14 projects are operated subject to the provisions of the Bear River Compact an agreement entered into between the States of Idaho, Utah, and Wyoming which was consented to by Congress on March 17, 1958 (Public Law 85-348, 72 Stat. 38) and approved by the President. A major purpose of the Compact was to remove the causes of present and future controversy over the distribution and use of the waters of the Bear River and to provide for efficient use of waters for multiple purposes. The Compact specifically provides that the waters of Bear Lake shall constitute a reserve for irrigation, and that such water shall be used for power generation after release for irrigation, provided that such power use is not inconsistent with use of the waters for irrigation. Thus, the operation of hydroelectric projects along the Bear River must be coordinated to ensure maximum generation from a limited water supply.

The Commission orders:

(A) Article 41 is amended to read as follows:

Licensee shall discharge, from Oneida Dam to Bear Creek, flows not exceeding 500 cubic feet per second (cfs) from 6:00 a.m. to 9:00 a.m. and from 6:00 p.m. to 9:00 p.m. on weekends and holidays from Memorial Day weekend through the Labor Day weekend to maintain and enhance downstream fishery resources and limit flow fluctuations. These flows may be temporarily modified if required by downstream irrigation requirements, operating emergencies beyond the control of the Licensee, or for short periods upon mutual agreement between the Licensee and Idaho Department of Fish and Game (IDFG).

(B) Ordering paragraph (B) of the order amending the license shall be amended to read as follows:

Licensee shall, after consultation with IDFG, and within 6 months from the date of issuance of this order, file a plan and schedule for improving and maintaining the portion of the existing access road along the east side of the reservoir from the Oneida powerhouse to Maple Grove Springs in a condition suitable for passenger car use from mid-May through mid-September.

By the Commission.

(S E A L)

Kenneth F. Plumb

Kenneth F. Plumb,
Secretary.

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMMISSION

Utah Power and Light Company) Flow Fluctuations
Project No. 472-003

ORDER AMENDING LICENSE

(Issued September 6, 1984)

Utah Power and Light Company (Licensee) on July 31, 1984, filed a request for amendment 1/ of Article 41 of the license issued May 1, 1981, for the Oneida Hydroelectric Project, FERC No. 472. Article 41 requires Licensee to conduct a study to determine the extent to which flow fluctuations downstream of the Oneida Project may be reduced in order to maintain and enhance fishery resources in the Bear River, taking into account the primary purposes of the project.

Subject to runoff uncertainties, downstream irrigation requirements, and demands within Licensee's system, Licensee proposes to release not more than 500 cubic feet per second (cfs) during the prime fishing periods, defined as 6:00 a.m. to 9:00 a.m. and 6:00 p.m. to 9:00 p.m., weekends and holidays from Memorial Day to Labor Day, the highest priority days for minimizing flow fluctuations. Licensee also proposes in a letter to Mr. L. A. Mehrhoff, U.S. Fish and Wildlife Service (FWS), dated March 12, 1984, to maintain the existing road along Oneida Reservoir in order to provide better public access for fishing and other recreational uses in the project area.

The Idaho Department of Fish and Game (IDFG), in a letter to Licensee dated February 7, 1984, concurs with Licensee's proposals. IDFG also notes that better maintenance of the road along the east side of the lake would accommodate increased angling pressure

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1/ Authority to act on this matter is delegated to the Director, Office of Hydropower Licensing, under §375.314 of the Commission's regulations, 49 Fed. Reg. 29,369 (1984) (Errata issued July 27, 1984) (to be codified at 18 C.F.R. § 375.314). This order may be appealed to the Commission by any party within 30 days of its issuance pursuant to Rule 1902, 18 C.F.R. 385.1902, (1983). Filing an appeal and final Commission action on that appeal are prerequisites for filing an application for rehearing as provided in Section 313(a) of the Act. Filing an appeal does not operate as a stay of the effective date of this order or of any other date specified in this order, except as specifically directed by the Commission.

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expected due to the current walleye enhancement program at Oneida Reservior. IDFG requests that the road be maintained in a condition suitable for passenger cars from mid-May through mid-September.

The FWS, in a letter to licensee dated June 22, 1984, also concurs with Licensee's proposals.

The release of flows not exceeding 500 cfs during certain periods of the day on weekends and holidays during the fishing season would limit flow fluctuations and improve angler access to Bear River below the project. Improving the existing access road would also improve angler access to Oneida Reservoir. Irrigation needs from Memorial Day weekend to Labor Day weekend are generally high; thus, ensuring a minimum flow below the project is not an issue. Therefore, it is ordered herein that (a) flows not exceeding 500 cfs shall be released from Oneida Dam from 6:00 a.m. to 9:00 a.m. and from 6:00 p.m. to 9:00 p.m. on weekends and holidays from Memorial Day weekend to Labor Day weekend; and (b) the existing access road along the east side of Oneida Reservoir shall be upgraded and maintained in a condition suitable for passenger cars from mid-May through mid-September.

On the basis of the record, and Staff's independent analysis, implementation of the flow schedule and improvement of the access road described above would not constitute a major Federal action significantly affecting the quality of the human environment.

It is ordered that:

(A) Article 41 of the license for Project No. 472 is revised to read as follows:

Article 41. Licensee shall discharge from Oneida Dam to Bear Creek, flows not exceeding 500 cubic feet per second (cfs) from 6:00 a.m. to 9:00 a.m. and from 6:00 p.m. to 9:00 p.m. on weekends and holidays from Memorial Day weekend through Labor Day weekend to maintain and enhance downstream fishery resources and limit flow fluctuations. These flows may be temporarily modified if required by operating emergencies beyond the control of Licensee, and for short periods upon mutual agreement between the Licensee and Idaho Department of Fish and Game (IDFG).

(B) Licensee shall, after consultation with IDFG, and within 6 months from the date of issuance of this order, file a plan and schedule for improving and maintaining the existing access road along the east side of the reservoir in a condition suitable for passenger car use from mid-May through mid-September.

(C) This order is final unless a petition appealing it to the Commission is filed within 30 days from the date of its issuance, as provided in Section 1.7(d) of the Commission's regulations, 18 CFR 1.7(d)(1980).

Quentin A. Edson

Quentin A. Edson
Director, Office of
Hydropower Licensing

FPC Form 847

LICENSED PROJECT PROCEEDING

PROJECT NO. 472

Effective: 5/1/81

In the matter of: UTAH POWER AND LIGHT COMPANY

Period:
Permit:
License:

Expires: 6/30/00

Construction completed: **In operation**

Hearings

Project Location: On the Bear River, in Franklin County, Idaho

Oneida

ONEIDA PROJECT

Licensee-Transferee:		**Effective Date:**
Amendment No. 1	Instrument No. 2	8/15/83
Amendment No. 2	Instrument No. 3	9/6/84

Amendments:		
No. 1	Instrument No. 2	7/3/62
	Instrument No. 3	3/25/69
N E W L I C E N S E		5/1/81

Cost Determination:

	Cost $	as of	determined

Date	Docket Entries
1977	
Jan. 21	Filed Licensee's statement showing the gross amount of kilowatt-hours generated during the calendar year 1976.
Feb. 25	Letter sent to Licensee amending Article No. 18 and adding new Article 24 to license.
Feb. 25	Letter sent last above issued and served on parties of record.
May 11	Filed Licensee's Consultant's Third Safety Inspection Report.
1978	
Jan. 20	Filed Licensee's statement showing the gross amount of kilowatt-hours generated during the calendar year 1977.
1979	
Jan. 22	Filed Licensee's statement showing the gross amount of kilowatt hours generated during the calendar year 1978.
1980	
Jan. 24	Filed Licensee's statement showing the gross amount of kilowatt-hours generated during the calendar year 1979.
Apr. 10	Filed Licensee's Exhibit L (corrected) having sheets 1, 2, 3 and 4 filed in connection with the project herein.
Dec. 31	Filed Licensee's FERC Form 80 Licensed Hydropower Development Recreation Report.
1981	
Jan. 26	Filed Licensee's statement showing the gross amount of kilowatt hours generated during the calendar year 1980.
* May 1	Order issuing New License. (Major)
May 5	Filed Licensee's letter submitting aperture cards. (Sent to DHL)
Sept. 16	Filed Licensee's Revised Exhibit K, Sheets 1 and 2. (001)
1982	
Feb. 1	Filed Licensee's statement of the gross amount of kilowatt hours generated for th year 1981.
Feb. 2	Filed Licensee's report on conveyances made pursuant to Article 36 of the license.
1983	
Jan. 20	Filed Licensee's statement of gross generation for the calendar year 1982.
Feb. 14	Filed Licensee's revised Exhibit R and Exhibit K for approval. (002)
Apr. 13	Letter sent to Licensee rejecting Revised Exhibit K filed 9/16/81, 2/14/83 and Exhibit R drawings filed 2/14/83. (003) 001 002
Apr. 29	Filed Licensee's letter advising that they will be unable to meet the 5/1/83 deadline for constructing recreation facilities and submitting Revised Exhibits K and R.
May 10	Filed Licensee's Supplement to Part 12 Report.
July 27	Filed Licensee's FERC Form 80 Report.
Aug. 15	Order issued Amending License (Major) (003) (Designated Amendment No. 1 Instrument No. 2)
Sept. 21	Filed Licensee's Aperture Cards Exhibit K-1 & 2, Exhibit R-1, 2 and 3.
Nov. 4	Filed Letter on behalf of the Licensee submitting (1) two Photographs of recreational site n. 1 (2) a copy of the letter dated 9/21/83 from the Idaho Dept. of Parks & Recreation addressed to Mr. Jay Roundy and (3) a copy of a Letter from the National Park Service, U. S. Dept. of the Interior in compliance with Article 43 of the License.
1984	
July 6	Filed Licensee's report on conveyance of project land during 1983.

(Continued)

DOCKET NO. P-472

In the matter of: UTAH POWER & LIGHT COMPANY

Date:	DOCKET ENTRIES
1984	
July 31	Filed Licensee's letter submitting copy of report of consultation with the Idaho Fish & Game and the U.S. Fish and Wildlife Service regarding flow fluctuations downstream of the Oneida project dam. (004)
Aug. 24	Filed Licensee's Compliance with report filed last above.
Sept. 6	Order issued amending license. (003)(Designated Amendment No. 2, Instrument No. 3)
Oct. 9	Filed Licensee's Petition for Appeal of Staff action re flow fluctuations. (005)
Nov. 8	Notice issued of intent to act on Appeal. (005)
1985	
Jan. 17	Filed Licensee's letter advising that the on site preliminary investigation has been completed.
Jan. 18	Filed Licensee's statement of gross generation for the calendar year ended 12/31/84.
Jan. 28	Filed Licensee's conveyance report of project lands pursuant to Artilce 36 of the FERC License for Utah Power & Light Company's Oneida Project during 1984.
Mar. 18	Filed Licensee's report on the Oneida Hydroelectric Project penstock failure which occurred on 12/5/84.
Apr. 4	Order issued granting appeal filed 9/6/84. (005)
1986	
Jan.24	Filed Licensee's conveyance report during year of 1985.
Feb. 13	Filed Licensee's statement of gross generation for calendar year ended 12/31/85.
Aug. 8	Filed Licensee's compliance with FERC-587. (006)
Nov. 14	Filed Licensee's consultation correspondence with Idaho Dept. of Fish and Game approving the plan.
Dec. 9	Filed Licensee's submission of supplemental information.

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Docketed: 2/21/39
(DI)

(FP-138)

FEDERAL POWER COMMISSION

LICENSED PROJECTS

Docket No. PROJECT 472

In the matter of:

Utah Power & Light Company
Salt Lake City, Utah

Attorney:

M. O. Leighton, Agent
National Savings & Trust Building
Washington, D. C.

Location of project:

On Bear River, in Franklin County, Idaho.

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Licensee: Utah Power & Light Company Date: 6/1/27

Licensee-Transferee: Date:

License period: Approx. 43 years

Issued: 6/13/27

Expires: 6/30/70

Power capacity:

10,000 horsepower

Oneida

(For complete list of parties and attorneys, see other side)

DESCRIPTION OF PROJECT

The project, which is constructed, consists of a concrete dam about 100 feet high in Bear River, forming a reservoir with 11,500 acre-feet useful storage and a power house with three units, having a total capacity of 40,000 horsepower. The power house is located approximately one-half mile downstream and is connected to the reservoir by a 16-foot diameter steel pipe leading to a surge tank from which penstocks lead to the power house. The average static head available is 140 feet and the power capacity is 10,000 horsepower.

Oneida Proj.

Hearings:

Engineering matters: Supervision: G.S.

Construction commenced:

Construction completed:

Project placed in operation:

Amendments Amend No 1 Inst No 2 Issued 7/3/62

Inst. No. 3 3/25/69

Accounting matters:

P. A. R. filed March 25, 1932 served (

" " April 7, 1937 (as of 6/1/27) " April 7, 1937 (

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Act.Leg.Original Cost, and Net.Chang.therein $2,979,824.12 as of 12/31/36 determined Dec. 7, 1948.

Net Changes in Act.Leg.Orig. Cost $3,007,567.63 as of 12/31/48 determined July 18, 1950

Act.Leg.Orig.Cost $3,026,967.17 12/31/56 7/3/62

DATE	
1924	
Jan. 17	Filed application for license (major)
Jan. 17	Filed Exhibits J, K, (2 sheets) and L, (4 sheets), as part of application last above
Feb. 2	Notice served on Commissioner, General Land Office, reserving from entry, location, etc. 1,201 acres of land included in the project relative to application same as last above
Feb. 23	Filed report of Bureau of Reclamation, relative to application filed 1/17/24
May 2	Notice of application filed 1/17/24 served on: Governor of Idaho; County Board of Supervisors, Bannack County, Idaho; The Mayor, Preston, Idaho
May 3	Filed order for publication of notice of application in the "Tribune", Pocatello, Idaho
Jul. 12	Filed revised Exhibit K, as part of application filed 1/17/24
Sept.17	Filed proof of publication, pur. to Order of 5/3/24 in the Pocatello Tribune on May 8, 15, 22, 29 and June 5, 12, 19 and 26, 1924
1925	
Apr. 16	Filed Exhibit R as part of application file 1/17/24
1927	
Mar. 11	Filed amended Exhibit P to replace same exhibit filed with application of 1/17/24
May 24	Draft of license served on applicant for acceptance, pursuant to application filed 1/17/24
June 1	Filed opinion of Ch. Comm. dated 5/20/37 approved by Comm. (p. 161-1927 annual report
June 1	Commission authorized issuance of license for a period beginning 6/1/27 and ending 6/30/70, pursuant to application filed 1/17/24
June 1	Notice of order last above served on applicant.
June 1	Opinion filed 6/1/27 served on applicant.
June 10	License executed and accepted by applicant on 6/1/27 and filed, together with resolution of Board of Directors authorizing its acceptance

Docket No. PROJECT 472

DATE	
1927	
June 13	License issued and filed, pursuant to action of 6/1/27
June 16	Instrument last above served on licensee
1928	
Mar. 28	Filed licensee's Annual Report to Public Service Commission, Utah, for year 1926
1929	
Mar. 11	Orders No. 28, together with decision of counsel dated 12/20/28, served on licensee
Nov. 23	Accounting Bulletin No. 4 served on licensee (Reg. #596204)
Dec. 27	Filed affidavit of George B. Thomas, Vice President and Secretary, Utah Power & Light Company, pursuant to Article No. 14 of the license
1930	
Jan. 20	Filed affidavit of Walter C. Lang, Comptroller of Electric Bond and Share Company, pursuant to Article 14 of the license
1932	
Mar. 16	Filed Revised Claim of Actual Legitimate Cost of project as of 6/1/27, in amount of $3,278,469.97
Mar. 25	Filed Commission's Preliminary Accounting Report
Jul. 14	Filed order directing Solicitor to submit to Commission recommended procedure for disposition of disputed items in reports of Actual Legitimate Original Cost of project
Nov. 30	Copy of Annual Report for Class A Licensees, revised October, 1932, served on licensee
1933	
June 26	Filed stipulation by and between Commission's Solicitor and Counsel for licensee relative to costs of construction of project
1934	
Dec. 24	Filed licensee's reports on Basis for Determination of Net Investment for periods ending 12/31/29, 12/31/30, 12/31/31, 12/31/32 and 12/31/33
1936	
June --	Filed licensee's Annual Report to Federal Power Commission for year 1935
July 21	Filed order (1) disapproving stipulation filed 6/26/33; (2) requiring licensee to furnish additional information relative to Actual Legitimate Original Cost; and (3) that hearing be held without delay on determination of Actual Legitimate Original Cost
Jul. 29	Order last above served on: M. O. Leighton Simpson, Thacher & Bartlett (Reg. #443332)
Jul. 31	Filed proof of service of order same as last above on M. O. Leighton by J. R. Gamble on 7/30/36 (Reg. #443331)
1937	
Feb. --	Filed licensee's Annual Report to: Public Utilities Commission, Idaho Public Service Commission, Utah and to stockholders for year 1935
Apr. 7	Filed Engineering and Preliminary Accounting Report as of 6/1/27
Apr. 7	Report last above served on licensee
Apr. 13	Filed proof of service of Preliminary Accounting Report on licensee by Edward Miller on 4/10/37 (Reg. #443248)
May 7	Filed application on behalf of licensee for extension of time within which to file its protest against report served 4/7/37

DATE	
1937	
May 11	Filed order extending to 5/25/37 time for licensee to file protest, pursuant to application last above
May 12	Order last above served on licensee
May 14	Filed proof of service of order same as last above on licensee by M. O. Leighton by Chas. Walker on 5/13/37 (Reg. #443310)
May 17	Filed licensee's Annual Report to Federal Power Commission for year ended Dec 31, 193
May 21	Filed licensee's protest and exceptions to report, pursuant to order of 5/11/37
June 14	Filed licensee's Annual Report to Stockholders for year 1936
Dec. 23	Order No. 47 served on licensee
Dec. 30	Filed proof of service of Order last above on licensee by Job Bruce Holtly on 12/27/37 (Reg. #443993)
1938	
May 27	Order No. 50 served on licensee
June 3	Filed proof of service of Order last above on licensee by Job Bruce Holtly on 5/31/38 (Reg. #998027)
Aug. 22	License instrument served on Comptroller General
Oct. 10	Order No. 54 served on licensee
Oct. 17	Filed proof of service of Order last above on licensee by J. B. Holtly on 10/13/38 (Reg. #34425)
1941	
Apr. 29	Filed licensee's annual report to Federal Power Commission for year 1940 (Form No. 1)
Apr. 29	Filed licensee's annual report to Stockholders for year 1940
1948	
March 22	Filed Revised Statement of Actual Legitimate Original Cost of Project as of 12/31/36, together with proposed journal entry, Summary Statement and Summary Memorandum.
Dec. 7	Order entered determining actual legitimate original cost of project and net changes therein to reflect a total of $2,979,824.12 as of 12/31/36, and prescribing accounting therefor, and requiring licensee to submit executed copy of FPC Form No. 7 within 90 days from service of this order showing compliance therewith.
Dec. 9	Order last above, together with FPC Form No. 7, served on licensee. (R.12/11/48;S.12/10/48;#443985)
Dec. 10	Notice of order entered 12/7/48 sent to Federal Register for publication. (Pub: 12/16/48; Vol. 13, No. 244, p. 7789).
1949	
Mar. 4	Filed Statement of Actual Legitimate Original Cost of Construction of project as of 12/31/36, pursuant to order of 12/7/48.(FPC Form No.7)
Mar. 21	Filed Licensees Report of Claimed Increases and Decreases in Licensed Project Plant Accounts for period beginning 1/1/37 and ended 12/31/48. (FPC Form No. 8).
Apr. 11	Certified copy of order entered 12/7/48, together with certified copy of Statement of Actual Legitimate Original Cost, filed 3/4/49, sent to Secretary of the Treasury in accordance with provisions of Sec. 4(b) of the FPA.
1950	
April 4	Filed Licensee's Report of Claimed Increases and Decreases in Licensed Project Plant Accounts for period 1/1/49 to 12/31/49. (FPC Form No. 8).

DATE	PARTIES AND ATTORNEYS
1950	
July 18	Order entered waiving provisions of Sec. 4.4 and 4.5 of Rules for purposes of this determination; determining net changes in actual legitimate original cost of project to reflect a balance of $3,007,567.63 as of 12/31/48; prescribing accounting therefor, and requiring licensee to submit certified copies of journal entries with 90 days after issuance of this order.
July 20	Order last above served on licensee.
July 21	Notice of order entered 7/18/50 sent to Federal Register for publication. (Pub. 7/27/50; Vol. 15; No. 144; p. 4858)
Aug. 28	Filed licensee's certified copies of journal entries, pursuant to order of 7/18/50.
Oct. 2	Certified copy of order entered 7/18/50, sent to Secretary of the Treasury in compliance with Sec. 4(b) of the FPA.
1951	
April 6	Filed Licensee's Report of Claimed Increases and Decreases in Licensed Project Plant Accounts for period 1/1/50 to 12/31/50. (FPC Form No. 8)
1952	
April 3	Filed Licensee's Report of Claimed Increases and Decreases in Licensed Project Plant Accounts for period 1/1/51 to 12/31/51.(FPC Form No. 8)
1953	
Mar. 23	Filed Licensee's Report of Claimed Increases and Decreases in Licensed Project Plant Accounts for period 1/1/52 to 12/31/52. (FPC Form No. 8)
1954	
Mar. 25	Filed Licensee's Report of Claimed Increases and Decreases in Licensed Project Plant Accounts for period 1/1/53 to 12/31/53. (FPC Form No. 8)
1955	
Mar. 28	Filed Licensee's Report of Claimed Increases and Decreases in Licensed Project Plant Accounts for period 1/1/54 to 12/31/54.(FPC Form No. 8)
1956	
Apr. 2	Filed Licensee's Report of Claimed Increases and Decreases in Licensed Project Plant Accounts for period 1/1/55 to 12/31/55.(FPC Form No. 8)
1957	
Mar. 29	Filed Licensee's Report of Claimed Increases and Decreases in Licensed Project Plant Accounts for year 1956. (FPC Form No. 8)
1958	
Apr. 3	Filed Licensee's Report of Claimed Increases and Decreases in Licensed Project Plant Accounts for 1957 (FPC Form No. 8).
Aug. 18	Filed Licensee's Statement of Accrued Depreciation of Project Property as of 6/1/27.
1959	
Apr. 6	Filed Licensee's Report of Claimed Increases and Decreases in Licensed Project Plant Accounts for year 1958. (FPC Form No. 8)
1960	
	Filed Licensee's Report of Claimed Increases and Decreases in Licensed Project Plant Accounts for period 1/1/59 to 12/31/59 (FPC Form No. 8).
1961	
Apr. 3	Filed Licensee's Report of Claimed Increases and Decreases in Licensed Project Plant Accounts for period 1/1/60 to 12/31/60. (FPC Form No. 8)

FEDERAL POWER COMMISSION

In the matter of:

Utah Power and Light Company

PROJECT [redacted] No. 472

Sheet No. 2

DATE	
1961	
Apr. 24	Filed Licensee's application for amendment of license pertaining to Article 18 (re amortization reserves).
June 12	Order issued amending license, pursuant to application last above. (designated Amendment No. 1, Instrument No. 2)
June 26	Amendment No. 1, Instrument No. 2 executed and accepted by licensee on 6/21/61 and, filed, together with resolution of Board of Directors authorizing such acceptance.
July 18	Letter sent to Licensee advising that order of 6/12/61 has been properly executed.
Dec. 19	Letter sent to Idaho Public Utilities Commission and Utah Public Service Commission requesting views and comments relative to Staff's recommendations on actual legitimate original cost.
1962	
Jan. 5	Filed comment of Idaho Public Utilities Commission.
July 3	Order issued determining net changes in actual legitimate original project costs; accumulated provisions for depreciation; accumulated provisions for amortization of limited-term electric plant; and prescribing accounting therefor.
Sept. 5	Certified copy of amendment no. 1, Instrument no. 2 sent to Comptroller General.
Sept. 4	Letter sent to Secretary of Treasury transmitting copy of order of 7/3/62 in compliance with Sec. 4(b) of FPA.
1963	
July 8	Order issued determining and directing establishment and maintenance of amortization reserves.
1965	
Jan. 21	Filed licensee's statement of gross generation of energy for calendar year 1964.
Apr. 13	Letter sent to Licensee determining actual legitimate original cost of project plant as of 12/31/63.
Aug. 16	Letter sent to Licensee enclosing copy of statutory provisions and the Commission's regulations relating to recapture or relicensing of licensed projects, requesting supplemental information pursuant to Sec. 2.6 not later than 6/30/66.
Aug. 16	Letter sent to Secretary of the Interior requesting comments and recommendations regarding recapture of project no later than 6/30/66 and enclosing Exhibit J and L drawings.
Sept. 10	Notice of expiration of License on 6/30/70, issued. (Pub: 9/16/65: 30 FR 11685)
1966	
Jan. 24	Filed Licensee's statement of gross generation of energy for calendar year 1965.
Jun. 21	Filed Licensee's supplemental information, pursuant to request sent 8/16/65.
July 27	Filed letter [illegible] Chief of Engineers, submitting comments, pursuant to letter sent 8/16/65.
1965	
Dec. 16	Letters sent to the following, requesting comments and recommendations regarding recapture of project no later than 6/30/66: Chief of Engineers Secretary of Health, Education and Welfare Secretary of Agriculture
Aug. 8	Filed letter from Secretary of Interior submitting comments, pursuant to letter sent 8/16/65.(Power)
1967	
Jan. 18	Filed Licensee's statement of gross kilowatt hours generated for calendar year 1966.
Jan. 27	Filed Licensee's letter requesting extension of time to 6/1/67, in which to complete and submit the report required on the Oneida Project No. 472-Idaho in accord with Order No. 315.
Feb. 1	Letter sent to Licensee granting extension of time to and including 6/1/67 pursuant to request filed last above.

DATE	
1967	
Mar. 13	Filed letter from Department of Agriculture commenting regarding recapture of license.
Mar. 23	Letter sent to Licensee enclosing copy of letter from Department of Agriculture filed last above.
Apr. 13	Letter sent to Governor of Idaho requesting comment within 60 days regarding recapture or relicensing of project.
May 31	Filed licensee's safety inspection report, pursuant to order No. 315.
May 31	Filed letter from Governor of State of Idaho requesting an extension of time of (60) days from 6/13/67 to respond to letter of 4/13/67.
June 8	Letter sent to Governor of State of Idaho granting extension of time to 8/13/67, pursuant to request last above.
July 25	Notice of Expiration of License sent to Federal Register. (Pub: 7/29/67; 32 FR 11096)
Aug. 1	Notice of Expiration of License, issued 7/25/67, served on licensees, State Commissions, Federal Agencies and State Conservations Agencies.
Aug. 4	Letter sent to Water Resources Council requesting recommendations concerning recapture or relicensing of project.
1968	
Jan. 19	Filed licensee's statement showing gross kilowatt hours generated for calendar year 1967.
Feb. 12	Filed letter from licensee listing certain changes to be made in FPC Form 80.
1969	
Jan. 13	Filed Licensee's statement showing the gross kilowatt hours generated for the calendar year 1968.
Jan. 22	Filed Licensee's letter submitting revised Exhibit L for approval.
Mar. 25	Order issued approving revised Exhibit L drawing filed last above, and deleting superseded Exhibit L. (Designated Instrument No. 3)
Mar. 27	Erratum Notice issued correcting order issued last above.
June 5	Filed Licensee's Application for renewal of license for a period of fifty (50) years, together with Exhibits: J, K, & L. (Tracings received)
March 19	Filed Licensee's FPC Form 80, Licensed Project Recreation Report of License. (Power)
July 30	Notice of Expiration sent to Federal Register. (Pub: 8/9/69; 34 FR 12976)
1970	
Jan. 15	Filed Licensee's Statement showing the gross amount of kilowatt hours generated during the year 1969.
Feb. 27	Filed Licensee's supplement to application for renewal of license filed 6/5/69.
July 23	Notice of annual license for the period 6/30/70 to 6/30/71, issued. (Pub: 7/31/70; 35 FR 12201)
Aug. 25	Letter sent to Licensee requesting additional information on environmental matters within 30 days hereof.
Oct. 7	Filed Licensee's amendment to application for renewal of license togetherwith Exhibit U.
1971	
Jan. 19	Filed Licensee's Statement showing the gross amount of kilowatt hours generated during the calendar year 1970.
Jan. 20	Filed Licensee's Exhibit R for approval. (Tracings received) (Power)
Feb.	Letters (9) sent to the following requesting comments on relicensing of project within 60 days: Secretary of Health, Education, and Welfare Department of Agriculture Acting Secretary of the Interior Department of the Army Idaho Department of Parks Idaho Public Utilities Commission
Feb. 10	Notice of Application for new license filed 6/5/69, issued. (Due Date: 3/30/71) (Pub: 2-18-71; 36 FR 3137)
Feb. 24	Advertising Order sent to The Citizen, Preston, Idaho for publication of notice of application last above.

PROJECT
No. 472

DATE	
1971	
Mar. 12	Filed protest by Attorney General, State of Wyoming,(OGC)
Apr. 1	Filed letter of comment from Department of Health, Education and Welfare, pursuant to letter sent 2/8/71. (Power)
*Mar. 29	Filed Motion for intervention and petition for leave to intervene of the State of Idaho.
Apr. 9	Filed letter of comment on behalf of Department of Agriculture, pursuant to request filed 2/8/71. (Power)
Apr. 13	Filed letter of comment of Department of the Army, pursuant to request filed 2/8/71. (Power)
June 29	Filed Licensee's Environmental Impact Statement as a supplement to its pending application.
Aug. 13	Notice of Annual License issued for the period 7/1/71 to 6/30/72. (Pub: 8/19/71: 36 FR 16187)
Aug. 18	Letter sent to Licensee requesting supplemental information on environmental statement.
Oct. 4	Filed Licensee's letter submitting additional information concerning the environmental impact statement submitted 6/29/71, pursuant to request last above.
* Sept. 23	Filed Licensee's FPC Form 80 Recreation Report No. 3.
Nov. 3	Filed letter of comment of the Department of the Interior, pursuant to letter sent 2/8/71. (Power)
Dec. 21	Filed Licensee's Exhibit P and Exhibit Q as a supplement to application.
1972	
Jan. 17	Filed Licensee's Statement showing the gross amount of kilowatt hours generated during the calendar year 1971.
Apr. 21	Order issued granting intervention of Idaho Water Resources Board of the State of Idaho filed 3/29/71.
Apr. 28	Filed Licensee's safety inspection report, pursuant to Order No.315.
June 9	Filed on behalf of Licensee a letter dated 5/30/72 and signed by Robert B. Porter which expresses its position relating to the allegations and recommendations of the Idaho Water Resources Board as contained in its petition to intervene filed 3/26/71.
June 22	Notice of Issuance of Annual License issued for the period 7/1/72 to 6/30/73. (Pub: 6/28/72: 37FR12871)
July 19	Notice of Availability of Environmental Statement for Inspection sent to the Federal Register.
*July 20	(Due Date: 8/28/72) (Pub: 7/26/72: 37FR14903)
Aug. 9	Filed letter of comment from Department of Health, Education and Welfare, pursuant to letter sent 7/20/72.
July 20	Letters (18) sent to the following enclosing Draft Environmental Statement for comments within 45 days: Council on Environmental Quality, Washington, D. C. Department of Commerce Department of the Army Secretary of Health, Education and Welfare Department of Agriculture Secretary of the Interior Environmental Protection Agency, Seattle, Washington Department of Transportation Fish and Game Department, Boise, Idaho Department of Water Administration, Boise, Idaho Department of Parks, Boise, Idaho Department of Health, Boise, Idaho State of Idaho Water Resource Board Idaho Public Utilities Commission Franklin County Board of Commissioners The Mayor, Preston, Idaho The Mayor, Pocatello, Idaho The Mayor, Logan, Utah
Aug. 28	Filed letter of comment from Idaho Fish and Game Department, pursuant to letter sent last above.
Aug. 29	Filed letter of comment from Department of the Army, pursuant to letter sent 7/20/72.

DATE	
1972	
Sept. 5	Filed letter of comment from Department of Water Administration , State of Idaho, pursuant to letter sent 7/20/72.
Sept. 5	Filed letter of comment from Idaho Water Resources Board, pursuant to letter sent 7/20/72.
Sept. 11	Filed letter of comment from U. S. Environmental Protection Agency Region X, Seattle, Washington, pursuant to letter sent 7/20/72.
Sept. 18	Filed letter of comment from the U. S. Department of Agriculture, pursuant to letter sent 7/20/72.
Sept. 21	Letter sent to Licensee requesting a state water quality certificate within 60 days.
Oct. 27	Filed letter of comment of the U.S. Department of the Interior, pursuant to letter sent 7/20/72.
Nov. 13	Letter sent to Licensee enclosing copies of comments from the following Agencies for response within 30 days hereof. Department of Health, Education, and Welfare Department of Interior Corps of Engineers Chief of Forest Service Environmental Protection Agency Idaho Water Resources Board Idaho-Department of Water Administration Idaho-Fish and Game Department
Dec. 20	Filed Licensee's letter advising that they will not be able to respond to letter sent last above prior to mid-January 1973.
1973	
Jan. 8	Letter sent to Licensee extending time to and including 1/15/73, within which to file its response to letters from agencies commenting on the application, pursuant to request filed last above.
Jan. 15	Filed letter from licensee submitting a State Water Quality Certificate pursuant to letter sent 9/21/72. (Power)
Jan. 22	Filed Licensee's statement showing the gross amount of kilowatt hours generated during the year 1972.
Jan. 26	Filed Licensee's letter commenting on various State and Federal Agencies letter of comments, pursuant to letter sent 11/13/72. (Pwr.)
June 21	Notice of Issuance of Annual License for the period 7/1/73 to 6/30/74. (Pub:
Sept. 24	Filed Licensee's FPC Form 80, Licensed Projects Recreation Report. No. 4.
1974	
Jan. 22	Filed Licensee's statement showing the gross amount of kilowatt hours generated during the calendar year 1973.
June 5	Notice of Issuance of Annual License for the period 7/1/74 to 6/30/75. (Pub: 6/10/74: 39FR 20976)
Dec. 2	Filed Licensee's Operation Report for the Oneida Plant.
1975	
Jan. 23	Filed Licensee's statement showing the gross amount of kilowatt-hours generated during the calendar year 1974.
June 11	Notice of Issuance of Annual License for the period 7/1/75 to 6/30/76. (Pub:6/18/75: 40 FR 25721)
Oct. 20	Filed Licensee's FPC Form 80, Licensed Projects Recreation Report No. 5.
1976	
Feb. 13	Filed Licensee's statement showing the gross amount of kilowatt-hours generated during the calendar year 1975.
June 30	Notice of Issuance of Annual License for the period 7/1/76 to 6/3-/77. (Pub: 7/8/76: 41FR 28039)
Dec. 30	Filed Licensee's letter requesting to obtain the specified reasonable rate of return as specified in Order No. 550.
1977	
Jan. 21	Filed Licensee's statement showing the gross amount of kilowatt-hours generated during the calendar year 1976.
Feb. 25	Letter sent to Licensee amending Article No. 18 by adding New Article 24.
Feb. 25	Commission letter sent last above issued and served on parties of

FEDERAL POWER COMMISSION

In the matter of: Utah Power and Light Company

DATE		DATE	
1977 May 11	Filed Licensee's Consultant's Third Safety Inspection Report.		
1978 Jan. 20	Filed Licensee's statement showing the gross amount of kilowatt-hours generated during the calendar year 1977.		

Small Docket sheet prepared!!

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FP-135

THE FEDERAL POWER COMMISSION.

LICENSE ON GOVERNMENT LANDS.

Project No. 472
IDAHO
UTAH POWER & LIGHT COMPANY
(OXBOW PROJECT, SNAKE RIVER)

WHEREAS, by Act of Congress, approved June 10, 1920 (41 Stat., 1063) designated therein as "The Federal Water Power Act" and hereinafter called "the Act," the Federal Power Commission, hereinafter called "the Commission," is authorized and empowered, inter alia, to issue licenses for the purpose of constructing, operating, and maintaining dams, water conduits, reservoirs, power houses, transmission lines, or other project works necessary or convenient for the development, transmission and utilization of power across, along, from or in any of the navigable waters of the United States, or upon any part of the public lands and reservations of the United States (including the Territories), or for the purpose of utilizing the surplus water or water power from any Government dam; and

WHEREAS, Utah Power & Light Company hereinafter called "the Licensee," a corporation organized and existing under the laws of the State of Maine and having its office and principal place of business in the city of Salt Lake City in the State of Utah has

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made application in due and proper form to the Commission for a license for a power project designated as Project No. 472 on the records of the Commission, and for authority to construct, maintain and operate, at on Bear River, in the vicinity of Preston, in the County of Franklin State of Idaho certain project works, as hereinafter described, necessary or convenient for the development, transmission and utilization of power, and to occupy and use therefor certain lands of the United States, as hereinafter described together with all riparian rights appurtenant thereto which are necessary or useful for the purposes of the project; and

WHEREAS, the Licensee has submitted to the Commission satisfactory evidence of its compliance with the laws of the State of Idaho as required by Section 9, subsection (b) of the Act, ~~and the Commission is satisfied as to the ability of the Licensee to carry out the plans for said project as filed with said application;~~ and

WHEREAS, notice of said application has been given and published by the Commission, as required by Section 4 of the Act; full opportunity has been given to all interested parties to be heard, and no application for said project, or in conflict therewith, has been filed by any State or municipality; and

WHEREAS, the maps, plans and specifications of said project and of said project works, as hereinafter described, have been approved by the Commission, and the Commission has found that said project, as hereinafter described, will be best adapted to a comprehensive scheme of improvement and utilization for the purposes of water-power development and of other beneficial public uses, and that the license will not interfere or be inconsistent with the purpose for which any reservation affected thereby was created or acquired; and

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WHEREAS, the Licensee, on the first day of June, 1927, pursuant to an authorization of its board of directors, a copy of the record thereof being hereto attached, accepted in writing all the terms and conditions of the Act and of this license;

NOW, THEREFORE, the Commission hereby issues this license to the Licensee for the purpose of constructing, operating and maintaining upon the lands of the United States hereinafter designated and described, certain project works necessary or convenient for the development, transmission and utilization of power and constituting a part of the project hereinafter described, and of authorizing in connection with and as a part of said project the occupancy and/or use by the Licensee of said lands of the United States and of all riparian rights appurtenant thereto which are necessary or useful for the purposes of the project; said license, including the period thereof, being subject to all the terms and conditions of the Act and of the rules and regulations of the Commission pursuant thereto as amended and made effective on the 1st day of April, 1926, as though fully set forth herein, which said rules and regulations are attached hereto and made a part hereof, and being subject also to the following express conditions and limitations, to wit:

Article 1. This license is issued for a period effective on June 1, 1927, and terminating June 30, 1980 ~~years from the date hereof~~, and in consideration of such license and the benefits and advantages accruing thereunder to the Licensee it is expressly agreed by the Licensee that the entire project, project area and project works as hereinafter designated and described, whether or not upon lands of the United States, shall be subject to all the terms and conditions of this license, including the terms and conditions of the Act and of the rules and regulations of the Commission pursuant thereto and made a part of this license.

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Article 2. The project covered by and subject to this license is located on Bear River, Franklin County, Idaho, and consists of—

A. All lands constituting the project area and inclosed, or the location of which is shown, by the project boundary, and/or interests in such lands necessary or useful for the purposes of the project, whether such lands or interests therein are owned or held by the Licensee or by the United States; such project area and project boundary being more fully shown and described by certain exhibits which accompanied said application for license and which are designated and described as follows:

Exhibit G: Field notes of the project boundary, signed by S. R. Inch, Vice-President and General Manager, and received in the office of the Federal Power Commission January 16, 1924.

Exhibit H: Statement of the nature, extent and ownership of lands signed by S. R. Inch, Vice-President and General Manager, and received in the office of the Federal Power Commission January 17, 1924.

Exhibit K: Detail map of Oneida project of Utah Power & Light Company, showing project boundary, contour and water elevations of reservoir, [illegible], in two sheets, signed by S. R. Inch, Vice-President and General Manager, and received in the office of the Federal Power Commission July 13, 1924.

Exhibit L: General design drawings of Oneida project of Utah Power & Light Company, showing plans and elevations of power house, in four sheets, signed by S. R. Inch, Vice-President and General Manager, and received in the office of the Federal Power Commission January 17, 1924.

Exhibit M: Inventory and original cost as of January 1, 1924, of Oneida Hydroelectric Plant, signed by R. G. Gross, Vice-President and General Manager, and received in the office of the Federal Power Commission April 14, 1924.

B. All water rights, reference to which is made in a certain exhibit which accompanied said application for license and which is designated and described as follows:

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Exhibit E: State of the nature, extent and ownership of water rights, signed by S. R. Inch, Vice-President and General Manager, and received in the office of the Federal Power Commission January 17, 1926.

8. All project works consisting of a concrete gravity diversion and storage dam, creating a reservoir with a capacity of 11,000 acre feet, a 16 foot steel pipe line about one-half mile long leading to a steel surge tank adjacent to the power house, steel penstocks leading to the power house, a reinforced concrete power house and transmission lines leading to substation in the interconnected transmission system of the Licensee located close to the power house, the location, nature, and character of which project works are more fully shown and described by certain exhibits which accompanied said application for license and which are designated and described as follows:

Exhibit G: Field notes of the project boundary, signed by S. R. Inch, Vice-President and General Manager, and received in the office of the Federal Power Commission January 16, 1926.

Exhibit K: Detail map of Oneida project of Utah Power & Light Company, showing project boundary, contour and water elevations of reservoir, [redacted], in two sheets, signed by S. R. Inch, Vice-President and General Manager, and received in the office of the Federal Power Commission July 12, 1926.

Exhibit L: General design drawings of Oneida project of Utah Power & Light Company, showing plans and elevations of power house, in four sheets, signed by S. R. Inch, Vice-President and General Manager, and received in the office of the Federal Power Commission January 27, 1926.

Exhibit M: General description and general specifications of mechanical, electrical and transmission equipment, signed by S. R. Inch, Vice-President and General Manager, and received in the office of the Federal Power Commission January 27, 1926.

Exhibit N: Inventory and original cost as of January 1, 1926, of Oneida Hydroelectric Plant, signed by R. S. Brown, Vice-President and General Manager, and received in the office of the Federal Power Commission April 16, 1926.

D. All other structures, fixtures, equipment, or facilities used or useful in the maintenance and operation of the project, whether owned by the Licensee or by the United States, and located upon the project area, including such portable property as may be used and useful in connection with the project or any part thereof, whether located on or off the project area, if and to the extent that the inclusion of such property as a part of the project works is approved or acquiesced in by the Commission; also all other rights, easements, or interests, including said riparian rights, the ownership, use, occupancy or possession of which is necessary or appropriate in the maintenance and operation of the project or appurtenant to the project area.

Article 3. The maps, plans, specifications, and statements designated and described in Article 2 hereof as Exhibits K, L and M respectively, and approved by the Executive Secretary for the Commission in accordance with its authorization of June 1, 1927, are hereby made a part of this license, and no substantial change shall hereafter be made in said exhibits, or any of them, until such change shall have been approved by the Commission: Provided, however, that if the Licensee deems it necessary or desirable that said approved maps, plans, specifications and statements, or any of them, be changed there shall be submitted to the Commission for approval amended, supplemental, or additional maps, plans, specifications and statements covering the proposed changes, and upon approval by the Commission of such proposed changes such amended, supplemental or additional maps, plans, specifications and statements shall become a part of this license and shall supersede, in whole or in part, such map, plan, specification, or statement, or part thereof, theretofore made a part of this license as may be specified, respectively, in the order or endorsement of approval.

Article 4. Except when emergency shall require for the protection of navigation, life, health, or property, no substantial alteration or addition not in conformity with the approved plans shall be made to any dam or other project works constructed under this license without the prior approval of the Commission; and any emergency alteration or addition so made shall thereafter be subject to such modification and change as the Commission shall direct.

Article 5. For the purpose of determining the stage and flow of the stream or streams from which water is to be diverted for the operation of said project works and of the amount of water held in and drawn from storage, the Licensee shall install and maintain a standard gage and stream gaging station on Bear River below the tailrace of the Oneida power plant and, if the Commission shall require, a standard gage on the storage reservoir and

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shall provide for the required readings of such gages and for the adequate rating of said station or stations. The Licensee shall also install and maintain standard meters adequate for the determination of the amount of electric energy generated by said project works. The number, character, and location of gages, meters or other measuring devices, and the method of operation thereof may be altered from time to time if necessary to secure adequate determinations, but such alteration shall not be made except with the approval of the Commission or its authorized representative or upon the specific direction of the Commission. The installation of gages, the ratings of said stream or streams, and the determination of the flow thereof, shall be under the supervision of the District Engineer, United States Geological Survey ——————————————————————having charge of stream gaging operations in the region of said project, and the Licensee shall reimburse the said United States Geological Survey for costs incurred in such supervision or for such part thereof as said District Engineer may deem equitable in the circumstances. The Licensee shall keep accurate and sufficient record of the foregoing determinations to the satisfaction of the Commission, shall make return of such records annually, at such time and in such form as the Commission may prescribe.

Article 6. The Licensee shall be liable for all damages occasioned to the property of others by the construction, maintenance or operation of said project works, or of the works appurtenant or accessory thereto, and in no event shall the United States be liable therefor.

Article 7. The Licensee shall be liable for injury to, or destruction of, any buildings, bridges, roads, trails, lands, or other property of the United States, occasioned by the construction, maintenance, or operation of the project works or of the works appurtenant or accessory thereto constructed under the license. Arrangements to meet such liability, either by compensation for such injury or destruction, reconstruction or repair of damaged property, or otherwise, shall be made with the appropriate department or agency of the United States.

~~Article 8. Timber upon lands of the United States, to be used or destroyed in the construction of the project works, shall be paid for in accordance with the requirements and estimates of the department concerned.~~

Unless already in place

Article 8. In the construction and maintenance of the project works herein specified, the Licensee shall place and maintain suitable structures to reduce to a reasonable degree the liability of contact between its transmission lines and telegraph, telephone and other signal wires or power transmission lines not owned by the Licensee, and shall also place and maintain suitable structures and devices to reduce to a reasonable degree the liability of any structures or wires falling and obstructing traffic and endangering life on highways, streets, or railroads.

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Article 9. Unless it has already been so done, the Licensee shall, before placing into operation any transmission line covered by this license, make provision satisfactory to the Commission for avoiding inductive interference between such transmission line and any existing telephone line or lines of the United States, or with any such line or lines for which location has been made and specifications prepared but upon which construction has not begun at the time of erection of said transmission line. Such provisions may be applied either to the transmission line or to the telephone line or to both, as may be determined upon the basis of least cost. The Licensee hereby agrees to assent to such changes in the location or design of any of its transmission lines as may in the opinion of the Commission be necessary or desirable in order to avoid inductive interference with any telephone line or lines of the United States hereafter constructed or proposed to be constructed, provided such changes are made at the expense of the United States.

Article 10. The Licensee shall clear and keep clear to an adequate width lands of the United States along open conduits and along transmission lines, and shall dispose to the satisfaction of said representative of the Commission of all temporary structures, brush, refuse or unused timber on lands of the United States resulting from the clearing of lands or from the construction and maintenance of said project works.

Article 11. The Licensee will interpose no objections to, and will in no way prevent the use of water for domestic purposes by persons or corporations occupying lands of the United States under permit along or near any stream or body of water, natural or artificial, used by the Licensee in the operation of the project works covered by this license.

Article 12. The Licensee shall allow officers and employees of the United States free and unrestricted access in, through and across the said project and project works in the performance of their official duties, and shall allow the Forest Service, without charge, to construct or permit to be constructed in, through and across the said project, railroads, chutes, roads, trails, conduits, and other means of transportation not inconsistent with the enjoyment of said project by the Licensee for the purposes herein set forth.

Article 13. The Licensee shall do everything reasonably within its power and shall require its employees, contractors, and employees of contractors to do everything reasonably within their power, both independently and upon request of officers of the Forest Service, or other agents of the United States, to prevent and suppress fires on or near the lands to be occupied under this license.

Article 14. It is hereby mutually understood and agreed as a condition of this license that the amounts to be set up in the final capital accounts for said project as of the date when this license becomes effective as representing the actual, legitimate investment of the Licensee therein as of said date shall be the actual, legitimate cost of construction or acquisition of said project and the prices paid for water rights, rights of way, lands, or interest in lands, in so far as said costs and prices can be ascertained from available records, and where no records of actual costs or prices are available they shall be estimated; that there shall be set up in a depreciation reserve account for said project as of said date a credit amount representing the estimated accrued depreciation on the project property subject to this license, it being understood that depreciation and the property subject thereto shall be as defined in regulation 16 of said rules and regulations of the Commission; and that the amounts to be so set up in said final capital accounts and in said depreciation reserve account shall be such as may be required by lawful order of the Commission after and in pursuance of a finding or findings with respect to the aforesaid actual or estimated costs or prices of properties or of items or units thereof made in accordance with the provisions of the Act and of the regulations established thereunder. It is further understood and agreed that the Licensee shall present to the Commission for its consideration such available documentary or other evidence or statements or exhibits as the Commission may require, together with such additional evidence, if any, as the Licensee may consider relevant to the determination of such actual or estimated costs or prices of or the amounts to be set up in said depreciation reserve account.

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Article 15. Upon the completion of the construction of said project or of each of the separable parts thereof for which dates of completion are specified in Article 14 hereof, or of any addition to or betterment of said project, the Licensee shall file with the Commission a statement under oath in duplicate showing the actual legitimate cost of construction thereof and the price paid for water rights, lands, or interest in lands appurtenant to such construction as required by Regulation 29, Section 2, of said rules and regulations of the Commission. Any such statement shall include all proper and legitimate costs, whether incurred prior to issuance of license or on and after such date; and the Licensee shall, if requested by the Commission, show separately on any such statement, or on a special report or reports, the items and amounts of cost incurred prior to date of issuance of license, with such other details as the Commission may require. Each and every item of cost included in any such statement shall be supported by proper voucher or other evidence; and any such voucher or evidence or certified copy thereof, in support of any item properly includible in said cost shall become a part of the permanent records of said project and shall be kept and retained by the Licensee in the manner required by the Commission. Any statement or report submitted to the Commission under the provisions of this article shall be subject to the provisions of Section 6 of said Regulation 20.

Article 16. Whenever the Licensee is directly benefited by the construction work of another licensee, a permittee, or of the United States of a storage reservoir or other headwater improvement, the Licensee shall reimburse the owner of such reservoir or other improvement for such part of the annual charges for interest, maintenance and depreciation thereon as the Commission may deem equitable. The proportion of such charges to be paid by the Licensee shall be determined from time to time by the Commission. Whenever such reservoir or other improvement is constructed by the United States the Licensee shall pay similar charges into the Treasury of the United States upon bills rendered by the Commission.

Article 17. The Licensee shall pay to the United States reasonable annual charges for the purpose of reimbursing the United States for the costs of the administration of the Act and for recompensing it for the use, occupancy and enjoyment of its lands or other property hereinbefore described. The payment by the Licensee of such annual charges for any calendar year shall be made to the United States at the end of the year, or within thirty days thereafter, upon bills rendered or approved by the Commission. Such charges shall be determined in accordance with the provisions of Regulation 14 of said rules and regulations of the Commission, and for the purposes of such determination the power capacity upon which shall be based the charges for reimbursing the United States for the costs of administration of the Act and for recompensing it for the use, occupancy and enjoyment of lands of the United States, shall, subject to the provisions of section 3 of regulation 14, be taken as [illegible] horsepower.

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Article 18. After the first twenty years of operation of said project under this license, out of surplus earned thereafter, if any, accumulated in excess of a specified reasonable rate of return upon the actual, legitimate investment of the Licensee in said project, all as defined in and determined by the provisions of regulation 17 of said rules and regulations of the Commission, the Licensee shall establish and maintain amortization reserves, which reserves shall, in the discretion of the Commission, be held until the termination of the license or be applied from time to time in reduction of the net investment. Such specified rate of return shall, subject to the proviso of paragraph A, section 3 of said regulation, be one and one-half (1½) times the weighted average annual interest rate payable on the par value of the bona fide interest-bearing debt of the Licensee actually outstanding, in whole or in part, on account of project property at the beginning of the period of amortization and of each calendar year thereafter; such weighted average annual interest rate being determined as provided in paragraphs B and C of section 3 of said regulation 17: Provided, That, if at the beginning of the period of amortization or of any calendar year thereafter, the outstanding interest-bearing debt of the Licensee on account of the project or projects under license, together with any other works or property operated in connection therewith, is less than 25 per cent of the actual, legitimate investment of the Licensee in said project or projects, then and in such event for the calendar year next following the specified rate of return shall be two (2) times the legal rate of interest in the State in which the project or major part thereof is located.

Subject to the provisions of section 6 of said regulation, the following proportions of such surplus earnings shall be paid into and held in such amortization reserves: Of all surplus earnings up to and including 2 per cent upon the actual, legitimate investment, 30 per cent thereof shall be so paid; of all surplus earnings in excess of 2 per cent and not in excess of 4 per cent upon such investment, 50 per cent thereof shall be so paid; of all surplus earnings in excess of 4 per cent and not in excess of 6 per cent, 70 per cent thereof shall be so paid, and of all surplus earnings in excess of 6 per cent, 90 per cent thereof shall be so paid: Provided, That if at the end of any calendar year of the amortization period the Commission shall find that the accumulated earnings of the Licensee during the period of operation, including the first twenty (20) years thereof, have not yielded a fair return upon the actual, legitimate investment in the project or projects under license, the proportion of such surplus earnings for such calendar year and for succeeding calendar years to be paid into such amortization reserves shall be ten (10) per cent thereof until such time as the accumulated earnings of the Licensee represent, in the judgment of the Commission, a fair return upon such investment for such period of operation.

Article 19. No lease of said project or part thereof whereby the lessee is granted the exclusive occupancy, possession or use of project works for purposes of generating, transmitting or distributing power shall be made without the prior written approval of the Commission; and the Commission may, if in its judgment the situation warrants, require that all the conditions of this license, of the Act, and of said rules and regulations of the

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Commission shall be applicable to such lease and to such property so leased to the same extent as if the lessee were the Licensee hereunder: Provided, That the provisions of this article shall not apply to parts of the project or project works which may be used by another jointly with the Licensee under a contract or agreement whereby the Licensee retains the occupancy, possession, and control of the property so used and receives adequate consideration for such joint use, or to leases of land while not required for purposes of generating, transmitting, or distributing power, or to buildings or other property not built or used for said purposes, or to minor parts of the project or project works the leasing of which will not interfere with the usefulness or efficient operation of the project by the Licensee for said purposes.

Article 20. It is hereby understood and agreed that the Licensee, its ~~(his)~~ successors and assigns will, during the period of this license, retain the possession of all project property covered by this license as issued or as hereafter amended, including the project area, the project works, and all franchises, easements, water rights, and rights of occupancy and use; and that none of such properties valuable and serviceable to the project and to the development, transmission, and distribution of power therefrom will be voluntarily sold, transferred, abandoned, or otherwise disposed of without the approval of the Commission: Provided, That a mortgage or trust deed or judicial sales made thereunder, or tax sales, shall not be deemed voluntary transfers within the meaning of this article. The Licensee further agrees, on behalf of itself ~~(himself)~~, its ~~(his)~~ successors and assigns, that, in the event said project is taken over by the United States upon the termination of this license, as provided in Section 14 of the Act, or is transferred to a new Licensee under the provisions of Section 15 of the Act, it ~~(he)~~ will be responsible for and will make good any defect of title to or of right of user in any such project property which is necessary or appropriate or valuable and serviceable in the maintenance and operation of the project, and will pay and discharge or will assume responsibility for payment and discharge of all liens or incumbrances upon said project or project property created by said Licensee or created or incurred after the issuance of this license: Provided, That the provisions of this article are not intended to prevent the abandonment or the retirement from service of structures, equipment, or other project works in connection with replacements thereof when they become obsolete, inadequate, or inefficient for further service due to wear and tear, or to require the Licensee for the purpose of transferring the project to the United States or to a new Licensee to acquire any different title or right of user in any such project property than was necessary to acquire for its ~~(his)~~ own purposes as Licensee.

Article 21. The Licensee shall abide by such reasonable regulation of the services to be rendered to customers or consumers of power, and of rates and charges of payment therefor, as may from time to time be prescribed by any duly constituted agency of the State in which the service is

rendered or the rate charged; and in case of the development, transmission, distribution, sale or use of power in public service by the Licensee or by its customers engaged in public service within a State which has not authorized and empowered a commission or other agency or agencies within said State to regulate and control the services to be rendered by the Licensee or by its customers engaged in public service, or the rates and charges of payment therefor, or the amount or character of securities to be issued by any of said parties, it is agreed as a condition of this license that jurisdiction is hereby conferred upon the Commission, upon complaint of any person aggrieved or upon its own initiative, to exercise such regulation and control until such time as the State shall have provided a commission or other authority for such regulation and control: Provided, That the jurisdiction of the Commission shall cease and determine as to each specific matter of regulation and control prescribed in this Article as soon as the State shall have provided a commission or other authority for the regulation and control of that specific matter.

Article 29. With the written consent of the Licensee, the Commission may by order made under its seal, and after the public notice required by Section 6 of the Act, modify, alter, enlarge or omit, in so far as authorized by law, any one or more of the conditions or provisions of this license.

Article 30. The enumeration herein of any rights reserved to the United States or to any State or municipality under the Act, or of any requirement of the Act or of said rules and regulations of the Commission shall not be construed in any degree as impairing any other rights so reserved by the Act or as limiting the force of any other requirement of said Act or of said regulations.

IN WITNESS WHEREOF, the Federal Power Commission has caused its name and seal to be hereto signed and affixed by its Executive Secretary, O. E. Merrill, this 15th day of June, 1927, pursuant to authority from the Commission given June 14, 1927; a certified copy of the record thereof being hereto attached.

1927

FEDERAL POWER COMMISSION

By O. E. Merrill

Executive Secretary.

11-33-a

In testimony of acceptance of all the terms and conditions of the Federal Water Power Act of June 10, 1920, and of the further conditions imposed in the foregoing license, the Licensee, this 2nd day of June 1927, has caused its name and corporate seal to be hereto signed and affixed by O.C. Green its Vice Pres & Gen-Mgr pursuant to a resolution of its board of directors, passed on the 31st day of May, 1927, a certified copy of the record thereof being hereto attached.

[redacted]

By _____
Vice-Pres. & Gen[redacted]

ATTEST:

_____

_____
Secretary.

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This is to certify that the Board of Directors of Utah Power & Light Company at a meeting thereof duly and regularly called and held at the company's office in Salt Lake City, Utah, on Tuesday the 31st day of May, 1927, adopted a resolution with its preamble, of which the following, in so far as said resolution and preamble pertain to the acceptance of License covering Project No. 472, Idaho, is a true and accurate copy;

WHEREAS, the Company heretofore made application to the Federal Power Commission for the license for,

* * *

A power project, being a major project already constructed, designated as Project No. 472, Idaho (Oneida, Bear River Plant) on the records of that Commission, and for authorizing the operation and maintenance in Franklin County, in the State of Idaho, of certain project works necessary or convenient for the development, transmission and utilization of power, and to use and occupy therefor certain lands of the United States in said application described; and

WHEREAS, the Federal Power Commission has tendered to the Company the licenses so applied for, the terms and conditions whereof have been noted and considered.

NOW THEREFORE BE IT RESOLVED: That all the terms and conditions of the Federal Water Power Act of June 10, 1920, and the modifications thereof, together with the further terms and conditions imposed by said licenses, be and the same are hereby accepted by this Company, and in evidence of such acceptance the Vice President and General Manager of this Company be and he is hereby authorized and directed on this Company's behalf to execute an endorsement upon said licenses, and each of them to that effect, to which the Secretary shall affix and attest the Company's seal; and the Secretary be and he is hereby further directed to certify and deliver to said Commission a copy of this resolution.

Secretary

Dated at Salt Lake City, Utah, _____, 1927.

FEDERAL POWER COMMISSION
WASHINGTON, D.C. 20426 INSTRUMENT NO. 4

IN REPLY REFER TO:

PWR-LP
Project No. 472-Idaho
Utah Power & Light Company

Mr. K. J. Stott
Vice President
Utah Power & Light Company
P. O. Box 899
Salt Lake City, Utah 84110

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Department of Water Resources

Subject: Amendment of License Article No. 18 and Addition of Article No. 24 to the License for Project No. 472.

Dear Mr. Stott:

Pursuant to the authority vested in me by Commission Order No. 550, issued June 24, 1976, and your Application for Amendment of License filed December 30, 1976, you are hereby advised that your license for Project No. 472 is amended to the following extent.

1. License Article No. 18 is amended by adding the following sentence to the end of the Article.

   This Article is effective through December 29, 1976.

2. The following new Article is added to your license effective December 30, 1976, through the remaining term of the license.

Article No. 24. Pursuant to Section 10(d) of the Act, a specified reasonable rate of return upon the net investment in the project shall be used for determining surplus earnings of the project for the establishment and maintenance of amortization reserves. One half of the project surplus earnings, if any, accumulated under the license, in excess of the specified rate of return per annum on the net investment, shall be set aside in a project amortization reserve account as of the end of each fiscal year: Provided, that, if and to the extent that there is a deficiency of project earnings below the specified rate of return per annum for any fiscal year under the license, the amount of such deficiency shall be deducted from the amount of any surplus

earnings accumulated thereafter until absorbed, and one-half of the remaining surplus earnings, if any, thus cumulatively computed, shall be set aside in the project amortization reserve account; and the amounts thus established in the project amortization reserve account shall be maintained until further order of the Commission.

The annual specified reasonable rate of return shall be the sum of the weighted cost components of long-term debt, preferred stock, and the cost of common equity, as defined herein. The weighted cost component for each element of the reasonable rate of return is the product of its capital ratios and cost rate. The current capital ratios for each of the above elements of the rate of return shall be calculated annually based on an average of 13 monthly balances of amounts properly includable in the Licensee's long-term debt and proprietary capital accounts as listed in the Commission's Uniform System of Accounts. The cost rates for such ratios shall be the weighted average cost of long-term debt and preferred stock for the year, and the cost of common equity shall be the interest rate on 10-year government bonds (reported as the Treasury Department's 10 year constant maturity series) computed on the monthly average for the year in question plus four percentage points (400 basis points).

This document should be regarded as an official license instrument and be filed accordingly.

Very truly yours,

Kenneth F. Plumb

Secretary

Amendment No. 1
Instrument No. 2

FP-138

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

Before Commissioners: Jerome K. Kuykendall, Chairman; Frederick Stueck and Arthur Kline.

Utah Power & Light Company	)	Project Nos. 20, 472, 486, 597, 665, 671, 696, 703, and 713

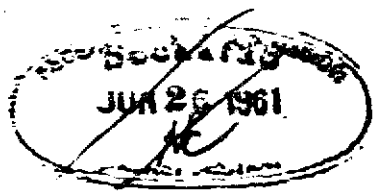
ORDER AMENDING LICENSES

(Issued June 12, 1961)

Application was filed April 24, 1961 by Utah Power & Light Company for amendment of its licenses for the following designated projects to eliminate from the licenses the amortization reserve article and to render inapplicable to such licenses amortization reserve Regulation 17 in effect when the licenses were issued under the Federal Water Power Act:

Project Nos.

___ 20	___ 597	___ 696
___ 472	___ 665	___ 703
___ 486	___ 671	___ 713



The purpose of the amendment is to make the licenses subject to the current regulations of the Commission with respect to the establishment and maintenance of a reserve for amortization.

The Commission finds:

The licenses for the above-designated projects, amended as hereinafter provided, are in the public interest.

The Commission orders:

(A) The license for Project No. 20 is further amended, effective as of July 5, 1923, the effective date of the license, as follows:

PARAGRAPH I. The paragraph of the license beginning "NOW, THEREFORE" is amended, by inserting the words "except Regulation 17," after the phrase "being subject to all the terms and conditions of the Act and of the rules and regulations of the Commission pursuant thereto in force on the 6th day of June, 1921,".

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PARAGRAPH II. Article 17 of the license is amended to read as follows:

Article 17. After the first twenty (20) years of operation of said project under this license, namely, after October 30, 1944, six (6) per cent per annum shall be the specified rate of return on the net investment in the project for determining surplus earnings of the project for the establishment and maintenance of amortization reserves, pursuant to Section 10 (d) of the Act; one-half of the project surplus earnings, if any, accumulated after the first twenty years of operation under the license, in excess of six (6) per cent per annum on the net investment, shall be set aside in a project amortization reserve account as of the end of each fiscal year, provided that, if and to the extent that there is a deficiency of project earnings below six (6) per cent per annum for any fiscal year or years after the first twenty years of operation under the license, the amount of such deficiency shall be deducted from the amount of any surplus earnings accumulated thereafter until absorbed, and one-half of the remaining surplus earnings, if any, thus cumulatively computed, shall be set aside in the project amortization reserve account; and the amounts thus established in the project amortization reserve account shall be maintained therein until further order of the Commission.

(B) The licenses for Project Nos. 472, 486, 597, 665, 671, 696, 703 and 713, respectively, are amended, effective as of June 1, 1927, the effective date of such licenses, as follows:

PARAGRAPH I. The paragraph of the respective licenses beginning "NOW, THEREFORE" is amended by inserting the words "except Regulation 17," after the phrase "being subject to all the terms and conditions of the Act and of the rules and regulations of the Commission pursuant thereto as amended and made effective on the 1st day of April, 1928,".

PARAGRAPH II. Article 18 of the respective licenses is amended to read as follows:

Article 18. After the first twenty (20) years of operation of said project under this license, namely, after May 31, 1947, six (6) per cent per annum shall be the specified rate of return on the net investment in the project for determining surplus earnings of the project for the establishment and maintenance of amortization reserves, pursuant to Section 10 (d) of the Act; one-half of the project surplus earnings, if any, accumulated after the first twenty years of operation under the license, in excess of six (6) per cent per annum on the net investment, shall be set aside in a project amortization reserve account as of the end of each fiscal year, provided that, if and to the extent that there is a deficiency of project earnings below six (6) per cent per annum for any fiscal year or years after the first twenty years of operation under the license, the amount of such deficiency shall be deducted from the amount of any surplus earnings accumulated thereafter until absorbed,

and one-half of the remaining surplus earnings, if any, thus cumulatively computed, shall be set aside in the project amortization reserve account; and the amounts thus established in the project amortization reserve account shall be maintained therein until further order of the Commission.

(C) This amendment in the manner set out above shall not operate to alter or amend the licenses designated herein in any other respect, and shall not in any way constitute a waiver of any other part, provision or condition of such licenses.

(D) This order shall become final 30 days from the date of its issuance unless application for rehearing shall be filed as provided in Section 313 (a) of the Federal Power Act and failure to file such an application shall constitute acceptance of this amendment of the licenses designated herein. In acknowledgment of the acceptance of this amendment of such licenses, it shall be signed for the licensee and returned to the Commission within 60 days from the date of issuance of this order.

By the Commission.

Joseph H. Gutride,
Secretary.

IN TESTIMONY of its agreement to the foregoing amendment to the licenses for Project Nos. 20, 472, 486, 597, 665, 671, 696, 703 and 713, respectively, Utah Power & Light Company, this 21st day of June, 1961, has caused its corporate name to be signed hereto by Paul A. Blanchard, its Vice President, and its corporate seal to be affixed hereto and attested by Fred L. Mickelsen, its Assistant Secretary, pursuant to a resolution of its Board of Directors duly adopted on the 16th day of March, 1960, a certified copy of the record of which is attached hereto.

UTAH POWER & LIGHT COMPANY

By Paul A. Blanchard
Vice President

Attest:

Assistant Secretary

(Executed in quadruplicate)

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R E S O L U T I O N

Upon motion duly made and seconded it was unanimously

RESOLVED, that the Resolution of June 19, 1940, authorizing the officers of the Company to apply for and to accept, for and on behalf of this Company, Preliminary Permits and Licenses tendered by the Federal Power Commission be, and hereby is amended, so as, when amended, it will read as follows:

RESOLVED, that the President or any Vice President of this Company be, and hereby is authorized and empowered to make application for and to accept, for and on behalf of this Company, subject to the terms and conditions of the Federal Water Power Act of June 10, 1920, and the modifications thereof, Preliminary Permits and Licenses tendered by the Federal Power Commission pertaining to the construction, operation, and maintenance of project works necessary or convenient for the development, transmission and utilization of electrical power and such other applications relating to amendment, withdrawal, retirement, or surrender of part or all of any project or project works, which said President or Vice President may deem proper and for the best interests of this Company; further, said President or Vice President is likewise authorized and empowered to execute an endorsement upon such Preliminary Permits or Licenses, indicating the acceptance of the same for and on behalf of this Company.

RESOLVED FURTHER: That the President or any Vice President of this Company be, and hereby is, authorized and empowered to execute any and all contracts, affidavits, certificates or other instruments in writing necessary or required in connection with the issuance or acceptance of such Permits or Licenses, and/or the construction, maintenance, or operation of the project works thereunder, and to make and enter into agreements with the Federal Power Commission or its representative pertaining to the adjustment, establishment, and keeping of project accounts thereunder, which said President or Vice President may deem proper and for the best interests of this Company.

RESOLVED FURTHER: That the Secretary or an Assistant Secretary of this Company be, and hereby is authorized and empowered to affix and attest the Company's corporate seal to such Application, Permits, Licenses, or

other documents, and is hereby authorized and empowered to certify the foregoing resolutions to the Secretary of the Federal Power Commission or other officer of the United States having authority in the premises.

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I, Fred L. Mickelsen, Assistant Secretary of Utah Power & Light Company, do hereby certify that the foregoing is a true and correct copy of resolutions adopted by the Board of Directors of this Company at a meeting held in Salt Lake City, Utah, March 16, 1960, and that the same is still in full force and effect as of this date.

Assistant Secretary

Dated at Salt Lake City, Utah
this 21st day of June, 1961.

I, O. O. Merrill, Executive Secretary of the Federal Power Commission, do hereby certify that the following is a true and correct copy from the record of the proceedings of the Commission in my custody, of that portion of the minutes of the eighty-ninth meeting of the Commission, held on the 8th day of July, 1937, which refers to Project No. 472 - Utah Power & Light Company:

"The Executive Secretary presented the following list of licenses, amendment, and transfer of license which have been executed since the meeting of June 1, 1937 and recommended that the action of the Executive Secretary in issuing these instruments, pursuant to authority in each case given by the Commission, be approved.

"The Commission thereupon took action as follows:

"In order that the minutes of the Commission may contain record of the formal approval by the Commission of the licenses, amendment, and transfer of license executed and issued by the Executive Secretary under authority of the Commission's Orders, No. 2, it was voted that the following licenses, amendment, and transfer of license accepted and/or issued, on the dates respectively named, be and the same are hereby approved by the Commission:

"Licensees

• • • •

Project No. 472

Utah Power & Light Company
Bear River
Various Public Lands
Franklin County, Idaho
Authorized June 1, 1937
Accepted by licensee June 1, 1937
Issued June 15, 1937 effective June 1, 1937

• • • •

Witness my hand and the seal of the Federal Power Commission at Washington, D. C., this 22nd day of July, 1937.

Executive Secretary.

291 C 472-L

I, O. C. Merrill, Executive Secretary of the Federal Power Commission, do hereby certify that the following is a true and correct copy from the record of the proceedings of the Commission in my custody, of that part of the minutes of the eighty-eighth meeting of the Commission, held on the first day of June, 1937, which refers to the action taken on the application of the Utah Power & Light Company for project No. 472:

"In the matter of the application of Utah Power & Light Company of Maine (project No. 472), for a license under the Federal water power act for a constructed power project on the Bear River and on lands of the United States in Franklin County, Idaho: Said applicant having submitted satisfactory evidence of its compliance with the laws of the state of Idaho as required by section 9, subsection (b) of said act; notice of said application having been given and published as required by section 4 of said act, full opportunity having been given for all interested parties to be heard, and no application for said project or in conflict therewith having been filed by any State or municipality; and the maps, plans, and specifications of the proposed project works having been approved by the Commission; the Commission thereupon found that said project will be best adapted to a comprehensive scheme of improvement and utilization for the purposes of water-power development and of other beneficial public uses, and that the license will not interfere or be inconsistent with the purpose for which any reservation affected thereby was created or acquired, and in pursuance of such finding authorized issuance of license for a period beginning June 1, 1937 and ending June 30, 1970, subject to the provisions of said act, to the rules and regulations of the Commission pursuant thereto, and to the special condition that the amounts to be set up in the fixed-capital accounts for said project as of the date when the license became effective as representing the actual, legitimate investment of the licensee therein as of said date shall be the actual, legitimate cost of construction of the project and the price paid for water rights, rights of way, lands, or interest in lands, in so far as said costs and prices can be ascertained from available records, and where no records of actual costs or prices are available they shall be estimated; that there shall be set up in a depreciation reserve account for the project an

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of said date a credit amount representing the estimated accrued depreciation on the project property subject to this license, it being understood that depreciation and the property subject thereto shall be as defined in regulation 16 of said rules and regulations of the Commission; and that the actual or estimated cost or price for any item or unit of property or the amount to be set up as a depreciation reserve shall be determined by the Commission in accordance with the provisions of the act and of the regulations established thereunder; and further that the licensee may present to the Commission for its consideration any documentary or other evidence or statements or exhibits which the licensee may consider of value in connection with the determination of actual or estimated costs or prices of any item or unit of property or of the amount to be set up in the depreciation reserve account."

Witness my hand and the seal of the Federal Power Commission at Washington, D. C., this 12th day of June, 1937.

Executive Secretary.

293 C 472-L 3

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DOCUMENT

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ACCESSION NO: 8502010380

REQUEST FROM CENTRAL FILES

NUMBER OF PAGES 6

FEDERAL POWER COMMISSION

RULES AND REGULATIONS

GOVERNING THE ADMINISTRATION OF THE FEDERAL WATER POWER ACT

WITH COPY OF THE ACT AND
OF AMENDMENT THERETO

SECOND REVISED ISSUE

(Contains all amendments to and including April 1, 1926.)

WASHINGTON
GOVERNMENT PRINTING OFFICE
1926

FEDERAL POWER COMMISSION

The Secretary of War, *Chairman*
The Secretary of the Interior, The Secretary of Agriculture
O. C. Merrill, *Executive Secretary*

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FOREWORD.

Regulations Nos. 1 to 10, inclusive, were approved on September 3, 1920, and made effective on and after that date, but were superseded by action of the commission in approving Regulations Nos. 1 to 20, inclusive, on February 28, 1921, upon which date the latter became effective. Regulations Nos. 1 to 20 were issued in printed form as Orders, No. 9.

By Orders, No. 11 the commission amended Regulations Nos. 1, 2, 3, 4, 5, 6, 12, 14, 16, 17, 18, 19, and 20 in many important respects, effective on and after June 6, 1921 (published as the first revised issue), and the regulations as so amended continued in force until July 1, 1923, when further amendments were made effective to Regulations Nos. 1 to 6, inclusive, by Orders, No. 15. On February 9, 1924, the commission by Orders, No. 18 directed that, effective March 1, 1924, sections 1 and 4 of Regulation No. 14 be amended, also Orders, No. 19, of March 24, 1924, further amended Regulation No. 2, section 4, A, (1) and Regulation No. 4, section 4, effective April 1, 1924.

This second revised issue of the commission's rules and regulations embodies the text of all general rules and regulations, amended as above stated, for administration of the Federal water power act. It does not include the commission's accounting rules and regulations which were approved on November 20, 1922, and are published separately.

JURISDICTION OF THE FEDERAL POWER COMMISSION.

A. The commission has jurisdiction over all projects involving the construction, operation, and maintenance of dams, water conduits, reservoirs, power houses, transmission lines, or other project works for the development, transmission, and utilization of power (except as noted in paragraph B below) which affect—

(a) Navigable waters of the United States, as defined in the Federal water power act and in these regulations.

(b) Other waters of the United States over which Congress has jurisdiction under its authority to regulate commerce with foreign nations or among the several States, when the commission finds that the interests of interstate or foreign commerce will be affected. Anyone proposing to build a project on waters over which he considers the jurisdiction of the commission doubtful should file a declaration of intention under Regulation 7. The commission will thereupon make an investigation and determine whether the proposed project will affect the interests of interstate or foreign commerce. If the commission finds that such interests will be affected, the project comes under its jurisdiction and can not lawfully proceed except under permit or license issued by the commission. If the commission does not so find, the act authorizes the project to proceed upon compliance with State laws.

(c) Public lands or reservations,[1] including lands for which patent has been issued with an express reservation therein under section 24 of the act, or for which locations, entries, selections, or filings have proceeded to approval or patent under and subject to the limitations and conditions contained in section 24 of the act.

B. Permits or valid rights of way granted prior to and existing on June 10, 1920, remain in force unaffected by the provisions of the Federal water power act, but any person, association, corporation, State, or municipality holding or possessing any such permit, right of way, or authority may apply for a license under said act, and thereupon the provisions of the act will apply to the applicant as a licensee thereunder.

[1] Except national monuments and national parks. See amendment to the Federal water power act, page 60.

RULES AND REGULATIONS.

REGULATION 1.—GENERAL DEFINITIONS.

The words defined in this regulation shall have the following meaning for the purposes of these rules and regulations:

SECTION 1. "The Federal water power act" and "act" mean the act of Congress, entitled "An act to create a Federal Power Commission; to provide for the improvement of navigation; the development of water power; the use of the public lands in relation thereto; and to repeal section 18 of the River and Harbor Appropriation Act, approved August 8, 1917, and for other purposes," approved June 10, 1920 (41 Stat., 1063), as amended by the act of March 3, 1921 (41 Stat., 1353).

SEC. 2. "Commission" means the Federal Power Commission created by the Federal water power act, or its successor, or, with respect to any authority or duty prescribed by the act, such officer or agent as it may lawfully designate to assume or perform such authority or duty.

SEC. 3. "Public lands" means such lands and interest in lands owned by the United States as are subject to private appropriation and disposal under public-land laws. It shall not include "reservations," as hereinafter defined.

SEC. 4. "Reservations" means national forests, tribal lands embraced within Indian reservations, military reservations, and other lands and interests in lands, except national monuments and national parks, owned by the United States and withdrawn, reserved, or withheld from private appropriation and disposal under the public-land laws; also lands and interests in lands acquired and held for any public purpose.

SEC. 5. "Corporation" means a corporation organized under the laws of any State or of the United States empowered to develop, transmit, distribute, sell, lease, or utilize power in addition to such other powers as it may possess, and authorized to transact in the State or States in which its project is located all business necessary to effect the purposes of a license under the act. It shall not include "municipalities" as hereinafter defined.

SEC. 6. "State" means a State admitted to the Union, the District of Columbia, and any organized Territory of the United States.

SEC. 7. "Municipality" means a city, county, irrigation district, drainage district, or other political subdivision or agency of a State competent under the laws thereof to carry on the business of developing, transmitting, utilizing, or distributing power.

SEC. 8. "Municipal purposes" means and includes all purposes within municipal powers as defined by the constitution or laws of the State or by the charter of the municipality.

SEC. 9. "Navigable waters" mean those parts of streams or other bodies of water over which Congress has jurisdiction under its authority to regulate commerce with foreign nations and among the several States, and which either in their natural or improved condition, notwithstanding interruptions between the navigable parts of such streams or waters by falls, shallows, or rapids compelling land carriage, are used or suitable for use for the transportation of persons or property in interstate or foreign commerce, including therein all such interrupting falls, shallows, or rapids; together with such other parts of streams as shall have been authorized by Congress for improvement by the United States or shall have been recommended to Congress for such improvement after investigation under its authority.

SEC. 10. "Government dam" means a dam or other work, constructed or owned by the United States for governmental purposes, with or without contribution from others.

SEC. 11. "Project" means complete unit of improvement or development, consisting of a power house, all water conduits, all dams and appurtenant works and structures (including navigation structures) which are a part of said unit, and all storage, diverting, or forebay reservoirs directly connected therewith, the primary line or lines transmitting power therefrom to the point of junction with the distribution system or with the interconnected primary transmission system, all miscellaneous structures used and useful in connection with said unit or any part thereof, and all water rights, rights of way, ditches, dams, reservoirs, lands, or interest in lands, the use and occupancy of which are necessary or appropriate in the maintenance and operation of such unit.

SEC. 12. "Project area" means all lands, without respect to ownership and whether or not the exact boundaries thereof can be definitely fixed and determined, the use and occupancy of which are or will be valuable and serviceable in the maintenance and operation of a project on which are located or to which are appurtenant the project works other than portable property and the rights, easements, or interests likewise valuable and serviceable; and the ownership and possession, or the right of use and occupancy, of which are subject to acquisition by the United States under the provisions of Section 14 of the Federal water power act.

SEC. 13. "Project boundary" means the line or lines inclosing or showing the location of the project area.

SEC. 14. "Project works" means the physical structures of a project, and includes reservoirs, dams, waterways, power houses and

power-house equipment, substations and substation equipment, transmission lines, telephone lines, railways, tramways, roads, trails, bridges, and all other fixed structures, equipment, and facilities used or useful in the maintenance or operation of a project and located upon its project area; also such portable property as may be used and useful in connection with the project or any part thereof, whether located on or off the project area, when the inclusion of such property as a part of the project works is approved by the commission.

SEC. 15. The "power capacity" of a project means the continued product of—

A. The factor 0.08;[2]

B. The average static head in feet; and

C. The water supply, in cubic feet per second and not in excess of the hydraulic capacity of the approved project works, estimated to be available from natural flow or from storage, or from both, for 90 per cent of the time.

SEC. 16. "Net investment" in a project means the actual legitimate original cost thereof as defined and interpreted in the "Classification of Investment in Road and Equipment of Steam Roads, issue of 1914, Interstate Commerce Commission," plus similar costs of additions thereto and betterments thereof, minus the sum of the following items properly allocated thereto, if and to the extent that such items have been accumulated during the period of the license from earnings in excess of a fair return on such investment: (*a*) Unappropriated surplus, (*b*) aggregate credit balances of current depreciation accounts, and (*c*) aggregate appropriations of surplus or income held in amortization, sinking fund, or similar reserves, or expended for additions or betterments or used for the purposes for which such reserves were created. The term "cost" shall include, in so far as applicable, the elements thereof prescribed in said classification, but shall not include expenditures from funds obtained through donations by States, municipalities, individuals, or others.

REGULATION 2.—APPLICATIONS—GENERAL REQUIREMENTS.

SECTION 1. Applications for preliminary permits or licenses may be filed either with the commission at Washington, D. C., or with such office, agent, or agency of the commission as may from time to time be established or authorized to receive applications on behalf of the commission.

SEC. 2. Applications filed with the Departments of War, Interior, or Agriculture, prior to approval of the act, under the provisions of then existing law and accepted as complete by the department with

[2] The factor 0.08 represents the horsepower at 70 per cent efficiency of 1 cubic foot of water per second falling through a head of 1 foot.

which filed will upon written request of the applicant be received by the commission as an application under the act.

SEC. 3. The date of filing of application shall be the date of receipt of the latest communication containing information deemed by the commission essential for its action on the application.

SEC. 4. All applications for preliminary permits or for licenses shall include:[3]

A. Information relative to the applicant's qualifications to make application as follows:

(1) If the applicant is a corporation:

(*a*) A copy of its charter or articles of incorporation duly certified by the secretary of state of the State where organized or other officer having legal custody of a record of incorporation (one copy only, marked "Exhibit A").

(*b*) If the project is in another State than that in which the corporation is organized, a certificate must be submitted from the Secretary of State, or other proper authority of the State in which the project is located, showing compliance with the laws relating to foreign corporations.

(*c*) Execute Form 1 in triplicate and mark it "Exhibit B."[4]

(2) If the applicant is a State:

A copy of the law or laws, or reference thereto, under authority of which the application is made, duly certified by the governor or secretary of state of the State, under seal, and two uncertified copies marked "Exhibit B."

(3) If the applicant is a municipality:

(*a*) A copy of its charter or other organization papers duly certified by the secretary of state of the State in which it is located, or by the officer having legal custody of the record of municipal incorporations (one copy only, marked "Exhibit A").

(*b*) A certified copy, or reference thereto, of the State law or laws authorizing the operations contemplated by the application and two uncertified copies marked "Exhibit B."

(4) If the applicant is an association of citizens:

(*a*) Each member shall make affidavit of citizenship. (See application forms 3, 4a, 4b, and 4c.)[4] Associations shall submit their articles of association. If there be none, the fact shall be stated over the signature of each member of the association (one copy only, marked "Exhibit A").

(*b*) A complete list of members must be given in an affidavit by one of them (in triplicate, marked "Exhibit B").

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[3] If any applicant shall have filed with the commission any of the papers required by this regulation, a specific reference to such filing, accompanied by duly certified statements of changes therefrom made, thereby bringing up to date the information of the previous filing, will be accepted as fulfilling the requirements with respect to such papers.

[4] For Forms see p. 47.

[5] For forms see pp. 48 to 56.

(5) If the applicant is an individual:

An affidavit by the applicant that he is a citizen of the United States. (See application Forms 3, 4a, 4b, and 4c.)[4]

B. General data with respect to the project or projects applied for, to be shown on the prescribed application form 3, 4a, 4b, or 4c.[4]

C. Maps and drawings as required by Regulations 3, 4, or 5, as the case may be. All maps and drawings:

(1) Shall be on tracing linen cut to uniform size, not smaller than 24 inches by 36 inches and not larger than 28 inches by 40 inches, the latter size being preferred, except that lithographed official maps issued by Federal or State agencies may be used for general maps of the project and, when so used, one copy for permanent record shall be mounted on linen.

(2) Shall have a clear border of one-half inch on three sides, and of 2½ inches on one of the shorter sides, which shall be the left-hand border of the map.

(3) Shall have a numerical scale and a graphical scale, the latter not less than 6 inches in length.

(4) Shall, if a map, have true and magnetic meridians indicated thereon.

(5) Shall have a space 4 inches by 7 inches in the lower right corner, the upper half of which shall bear the title, scale, etc., and the lower half of which shall be left clear.

(6) Shall, if the project affects lands covered by the public-land survey, show, in so far as practicable, the location of all lines of such survey crossing the project area. If on unsurveyed public lands or reservations, the protractions of township and section lines shall be shown, such protractions whenever available to be those recognized by the agency of the United States having jurisdiction over the lands.

(7) Shall be rolled, not folded, for mailing, etc.

SEC. 5. Applicants may be required upon request of the commission to furnish maps, plans, or other data in addition to the requirements specifically set forth in the regulations, if in the judgment of the commission such additional data are desirable for a full understanding of the project or projects or for the purpose of enabling the commission to review the design thereof, either in whole or in part.

SEC. 6. The names of applicants, the information contained in the application forms (Forms 3, 4a, 4b, and 4c), and general project maps will be available for general public information. Other information concerning applications will not be made public except upon a showing satisfactory to the commission of the public necessity or desirability therefor, or with the consent of the applicant. At public hearings upon any application the commission may require

[4] For forms see pp. 48 to 54.

the presentation of such information respecting the application as in its judgment the proper conduct of the hearing or the public interest requires.

REGULATION 3.—APPLICATIONS FOR PRELIMINARY PERMITS.

All applications for preliminary permits shall be submitted in triplicate on Form 3,[1] and shall be accompanied by the documents specified below, each of which shall be dated and signed by the applicant in the manner prescribed in Form 2a [1] and designated "Exhibit A," "Exhibit B," etc., as indicated:

SECTION 1. *Exhibit A.*—Certified copy of charter, articles of incorporation or other organization papers (one copy only). (See Regulation 2, sec. 4.)

SEC. 2. *Exhibit B.*—Other evidence that applicant is qualified to apply for and receive a permit (in triplicate). (See Regulation 2, sec. 4.)

SEC. 3. *Exhibit C.*—Statement of nature and amount of data available, such as surveys, maps, plans, stream measurements, foundation explorations, etc., and of work already performed, including preliminary construction, such as clearing, road building, etc. (in triplicate).

SEC. 4. *Exhibit D.*—Statement of nature and amount of work proposed to be performed under preliminary permit, such as surveying, preparation of maps and plans, measurement of streams, explorations of foundations, or preliminary construction, and estimate of cost thereof (in triplicate).

SEC. 5. *Exhibit E.*—Statement of nature, extent, and ownership of water rights which applicant contemplates using in the development of each project; also statement of applicant's plans with reference to perfecting water rights (in triplicate).

SEC. 6. *Exhibit F.*—Statement of ownership of lands which applicant contemplates using in the development of each project; also statement of applicant's plans with reference to acquiring lands or the right of occupancy and use thereof (in triplicate).

SEC. 7. *Exhibit G.*—Such data as the applicant desires to supply as to his ability to finance the preliminary work as well as the project or projects applied for (in triplicate). The commission may decline to approve the application unless satisfied that the applicant will be able to finance the preliminary work and the project.

SEC. 8. *Exhibit H.*—A general map showing the nature of the proposed project, its principal features, and their location and the location of the project as a whole with reference to some well-known town or stream (see sec. 9 and note following that section). On

[1] For forms see pp. 43 and 44.

this map shall be placed a line indicating the approximate project boundary (as defined in sec. 13 of regulation 1) of the area to be occupied by the principal project works such as dams, reservoirs, forebays, waterways, and power houses but excluding transmission lines, and, if necessary, in order to determine the location of the project on the ground, there shall be shown on the map the approximate distances and bearings of points on the project boundary from natural objects or permanent monuments that can be readily found and recognized from descriptions thereof noted on the map, such points to be located at sufficiently frequent intervals to serve such purpose. If the project is on land covered by the public-land survey, such distances and bearings shall be shown from the nearest existing corners of such survey. (One tracing and two blue prints, or lithographed official map with project shown thereon, one copy mounted on linen and four copies not so mounted.) (For size, etc., of map, see Regulation 2, sec. 4, par. C.)

SEC. 9. *Exhibit I* (to be submitted only if public lands or reservations are affected).—A map of the proposed project, showing principal project works in a manner similar to Exhibit H, except that such maps shall show and shall be on a scale to present effectively:

(1) The *project boundary* which shall be the line inclosing all 40-acre tracts (or similar subdivisions) of the public-land survey which are to be occupied or used in whole or in part by the project. In case the subdivisions extend to areas of less than 40 acres the boundary shall be drawn accordingly.

(2) The *status of lands*, indicating separately lands patented, lands entered or otherwise embraced in any unperfected claim under the public-land laws, unreserved public lands, and lands of each and every reservation affected.

The map to be submitted as "Exhibit I" shall consist of one tracing and three blueprints. (For size, etc., of map, see Regulation 2, sec. 4, par. C.)

(If so desired, a single map may be submitted for Exhibits H and I, provided it shows all the information required for both.)

SEC. 10. Such additional documents or data as applicant may consider pertinent to submit.

REGULATION 5.—APPLICATIONS FOR LICENSES—MAJOR PROJECTS AND MINOR PARTS THEREOF.

(Does not include minor projects of not more than 100 horsepower, or projects already constructed as to which see Regulations 3 and 6, respectively.)

All applications for licenses, for a complete project or for a minor part thereof (including transmission lines) to be constructed under a license, or for additions to or modifications of projects already

under license, shall be submitted in triplicate on Form 4a, 4b, or 4c,* and shall be accompanied by the documents specified below in so far as they are applicable, each of which shall be dated and signed by the applicant in the manner prescribed in Form 2a or 2b* and designated "Exhibit A," "Exhibit B," etc., respectively, as indicated.

SECTION 1. *Exhibit A.*—Certified copy of charter, articles of incorporation, or other organization papers (one copy only). (See Regulation 2, sec. 4.) If already furnished for preliminary permit, reference thereto will suffice.

SEC. 2. *Exhibit B.*—Other evidence that applicant is qualified to proceed with the project applied for (in triplicate). (See Regulation 2, sec. 4.) If already furnished for preliminary permit, reference thereto will suffice.

SEC. 3. *Exhibit C.*—Field notes or a description by metes and bounds of the final location survey of the project boundary. Such portion of the project area as will be used for transmission lines, telephone lines, canals, roads, etc., may be described by center line survey specifying the distance of the project boundary therefrom, if definitely determined. Field notes need not be submitted as a separate exhibit when the information is presented on maps filed with application (in triplicate).

SEC. 4. *Exhibit D.*—Evidence that the applicant has complied with the requirements of the laws of the State or States within which the project or projects will be located with respect to bed and banks and with respect to the right to engage in the business of developing, transmitting, and distributing power, and in any other business necessary to effect the purposes of the license applied for. This evidence shall be accompanied by a statement of the steps that have been taken and the steps that remain to be taken to acquire franchise or other rights from States, counties and municipalities before the project or projects can be completed and put in operation (in triplicate).

SEC. 5. *Exhibit E.*—Statement, in triplicate, of the nature, extent, and ownership of the water rights which the applicant proposes to use in the development of the project or projects covered by application, together with satisfactory evidence that the applicant has proceeded as far as practicable in perfecting its rights to use sufficient water for proper operation of the project works. A certified statement from the proper State agency setting forth the extent and validity of the applicant's water rights shall be appended if practicable. In case the approval or permission of one or more State agencies is required by State law as a condition precedent to the applicant's right to take or use water for the operation of the project works, duly certified evidence of such approval or permission or a showing of

* For forms see pp. 47 to 54.

cause why such evidence can not be reasonably submitted shall also be filed. When State certificate is involved, one certified copy and two uncertified copies will suffice. If statement submitted with application for preliminary permit gives the information required above a reference thereto will suffice.

SEC. 6. *Exhibit F.*—A statement, in triplicate, giving full details as to applicant's plans for acquiring title to or the right to occupy and use lands other than those owned by the applicant or by the United States essential for carrying out the project or projects covered by the application. If the applicant, at the time of filing application, has, by easement, lease, franchise, or otherwise, acquired the right to occupy and use lands owned by others, the statement should show, with respect to each separate right of occupancy and use, (*a*) from whom acquired, (*b*) the date acquired, (*c*) nature and extent of the right acquired, (*d*) whether perpetual or of limited term, and (*e*) if of limited term, when such term expires. If statement submitted with application for preliminary permit gives the information required above, a reference thereto will suffice.

SEC. 7. *Exhibit G.*—Statement showing the financial ability of the applicant to carry out the project or projects applied for (in triplicate). If adequate statement has been furnished with application for preliminary permit, reference thereto will suffice.

SEC. 8. *Exhibit H.*—Statement of the effect of the proposed operation of the project works on the normal flow of the stream, including a statement of the minimum flow proposed to be released during periods of low water and full exposition of the relation of any proposed pooling of the flow to the conservation and utilization in the public interest of the available water resources for the purposes of power, navigation, irrigation, reclamation, flood control, and municipal water supply (in triplicate).

SEC. 9. *Exhibit I.*—Estimate of the power capacity of each project, accompanied by the complete data upon which such estimate is based, including stream flow, evaporation records, static heads, etc. A list of all present and proposed sources of power for the system of which the project or projects will be a part, including the approximate location, water power or steam power, source of water, ultimate capacity of all power plants in use or proposed to be used, and the present installed capacity of constructed plants; also connections, if any, with other power systems (in triplicate). If any of these data are of record in any branch of the United States Government at Washington, appropriate reference thereto will suffice.

SEC. 10. *Exhibit J.*—General map covering the entire project area or areas, showing on a single sheet and to an appropriate scale:

A. Principal structures and other important features of the project, including such roads, railways, tramways, and bridges as it is

proposed shall become a part of the project works and be placed under the license.

B. All transmission lines and all telephone lines which it is proposed shall become a part of the project works and be placed under license, as well as the entire or principal part, of the transmission system, if any, with which the project or projects may be connected, indicating prominently by appropriate symbol the portion or portions of the transmission lines or system covered by application for license.

C. State and county lines, towns, streams, railroads, power plants, irrigation systems, and other features in the vicinity of the proposed development, information concerning which will aid in arriving at a general comprehension of the project.

D. Reference to the detail map, indicating by outline the portion shown on each sheet.

E. If all features can not be shown with sufficient distinctness on one sheet, two general maps may be furnished, one for the power plant and appurtenant works, and one for the transmission system.

(Furnish one tracing and two blueprints of general map filed as "Exhibit J," or one lithographed map mounted on linen and four unmounted with project works appropriately marked thereon. For size, etc., of map, see Regulation 2, sec. 4, par. C.)

SEC. 11. *Exhibit K.*—Detail map covering entire project area or areas. Scale shall be such as to show clearly but without unnecessary multiplicity of sheets the essential details of surveys and of notes as to ownership or right of occupancy of lands within the project area. In general, a scale of approximately 400 feet to the inch is appropriate for features containing a relatively large amount of detail, and scales of 1,000 or 2,000 feet to the inch where there is little detail, as is frequently the case with respect to transmission and telephone lines, roads, railways, and large reservoirs. Elevations shall be tied to Government bench marks whenever available, and shall be referred to mean sea level, except that, in the case of projects on navigable waters having a datum accepted for local use by the United States Engineer Department, War Department, such local datum shall be used. If more than one sheet is used the sheets shall be numbered consecutively, and each shall bear a small diagram showing the entire map and indicating the portions shown on each sheet. Several sections of a conduit, transmission line, telephone line, road, railway, etc., may be shown upon a single sheet if so placed or limited as to avoid crowding or confusion.

The detail map to be filed as "Exhibit K" shall conform to the specifications set forth in following paragraphs A to C, inclusive,

except to the extent and in the particulars that the requirements thereof may be expressly waived or modified by the commission.

A. It shall show the project area and the project boundary, as defined in sections 12 and 13, respectively, of Regulation 1, both of which shall be subject to the approval of the commission. Unless satisfactory reasons are given to the contrary, the project boundary shall not be more than 200 feet (horizontal measurement) from the exterior margin (in general, high-water level) of reservoirs, nor shall the width of the project area for canals, ditches, pipe lines, transmission lines, roads, and other so-called continuous structures exceed 200 feet. The project boundary shall be shown on the map in such manner that it can be readily identified on the ground. There shall be shown the location and description of monuments and other marks and reference lines therefrom to permanent objects, in accordance with good practice in land surveying.

If the project boundary is located on lands covered by the public land survey there shall be shown reference lines from the initial point of the project boundary survey by distances and bearings to an established corner, if such can be identified within a distance of 2 miles. At the intersection of the project boundary with a line of the public land survey there shall be shown the location of such intersection on the project boundary and the bearing and distance to the nearest identified corner in each direction on the line crossed, if such distance does not exceed 1 mile.

Such portions of the project area as will be used only for continuous structures such as transmission lines, telephone lines, canals, roads, etc., may be described by center or offset lines of survey, specifying distances of the project boundary therefrom. Such lines of survey shall be referred to the public land survey and permanent objects in a manner similar to that prescribed for the project boundary.

There shall be shown the status as to ownership and the boundary lines and area of each parcel of land within the project area, designating separately lands owned by the applicant, lands for which the applicant holds rights of use and occupancy for purposes of the project, reservations (indicating separately each reservation), and public lands (indicating separately lands full title to which remains in the United States, and lands in which the United States retains only an interest). Where the project works occupy lands not owned by the applicant, but as to which the applicant holds only an easement, franchise, lease, or other right of occupancy and use, the map shall show the nature of such right, and shall give appropriate reference to "Exhibit F" for further details.

B. The location of all project works shall be accurately shown, such as:

(1) Dams.

(2) Reservoirs.—Indicate the flow lines for maximum and minimum water levels and for elevation of spillway crest, and give tables or diagrams of areas and capacities for maximum and minimum water levels and for each contour line.

(3) Water conduits.—Indicate center line; type, i. e., flume, ditch, tunnel, pipe, etc.; and grade and elevation of bottom at each change of grade.

(4) Power houses and substations.

(5) Transmission lines and appurtenances, telephone lines, roads, railways, trails, tramways, and bridges.

(6) Navigation structures.

(7) Channel approaches to navigation structures.—Indicate elevation of bottom for distances of not less than 1,000 feet above and below the structures.

C. Show contour lines with contour interval of not more than 10 feet for the entire project area, except such portions as will be occupied by only such project works as are named in paragraph B (5) above, or as will be included in reservoirs below the minimum elevation to which the water may be drawn down: *Provided*, That a profile of tunnel lines may be substituted for contours along such lines.

SEC. 12. *Exhibit L.*—General design drawings showing plans, elevations, and sections of all principal structures and appurtenant works or other features of each project applied for. These drawings shall be in sufficient detail and shall be accompanied by sufficient information relating to controlling factors (such as character of foundations and explorations thereof, materials, types of construction, important elevations, and water levels, etc.) to enable the commission to have a full understanding of the project and to check safety, adequacy, and desirability in the development of the resources involved.

Scales will not be specified, but it is desired that they be no larger than necessary to show clearly the information required. Drawings should be simple. Details are desired only as necessary to show features of importance in determining safety, adequacy, and suitability of design. Working drawings are not desired as part of application, but should be prepared for purposes of construction and retained as a record of the work when completed. (One tracing and two blue prints.) This section applies to:

(*a*) Dams and appurtenances, such as spillways, fishways, outlet works, etc.

(b) Navigation structures and approaches thereto, including locks, lock gates, and operating machinery, etc.

(c) Conduits, including forebays, intake works, surge tanks, and other pressure relief devices, etc.

(d) Power houses and substations.

SEC. 13. *Exhibit M.*—General descriptions and general specifications of mechanical, electrical, and transmission equipment and their appurtenances in sufficient detail to enable the commission to have a full understanding of the project or projects and to determine safety and adequacy and suitability for the development and utilization of the resources involved (in triplicate).

SEC. 14. *Exhibit N.*—Estimate of the cost of developing each project, segregated by principal features, showing quantities, unit costs, etc., in sufficient detail for a full understanding of the elements of cost of the project (in triplicate).

SEC. 15. *Exhibit O.*—Detailed statement of the time desired for completing preliminary construction and for beginning and completing construction of the project works. If the ultimate development is to be completed and put into operation in two or more parts, the time desired for beginning and completing the construction of each part shall be given (in triplicate).

SEC. 16. Such additional documents or data as applicant may consider pertinent to submit.

REGULATION 5.—APPLICATIONS FOR LICENSES—MINOR PROJECTS.

All applications for licenses for power projects of not more than 100-horsepower capacity, or for parts thereof, whether to be constructed or already constructed, shall be submitted in triplicate on Form 4a* and shall be accompanied by the documents specified below in so far as they are applicable, each of which shall be dated and signed by the applicant in the manner prescribed in Form 2a* and designated "Exhibit A," "Exhibit B," etc., respectively, as indicated:

SECTION 1. *Exhibit A.*—Copy of charter, articles of incorporation, or other organization papers (one copy only). (See Regulation 2, sec. 4.)

SEC. 2. *Exhibit B.*—Other evidence that applicant is qualified to proceed with the project applied for. Certified copy of list of associates, if an association (in triplicate). (See Regulation 2, sec. 4.)

SEC. 3. *Exhibit C.*—Field notes, or a description by metes and bounds of the final location survey of the project boundary. Such portion of the project area as will be used for transmission lines,

* For forms see pp. 47 and 51.

telephone lines, canals, roads, etc., may be described by center line survey specifying the distance of the project boundary therefrom, if definitely determined. Field notes need not be submitted as a separate exhibit when the information is presented on maps filed with application (in triplicate).

SEC. 4. *Exhibit D.*—Statement of the applicant's water rights accompanied by evidence that the State water laws have been complied with to the extent necessary to permit the applicant to proceed with all operations contemplated in the application (in triplicate).

SEC. 5. *Exhibit E.*—Statement of the time desired for beginning and completing the proposed construction (in triplicate).

SEC. 6. *Exhibit F.*—Map of the project area drawn to any convenient scale (for size of sheets, etc., see Regulation 2, sec. 4, par. C) and showing:

A. The project area and the project boundary, as defined in sections 12 and 13, respectively, of Regulations 1, both of which shall be subject to the approval of the commission. Unless satisfactory reasons are given to the contrary, the project boundary shall not be more than 200 feet (horizontal measurement) from the exterior margin (in general, high-water level) of reservoirs, nor shall the width of the project area for canals, ditches, pipe lines, transmission lines, roads, and other so-called continuous structures exceed 200 feet. The project boundary shall be shown on the map in such manner that it can be readily identified on the ground. There shall be shown the location and description of monuments and other marks and reference lines therefrom to permanent objects, in accordance with good practice in land surveying.

If the project boundary is located on lands covered by the public-land survey, there shall be shown reference lines from the initial point of the project boundary survey by distances and bearings to an established corner, if such can be identified within a distance of 2 miles. At the intersection of the project boundary with a line of the public-land survey there shall be shown the location of such intersection on the project boundary and the bearing and distance to the nearest identified corner in each direction on the line crossed, if such distance does not exceed 1 mile.

Such portions of the project area as will be used only for continuous structures, such as transmission lines, telephone lines, canals, roads, etc., may be described by center or offset lines of survey, specifying distances of the project boundary therefrom. Such lines of survey shall be referred to the public-land survey and permanent objects in a manner similar to that prescribed for the project boundary.

There shall be shown the status as to ownership and the boundary lines and area of each parcel of land within the project area,

designating separately lands owned by the applicant, lands for which the applicant holds rights of use and occupancy for purposes of the project, reservations (indicating separately each reservation), and public lands (indicating separately lands, full title to which remains in the United States, and lands in which the United States retains only an interest). Where the project works occupy lands not owned by the applicant, but as to which the applicant holds only an easement, franchise, lease, or other right of occupancy and use, the map shall show the nature of such right.

B. The location of all project works, such as dams, reservoirs, canals, flumes, pipe lines, power houses, transmission lines, telephone lines, roads, trails, etc. Indicate the flow line fixed by maximum water level and the area and storage capacity of each reservoir. If the application covers project works in addition to those already constructed, show in an appropriate manner which project works or parts thereof have already been constructed.

SEC. 7. *Exhibit G.*—General description of mechanical, electrical, and transmission equipment, and other appurtenances in sufficient detail to enable the Commission to have a full understanding of the project (in triplicate).

SEC. 8. *Exhibit H.*—Statement of the cost of constructed works and of the estimated cost of works to be constructed, showing quantities, unit costs, etc., in sufficient detail for a full understanding of the elements of cost of the project (in triplicate).

SEC. 9. *Exhibit I* (to be filed for constructed projects only).—Statement of the nature and character of the permit, right of way, or other authority, if any (see section 23 of the act), claimed to be held by the applicant.

REGULATION 6.—APPLICATIONS FOR LICENSES—MAJOR PROJECTS AND MINOR PARTS THEREOF ALREADY CONSTRUCTED.

All applications for licenses for projects or minor parts thereof already constructed (except for minor projects or parts thereof, of not more than 100-horsepower capacity, for which see Regulation 5) shall be submitted in triplicate on Form 4a, 4b, or 4c,[*] and shall be accompanied by the documents specified below in so far as they are applicable, each of which shall be dated and signed in the manner prescribed in Form 2a or 2b,[*] and designated "Exhibit A," "Exhibit B," etc., respectively, as indicated.

SECTION 1. *Exhibits A to M, inclusive.*—All documents prescribed in Regulations 4, Exhibits A to M, inclusive, showing on the maps and plans therein provided for in some appropriate manner what project works or parts thereof have already been constructed.

[*] For Forms see pp. 67 to 84.

SEC. 2. *Exhibits N and O.*—If the application covers project works in addition to those already constructed, submit as "Exhibit N" an estimate of the cost of such additional works segregated by principal features, showing quantities, unit costs, etc., in sufficient detail for a full understanding of the elements of cost; and submit also as "Exhibit O" a detailed statement of the time desired for beginning and completing such additional construction. If the additional construction is to be completed and put into operation in two or more parts, the time desired for beginning and completing the construction of each part shall be given.

SEC. 3. *Exhibit P.*—A statement of the nature and character of the permit, right of way, or other authority, if any (see section 23 of the act) claimed to be held by the applicant. This statement shall be accompanied by copies of or appropriate references to the legislative authority, if any, by or under which such permit, right of way, or authority was acquired, and if granted by an instrument in writing, certified copy of such instrument or in lieu thereof, if such a copy is of record in any department of the United States Government at Washington, a statement to that effect and reference thereto (in triplicate).

SEC. 4. *Exhibit Q.*—A statement setting forth a brief history of the project works already constructed, giving time of commencement and of completion of construction of the several parts thereof, date of commencement of operation, and method of financing (in triplicate).

SEC. 5. *Exhibit R.*—An inventory or schedule, in detail, of all project works located upon the project area as shown by Exhibit K; of all water rights, lands, or interest in lands; and of all other properties, either tangible or intangible, necessary and convenient or used and useful in the operation and maintenance of the project and which the applicant desires to place under and make subject to the license applied for. Such inventory or schedule shall also show the actual or estimated original or historical cost, and, so far as practicable, the items thereof, for each separate major item or unit of property; the location of all structures and other physical properties; and such other details as the commission may require in any particular case. Such inventory or schedule of property shall be submitted on blank forms to be supplied by or approved by the commission prior to such submission.

SEC. 6. Such additional documents as applicant may consider pertinent to submit.

REGULATION 7.—DECLARATIONS OF INTENTION.

SECTION 1. Declarations of intention to construct a dam or other project works across, along, over, or in any stream or part thereof,

other than those defined in the act and in these regulations as navigable waters and over which Congress has jurisdiction under its authority to regulate commerce between foreign nations and among the several States. filed under the provisions of the second paragraph of section 23 of the act, shall be accompanied by:

A. A sketch map of any convenient size and scale showing the stream or streams to be utilized and the approximate location of the project.

B. A brief description of the project and its purpose, including such data as proposed height of dams, storage capacity of reservoirs, power capacity of the project, and probable effect on present or prospective navigation.

C. A statement as to whether, if the commission finds that the project will affect the interests of interstate or foreign commerce, the applicant proposes to apply for a permit or for a license.

SEC. 2. On receipt of such declaration, the commission will cause immediate investigation of the project to be made, and if it shall find that the interests of interstate or foreign commerce would be affected by the proposed construction, it will so notify the declarant and will inform him of the time within which application for preliminary permit or license should be made. After such finding by the commission it will be unlawful for the declarant to proceed with construction until he shall have applied for and shall have received a license under the provisions of the act. If the commission shall not so find, and if no public lands or reservations are affected, permission is granted by the act to construct such dam or other project works in such stream upon compliance with State laws.

REGULATION 3.—PRIORITIES AND PREFERENCES.

SECTION 1. Priority of application for a license may be initiated either by the filing of such application under the provisions of Regulations 3 and 4 or 2 and 5, or by the filing of an application for preliminary permit under the provisions of Regulations 2 and 3, and will be established either by the issuance of a preliminary permit, or, if no preliminary permit has been issued or applied for, by the approval of the application for license. When two or more applications are filed for the same site, the commission will give full consideration to all pertinent matters, including the relative dates of filing of application, before taking final action upon such applications.

SEC. 2. Priority established by preliminary permit may be lost if there is failure to fulfill the requirements of the permit; if the permit is canceled by order of the commission upon failure of the permittee to comply with the conditions thereof; or if, in the course of consid-

eration by the commission of an application by the permittee for license, such permittee shall not before the expiration of the term of the preliminary permit or such later date as may be fixed by the commission:

A. File data required by the commission in addition to that contained in or furnished with the application; or

B. Present satisfactory evidence of ability to carry out the plan set forth in the application; or

C. Accept the conditions of a proposed license; or

D. Modify its plans as required by the commission if the project adopted by the applicant as disclosed in the plan set forth in the application is not such as in the judgment of the commission will be best adapted to a comprehensive scheme of improvement and utilization for the purposes of navigation, of water-power development, and of other beneficial public uses.

SEC. 3. Priority established by approval of application for license may be lost if the conditions of the proposed license are not accepted within a time fixed by the commission.

SEC. 4. In issuing preliminary permits, or licenses where no preliminary permits have been issued, and in issuing license to new licensees under section 15 of the act, the commission will give preference to applications therefor by States and municipalities, provided the plans of the same are deemed by the commission equally well adapted, or shall within a reasonable time to be fixed by the commission be made equally well adapted to conserve and utilize in the public interest the navigation and water resources of the region; and, as between other applicants, the commission may give preference to the applicant the plans of which it finds and determines are best adapted to develop, conserve, and utilize in the public interest the navigation and water resources of the region, if it be satisfied as to the ability of the applicant to carry out such plans: but such preferences will not be deemed to apply to the issuance of license under the provisions of the first paragraph of section 23 of the act.

REGULATION 2.—PERMITS.

SECTION 1. Except as hereinafter provided, preliminary permits may be issued on the application of citizens, associations, corporations, States, or municipalities desirous of obtaining licenses for the construction, maintenance, or operation of dams, water conduits, reservoirs, power houses, transmission lines, or other project works necessary or convenient for the development and improvement of navigation, and for the development, transmission, and utilization of power across, along, from, or in any of the navigable waters of the United States, or upon any part of the public lands and reservations

of the United States (including the Territories), or for the purpose of utilizing the surplus water or water power from any Government dam.

Sec. 2. Permits will be issued only for the purpose of enabling applicants to maintain their priorities while securing the data required for an application for license and will be for such periods, not exceeding a total of three years, as in the judgment of the commission will be necessary for studying the proper location and design of the project; for making examinations, surveys, maps, plans, specifications, and estimates; for conducting stream measurements; for sinking test pits or making borings to determine foundations for dams or other structures; for securing a market for the power to be developed; for making financial arrangements; or for any other purpose necessary or desirable in the preparation of application for license.

Sec. 3. Permits will not be issued for projects already constructed; for transmission lines alone; for projects of a power capacity of less than 100 horsepower; for projects which, in the judgment of the commission, do not come within the scope of its authority under the act, or should be undertaken by the United States itself, or do not propose adequate schemes of development, or would unreasonably interfere with projects under permit, license, or other authority theretofore granted; or for projects for which data sufficient for filing application for license are already available. Permits affecting any reservation will be issued only after a finding by the commission that the proposed use will not interfere or be inconsistent with the purpose for which such reservation was created or acquired. Permits will not be issued until after the expiration of the publication period prescribed by the act.

Sec. 4. In acting upon applications for preliminary permits, and in determining preferences therefor, the commission may, in its discretion, upon the request of any applicant or upon its own motion, hold hearings, order testimony to be taken by deposition, summon witnesses, or require the production of documentary evidence.

Sec. 5. No charges will be made for permits, but permittees will be required, as a condition of maintenance of priority, to perform such work and to make such studies and investigations, and such reports thereon, as in the judgment of the commission may be necessary or desirable to enable both the applicant and the commission to determine the feasibility, and the character and extent of development which is proposed or which should be undertaken, which requirements will be expressed in the permit.

Sec. 6. Upon a satisfactory showing of reasons therefor the commission may authorize permittees to perform such construction work as may be necessary to maintain water rights under State law, or as

may be desirable in preparation for the construction of project works; but the granting of such authority shall not be deemed to have created any equities or to have established any rights beyond what would have been created or established had such authority not been given.

SEC. 7. Permits will not be transferable and may be canceled by order of the commission for failure to comply with the conditions thereof.

SEC. 8. Each preliminary permit shall set forth the conditions under which priority shall be maintained and a license issued, and shall also set forth the essential terms and conditions of such license.

SEC. 9. Each permittee shall keep accurate and dependable record of all expenditures made under the permit, for the purposes indicated in section 2 of this regulation, and, in the event a license is issued for a project covered in whole or in part by a permit, any and all items properly includible in the actual legitimate cost of the project representing expenditures made under the permit and before the date of the license shall be supported by proper vouchers or other records, the same as would have been required of a licensee had no permit been issued; and any such vouchers or records, or certified copies thereof, in support of an item properly includible in the cost of the project, shall become a part of the records of the project and shall be kept and retained by the licensee in the manner required by the commission.

REGULATION 10.—LICENSES.

SECTION 1. Except as hereinafter provided, licenses may be issued either in accordance with the provisions of preliminary permits or upon direct application therefor by citizens, associations, corporations, States, or municipalities for the purpose of constructing, operating, and maintaining dams, water conduits, reservoirs, power houses, transmission lines, or other project works necessary or convenient for the development and improvement of navigation and for the development, transmission, and utilization of power across, along, from, or in any of the navigable waters of the United States, or upon any part of the public lands and reservations of the United States (including the Territories), or for the purpose of utilizing the surplus water or water power from any Government dam.

SEC. 2. Licenses will be issued for such periods, not exceeding 50 years, as in the judgment of the commission will, in each individual case, allow for the satisfactory development and operation of the project and protect the public interest, and shall remain in full force and effect for such periods, unless surrendered or terminated as provided in these regulations or revoked as provided in the act.

SEC. 3. Licenses will not be issued for projects which, in the judgment of the commission, do not come within the scope of its authority under the act, or should be undertaken by the United States itself, or do not propose adequate schemes of development, or lack satisfactory showing of financial ability, or would unreasonably interfere with projects under permit, license, or other authority theretofore granted, or would be opposed to the public interest. No license affecting the navigable capacity of any navigable waters of the United States will be issued until the plans of the dam or other structures affecting navigation have been approved by the Chief of Engineers and the Secretary of War. Licenses within any reservation will be issued only after a finding by the commission that the license will not interfere or be inconsistent with the purposes for which such reservation was created or acquired. Licenses will not be issued until after the expiration of the publication period prescribed by the act.

SEC. 4. Licenses may be altered only upon mutual agreement between the licensee and the commission. Any such alteration shall be made a part of the license and a substitute for the provision altered, but no such alteration shall operate to alter or amend or in any way whatsoever be a waiver of any other part, condition, or provision of the license.

SEC. 5. Licenses may be surrendered only upon mutual agreement between the licensee and the commission, and upon the fulfillment by the licensee of all obligations under the license, with respect to payment or otherwise, existing at the time of such agreement, and, if the project works authorized under the license are constructed in whole or in part, upon such conditions with respect to the disposition of such works as may be determined by the commission.

SEC. 6. Licenses may be terminated by written order of the commission after such reasonable notice, not exceeding 90 days, as the commission may grant, if there is failure to commence actual construction of the project works within the time prescribed in the license, or as extended by the commission. Under similar conditions and upon like notice the authority granted under a license may be terminated with respect to any project works or separable part thereof covered by the license if there is failure to begin construction of such project works or part thereof within the time prescribed in the license or as extended by the commission; but no part of the project works shall be deemed separable for the purposes of this regulation unless so specified in the license.

SEC. 7. Licenses may be revoked only through proceedings in equity instituted in a district court of the United States for a district

in which some part of the project is situated, and in the manner provided in the act:

A. In case construction of the project works covered by the license, or of any specified part thereof, has been begun but not completed within the time prescribed in the license or as extended by the commission; or

B. In case the terms of the license are violated by the licensee.

REGULATION 11.—GENERAL CONSIDERATIONS AFFECTING APPROVAL.

SECTION 1. Only such projects will be approved by the commission as are in its judgment best adapted to a comprehensive scheme of improvement and utilization for the purposes of navigation, of water-power development, and of other beneficial public uses. In deciding these matters the commission will consider:

A. Whether the maps, plans, and specifications are such—

(1) That full, practicable utilization will be made of the water, storage possibilities, and the head at the site to be developed.

(2) That the structures shall be safe and in accordance with good engineering practice.

(3) That all unnecessary energy losses, whether in hydraulic works or in mechanical or electrical equipment, will be avoided.

B. Whether in relation to existing or probable future projects upon the same or adjacent streams, the fullest practicable utilization of the water, storage possibilities, and head available will be made possible.

C. Whether the project will be in general accord with the most beneficial utilization of the water for navigation, water power, irrigation, or other beneficial public uses, and for aiding flood control, reclamation, and similar developments.

D. Whether proper provision is made for present or future electrical interconnection with other projects or systems in order to take advantage of diversity of stream flow and of power demands.

E. Whether the use to which the power will be devoted is, in general, in accord with the needs of the community and of the public welfare.

F. Whether the applicant is financially able to carry out the development.

G. Whether the construction, maintenance, and operation of project works will interfere or be inconsistent with the purpose for which any reservation was created or acquired.

REGULATION 12.—PROJECT WORKS.

The following provisions will govern the planning, construction, operation, and maintenance of major projects, but will not apply to

projects of 100-horsepower capacity or less, unless so provided in the licenses therefor:

SECTION 1. Special features of construction and installation:

A. If the dam or other project works are to be constructed across, along, from, or in any of the navigable waters of the United States, the commission may, in so far as it deems the same reasonably necessary to promote the present and future needs of navigation and consistent with a reasonable investment cost to the licensee, include in the license any one or more of the following provisions or requirements:

(1) The licensee shall, to the extent necessary to preserve and improve navigation facilities, construct, in whole or in part, at such time as needs of navigation require, without expense to the United States, in connection with such dam, a lock or locks, booms, sluices, regulating gates, or other structures for navigation purposes, in accordance with plans and specifications approved by the Chief of Engineers and the Secretary of War and made part of such license.

(2) Whenever the commission shall find upon investigation that the needs of navigation require the construction of a lock or locks, regulating gates, or other navigation structures, and that such structures can not, consistent with a reasonable investment cost to the applicant, be provided in the matter specified in subparagraph (1) preceding, the commission may grant the application with the provision to be expressed in the license that the licensee will install necessary navigation structures if the Government fails to make provision therefor within a time to be fixed in the license.

(3) In case such structures for navigation purposes are not made a part of the original construction at the expense of the licensee, then, whenever the United States shall desire to complete such navigation facilities, the licensee shall convey to the United States free of cost such of its lands and its rights of way and such right of passage through its dams or other structures and permit or exercise such control of pools as may be required to complete such navigation facilities, and shall make such provision in the approved design and in the construction of the project works in accordance therewith as will permit such passage through the dams or other structures and such control of pools.

(4) Lights and signals shall be installed as and when directed by the Secretary of War.

(5) The licensee shall construct and install such appliances as are necessary for furnishing power for the operation of navigation facilities, including lights and signals, whether constructed by the licensee or by the United States.

B. Fishways shall be constructed as may be prescribed by the Secretary of Commerce.

C. In the case of projects situated either wholly or partially on lands of the United States the licensee shall clear the reservoir site in the manner and to the extent specified in the license, and shall also clear and keep clear lands of the United States along water conduits and transmission lines. The licensee shall also dispose of all brush, refuse, or unused timber on lands of the United States resulting from the construction and maintenance of the project works to the satisfaction of the commission. In the case of projects on navigable waters, the commission will require such clearing of reservoir sites as may be specified by the Chief of Engineers and the Secretary of War and set forth in the license. The commission may in any case require such clearing of lands and such disposition of brush, refuse, or unused timber as it may deem necessary in the public interest or for the protection of life, health, and property, which requirement shall also be specified in the license.

D. The licensee shall place and maintain suitable structures to reduce to a reasonable degree the liability of contact between its transmission lines and telegraph, telephone, and other signal wires or power transmission wires not owned by the licensee. The licensee shall also place and maintain suitable structures and devices to reduce to a reasonable degree the liability of any structures or wires falling and obstructing traffic and endangering life on highways, streets, or railroads.

SEC. 2. Maps, plans, and specifications:

A. Modification of any project and of the plans and specifications of the project works before approval may be required by the commission when such modification is necessary in order to secure a comprehensive scheme of improvement and utilization, as contemplated by Regulation 11.

B. The maps, plans, and specifications, when approved by the commission, shall be made a part of the license, and no license will be issued prior to such approval. Thereafter no substantial change shall be made in said maps, plans, or specifications until such changes shall have been approved by the commission and the license altered accordingly, as required by section 4, paragraph A, of this regulation.

C. No license affecting the navigable capacity of any navigable waters of the United States shall be issued until the plans of the dam or other structures affecting navigation have been approved by the Chief of Engineers and the Secretary of War.

D. After the completion of the project works the licensee shall submit a revised set of maps, plans, and specifications in so far as necessary to show variations, in the project works as constructed, from the original maps, plans, and specifications submitted with the application for license, or from those submitted under the pro-

visions of section 2, paragraph B, of this regulation; shall maintain during the period of the license a complete set of record drawings prepared in conformity with good engineering practice to any convenient size and scale, covering the project works as constructed; and shall from time to time, on request of the commission, furnish such copies of such record drawings as may be required for the information of the commission.

SEC. 3. Construction:

A. The licensee shall commence the construction of the project works within the time fixed in the license, which shall not be more than two years from the date thereof, shall thereafter in good faith and with due diligence prosecute such construction, and shall within the time fixed in the license complete and put into operation such parts of the ultimate development as the commission shall deem necessary to supply the reasonable needs of the then available market, and shall from time to time thereafter construct such portion of the balance of such development as the commission may direct, so as to supply adequately the reasonable market demands until such development shall have been completed. The period for the commencement of construction may be extended once, but not longer than two additional years, and the period for the completion of construction carried on in good faith and with reasonable diligence may be extended by the commission when not incompatible with the public interest.

B. The project works shall be constructed in substantial conformity with the maps, plans, and specifications, or changes therein, approved as hereinbefore provided, and made a part of the license. Minor changes in or divergence from the approved plans may be made in the course of construction, if such changes will not result in decrease in efficiency, in material increase in cost, or in impairment of the general scheme of development. Any changes made without the prior approval of the commission or of its authorized representative which, in the judgment of the commission, have produced or will produce such results shall be subject to such alteration as the commission may direct.

SEC. 4. Alterations and additions:

A. A licensee desiring to make alterations in, or additions or betterments to, his project which will affect materially the cost, the power capacity, or the efficiency of the project, or which will affect materially navigation or other uses of the water, or which will modify the proposed use of the lands or structures of the United States, shall file application therefor, accompanied by such maps, plans, specifications, field notes, and estimates of cost, in the form prescribed in Regulation 4, as will be necessary to indicate the nature and extent of the

change proposed, together with a full statement of the reasons for the proposed change or changes.

B. Except when emergency shall require for the protection of navigation, life, health, or property, no substantial alteration or addition shall be made to any dam or other project works of a capacity in excess of 100 horsepower without the prior approval of the commission, and any emergency alteration or addition so made shall hereafter be subject to such modification and change as the commission may direct.

C. The licensee shall within a reasonable period after any such emergency alteration or addition has been made file with the commission, in the form prescribed by Regulation 4, plans and specifications showing such changes and the reasons therefor, together with an application for the approval thereof. Such plans and specifications, when approved by the commission, shall become a part of the license.

SEC. 5. Maintenance and operation:

A. The licensee shall maintain the project works in a condition of repair adequate for the purposes of navigation and for the efficient operation of said works in the development and transmission of power; shall make all necessary renewals and replacements for such purposes; shall so maintain and operate said works as not to impair navigation; shall assist the authorized representatives of the commission in making inspections of the project works; shall furnish such information and reports as may be required by the commission in connection with such maintenance and operation; and shall comply with such reasonable orders, not inconsistent with any orders issued under the provisions of paragraph B of this section, as the commission may make from time to time with respect to the matters hereinbefore named.

B. Navigation facilities constructed as a part of or in connection with any dam or diversion structure built under the provisions of the act, whether at the expense of the licensee or of the United States, shall at all times be controlled by such reasonable rules and regulations in the interest of navigation, including the control of the level of the pool caused by such dam or diversion structure, as may be made from time to time by the Secretary of War.

C. Lights, signals, regulating gates, and other navigation facilities, which under the terms of the license are to be maintained and operated by the licensee, shall be maintained in such state of repair that they can be operated promptly and safely in accordance with rules and regulations established by the Secretary of War, and it shall be the duty of the licensee so to operate them.

D. Unless specifically relieved therefrom by the commission, the licensee shall install and maintain standard meters adequate for the

determination of the amount of electric energy generated by the project works, and shall make adequate provision in conformity with the prevailing standards of the United States Geological Survey for the determination of the stage and flow of the stream or streams from which the water is to be diverted for the operation of the project works and of the amount of water held in and drawn from storage; shall keep accurate and sufficient records of the foregoing determinations to the satisfaction of the commission; and shall make return of such records at such time and in such form as may be required by the commission.

E. The licensee shall furnish free of cost to the United States power for the operation of navigation facilities, including lights and signals, constructed in connection with the project works, whether such facilities are constructed by the licensee or by the United States. (See Regulation 12, sec. 1, par. A (5)).

SEC. 6. Responsibility for damages:

A. Timber upon public lands and reservations of the United States to be used or destroyed in the construction of the project works shall be paid for in accordance with the requirements and estimates of the department concerned.

B. The licensee shall be liable for injury to or destruction of any buildings, bridges, roads, trails, lands, or other property of the United States occasioned by the construction, maintenance, or operation of the project works or of the works appurtenant or accessory thereto constructed under the license. Arrangements to meet such liability, either by compensation for such injury or destruction, or by reconstruction or repair of damaged property, or otherwise, shall be made with the appropriate department or agency of the United States.

C. Each licensee hereunder shall be liable for all damages occasioned to the property of others by the construction, maintenance, or operation of the project works, or of the works appurtenant or accessory thereto, constructed under the license, and in no event shall the United States be liable therefor. When such property consists of crops, buildings, or other improvements upon lands in which the United States has reserved the right of reentry under the provisions of section 24 of the act, the licensee will be required in advance of construction to settle with the owner for such damages or to give a good and sufficient bond to the United States for the use and benefit of the owner to secure the payment of such damages as may be determined and fixed in an action brought upon the bond in a court of competent jurisdiction, such bond to be in the form prescribed by the commission.

REGULATION 13.—LANDS RESERVED OR CLASSIFIED AS POWER SITES.

SECTION 1. All lands of the United States included in any proposed project under the provisions of the act shall, from the date of filing of application therefor (see Regulation 2, sec. 3), be reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by the commission or by Congress.

SEC. 2. Whenever the commission shall determine, on application or otherwise, that the value of any lands of the United States reserved by filing of an application for a permit or license, or heretofore or hereafter reserved or classified as power sites, will not be injured or destroyed for the purposes of power development by location, entry, or selection under the public-land laws, it will file a notice of such determination with the Secretary of the Interior, to the end that such lands, if not otherwise reserved, may be declared open to location, entry, or selection, as provided by the act. Before making such a determination the commission must be satisfied that such location, selection, or entry will not materially interfere with or add to the cost of the occupancy and use of the lands for the purposes of the act.

SEC. 3. All locations, entries, or selections made upon lands of the United States in pursuance of determinations by the commission, as provided in section 2 hereof, shall be subject to a reservation of the right of the United States or of its permittees or licensees to enter upon, occupy, and use any part or all of said lands necessary, in the judgment of the commission, for the purposes of the act, which right shall be expressly reserved in every patent issued for such lands; and no claim or right to compensation shall accrue from the occupation or use of any of said lands for said purposes. The United States or any licensee for any such lands under the act may enter thereupon for the purposes of the act upon payment of any damages to crops, buildings, or other improvements caused thereby to the owner thereof, or upon giving a good and sufficient bond to the United States for the use and benefit of the owner to secure the payment of such damages as may be determined and fixed in an action brought upon the bond in a court of competent jurisdiction, said bond to be in the form prescribed by the commission.

NOTE 1.—The regulations governing applications for determinations by the commission, as specified in section 2 hereof, will be furnished upon request.

NOTE 2.—Notice that application for a permit or license has been made, together with the date of filing thereof and a description of the lands of the United States affected thereby, will be filed by the commission in the General Land Office, Washington, D. C.

REGULATION 14—ANNUAL CHARGES.

The basis for assessing annual charges to be paid by the licensee o the United States, and the manner of payment thereof, shall be as follows:

SECTION 1. For reimbursing the United States for the cost of the administration of the act, charges shall be based upon the power capacity of the project and shall be determined according to the following schedule:

A. With respect to each project of more than 100 horsepower, there shall be a preoperation annual charge at the rate of 2 cents per horsepower of power capacity effective during the period between the issuance of the license and the 1st of January immediately following the date of completion of each part or unit. As each separate part or unit is completed ready for operation, the preoperation rate as to such unit shall cease on the 31st of December immediately following, and an operation rate will be substituted, which, for the first calendar year, will be 5 cents per horsepower of installed capacity; for the second calendar year, 10 cents per horsepower of installed capacity; for the third and each succeeding calendar year, 25 cents per horsepower of installed capacity.

B. When the power capacity of the project has been reached, no operating charge will thereafter be made for additional units installed in excess of power capacity. After the maximum rates hereinabove prescribed have become effective with respect to any license, they shall thereafter continue without change with respect to such license unless or until the commission or Congress shall make reductions in such rates of charge.

SEC 2. For recompensing the United States for the use of public lands and reservations (excepting tribal lands within Indian reservations and lands adjoining and pertaining to Government dams) charges shall be based upon the power capacity of the project and in accordance with the schedule of section 1 of this regulation, except as follows:

A. The rate shall be 10 cents per horsepower and the charge shall commence on the 1st of January immediately following the date of operation of the project or of the various parts or units thereof.

B. When any of the land within the project area, exclusive of so much of such area as is occupied and used for transmission lines only, is not public lands or reservations of the United States, the charge determined in accordance with the above-named schedule shall be reduced in the proportion that the land not in public lands or reservations of the United States bears to the total amount of land in

such project area, exclusive of so much thereof as is occupied and used for transmission lines only.

C. The charge for public lands or reservations of the United States used for transmission lines only shall be at the rate of $5 per mile, 100 feet or less wide, per annum, with proportional increase for additional width.

SEC. 3. Horsepower of power capacity shall be determined in sections 1 and 2 preceding from the definition of power capacity given in Regulation 1, section 15, and may be readjusted annually to provide for changes in the average static head or in the water supply, whether for storage or otherwise, which increase or decrease the power capacity 100 horsepower or more: *Provided*, That operation charges on account of storage shall be based upon the amount of such storage available for use.

SEC. 4. For recompensing the United States for the use of Government dams or other structures and the lands adjoining and pertaining thereto owned by the United States, the commission will fix a reasonable annual charge for the use thereof; and in no case will licenses be issued free of charge for development and utilization of power created by Government dams. The amount charged shall be the fair annual value of the power so created as determined by the commission, and shall not be less than the interest at current rates plus maintenance and depreciation upon so much of the cost of such dams, structures, or land as would be justified if built or purchased solely for purposes of power development, together with any expenses incurred by the United States in operating such dams or structures primarily for the benefit of power development. Depreciation charges shall be based upon the rates of depreciation fixed by the commission for similar structures built by licensee or, in the absence of such rates, upon rates fixed by the commission for the case under consideration. The charge shall begin on the 1st of January immediately succeeding completion of the project or each separate part or unit thereof.

SEC. 5. When licenses are issued involving the use of tribal lands embraced within Indian reservations the commission will fix a reasonable annual charge for the use thereof, based upon the commercial value of the land for the most profitable purpose for which suitable, including power development. The charge shall commence upon date license is issued.

SEC. 6. The annual charges described in sections 4 and 5 of this regulation for the use of Government dams or other structures and of tribal lands embraced within Indian reservations, may be readjusted at the end of 20 years after the beginning of operation and at periods of not less than 10 years thereafter in a manner to be described in each license.

SEC. 7. No exemption shall be made from payment of annual charges for the use of Government dams or of tribal lands within Indian reservations, but licenses will be issued without charge—

A. For the development, transmission, or distribution of power by States or municipalities, to the extent that the power developed under the project is sold to the public without profit, or is used by such State or municipality for State or municipal purposes. As to all power so developed which is sold for profit, such of the foregoing provisions for charges shall apply as may be applicable.

B. For all projects constructed or to be constructed by States or municipalities primarily designed to provide or improve navigation.

C. For the development, transmission, or distribution of power for domestic, mining, or other beneficial use in projects aggregating not more than 100-horsepower capacity under one license.

SEC. 8. The payment by the licensee of annual charges for any calendar year shall be made to the United States at the end of the year or within thirty days thereafter upon bills rendered or approved by the commission.

REGULATION 15.—BENEFITS FROM HEADWATER IMPROVEMENT.

SECTION 1. Whenever any licensee hereunder is directly benefited by the construction work of another licensee, of a permittee, or of the United States, of a storage reservoir or other headwater improvement, the commission will require as a condition of the license that the licensee so benefited shall reimburse the owner of such reservoir or other improvement for such part of the annual charges for interest, maintenance, and depreciation thereon as the commission may deem equitable. The proportion of such charges to be paid by any licensee shall be determined by the commission and the date when such charges are due shall be fixed by the commission.

SEC. 2. Where such benefit is received from the construction work of another licensee or permittee, payments shall be made to such licensee or permittee, annually, for each preceding year and the commission notified of such payment, and whenever such benefit is received from a reservoir or other improvement constructed by the United States, such payments shall be made annually into the Treasury of the United States to be received and appropriated as a part of the special fund for headwater improvements as provided in section 17 of the act.

REGULATION 16.—DEPRECIATION RESERVES.

SECTION 1. *General requirements.*—In order that adequate provision may be made for all necessary renewals and replacements of project works and for the maintenance thereof in a condition of

repair adequate for the purposes of navigation and for their efficient operation in the development and transmission of power, the licensee shall establish and maintain adequate depreciation reserves and except as provided in section 6 hereof and in section 3 of Regulation 20 hereof, shall conform to such rules and regulations as the commission may from time to time prescribe for accounting for depreciation, for the classification of property for such purposes, for determining the rate or amount of depreciation to be accounted for on each unit, class, or group of property, and for the establishment and maintenance of depreciation reserve accounts.

SEC. 2. *Depreciation defined.*—By the term "depreciation" is meant the losses, either temporary or permanent, suffered through the current lessening in service value of tangible physical property due to wear and tear from operation and the action of time and the elements which are not replaced by current repairs, as well as those ordinary losses in capacity for use or service sustained by physical property from obsolescence or inadequacy due either to age, physical change, or supercession resulting from new inventions, discoveries, change in popular demand, or requirements of public authority; also decreases in the service value of intangible property and tangible nonphysical property through lapse of time or other causes. Temporary losses in service value of property, which it is practicable later to replace through repairs or renewals, may be said to represent deferred maintenance. For the purpose of this regulation the term "deferred maintenance" shall be understood to mean physical deteriorations through wear and tear due to use, or to the effects of weather or other physical conditions, which accrues currently from the time project property comes into existence or is placed in service, but which does not materially reduce the operating efficiency of the project works and which it is impossible or impracticable to replace by current repairs or renewals.

SEC. 3. *Character of property involved.*—For the purpose of accounting for depreciation as it currently accrues, all property the cost of which is properly includible in the fixed capital account of the project or projects shall be classified as between (A) property not subject to depreciation and (B) property which is subject to depreciation.

A. Under property not subject to depreciation shall be included:

(1) Land held in fee or under perpetual rights.

(2) Perpetual franchises, perpetual water and riparian rights, and other perpetual rights and licenses.

(3) Overhead costs of construction, which pertain to the project as a whole and can not be allocated to definite items of property, such as expenditures for organization, engineering and superintendence, law expenditures during construction, injuries and damages

during construction, taxes during construction, interest during construction, miscellaneous construction expenditures: also expenditures on uncompleted units of plant or equipment properly includable in the fixed capital account as "unfinished construction" or other similar designation.

(4) Any other tangible physical property which from the nature of its construction or its inherent characteristics may be considered as permanent and not subject to depreciation.

B. Under property which is subject to depreciation shall be included:

(1) Rights of way and other land rights having a fixed term of life or other than perpetual.

(2) Franchises, patent rights, water and riparian rights, and other rights and licenses having a fixed term of life or other than perpetual.

(3) All buildings, structures, equipment, facilities, and appliances constituting the tangible physical property of the project or projects, except such tangible physical property as from the nature of its construction or its inherent characteristics may be considered as permanent and not subject to depreciation.

SEC. 4. *Method of computing and accounting for depreciation, and rates to be charged.*—A. Charges for depreciation, other than deferred maintenance, shall in all cases be based upon the cost of the property depreciated, and the rate used shall be such that when applied to the cost of a particular structure, unit of equipment, item, or class of depreciable property at regular intervals throughout the estimated service life of such structure, unit of equipment, item, or class of property it will produce an amount equal to the cost thereof plus the cost of dismantling, less salvage. For the purposes of this regulation the cost of any project or projects licensed under the provisions of section 23 of the act and constructed prior to issuance of license thereunder shall be deemed to be the fair value of said project or projects determined as provided in said section. Depreciation representing deferred maintenance shall be estimated, based upon experience and the best sources of information available. Where the loss or exhaustion of capacity for service is dependent upon the use made of certain units or classes of property a rate of depreciation based upon the amount of power generated or other appropriate basis may be employed. If the licensee desires, a composite rate of depreciation for tangible, physical property described under section 3, paragraph B, subparagraph (3) above, may be ascertained and applied to the cost of such property. The procedure in connection with the accounting for depreciation of the project shall be such that at all times the credit balance in the depreciation reserve account shall fairly reflect, as nearly as it is practicable to estimate,

the depreciation that has accrued on the project property remaining in service, or the loss in service value or in the capacity for service that has taken place in such property. All losses in the service value of the property, including, in the absence of negligence of the licensee, extraordinary losses, whether or not provided for currently, shall, except as provided in section 6 hereof, be included in operating expenses as a charge against the earnings from operation.

B. The licensee shall within six months after the date of going into service of any project prepare and submit to the commission a statement showing in detail the plan upon which it is proposed to account for depreciation, including the cost of the project, the property, and the cost thereof on which it is proposed to account for depreciation, and the property and the cost thereof which the licensee considers is not subject to depreciation. Such statement shall further show as to each class of property, or structure, unit, or item when separately estimated, on which it is proposed to account for depreciation, other than deferred maintenance, its cost, its service life (which the licensee may estimate if not known), the estimated value of salvage (if any) recoverable at the time of retirement, and the rate necessary to be applied to the cost of each such class of property, or structure, unit, or item, to produce a reserve equal to the difference between such cost and the value of salvage (if any) recoverable at the time of retirement. A schedule shall also be submitted showing a list of property, if any, and the cost thereof, on which it is proposed to account for depreciation representing deferred maintenance, the annual amount of such depreciation, the basis for determining such amount, and such other details as may be appropriate. Such classification of property and such rates and amounts of depreciation thereon as proposed shall be used by the licensee as a basis for accounting for depreciation, unless and until the commission, after investigation and hearing, shall by order require changes in such classification and in such rates and amounts of depreciation.

SEC. 5. *Investigations and hearings.*—The commission may, when questions arise regarding the sufficiency of the rates and amounts which are being accounted for by licensees for depreciation on project property or of the adequacy of the depreciation reserves which have been established and are being maintained, institute an investigation or hold a hearing, or both, and require the licensee to present at such hearing evidence regarding such matter or matters for the purpose of determining whether such rates and amounts are sufficient and whether such reserves are adequate for the purposes of the act. In case, after such investigation or hearing, the commission finds that such rates, amounts, or reserves are not sufficient or adequate for said purposes, and the licensee is not subject to regulation by any State authority as provided in section 6 hereof,

the licensee shall be subject to and shall comply with any reasonable orders of the commission in relation to such accounting for depreciation and to the creation and maintenance of such depreciation reserves.

SEC. 6. *Conflict with requirements of State commissions.*—When the licensee is a public service corporation or a person, association, or corporation developing, transmitting, or distributing power for sale or use in public service, and such licensee is subject to the jurisdiction of any public utility commission or other commission or regulatory body of the State or States in which the project is located, as to the rates to be charged by such licensee for public service, the licensee may account for depreciation on the project property in the manner required or authorized by such regulatory authority. If, in the judgment of the commission, such accounting for depreciation does not show that adequate depreciation reserves have been created and are being maintained as to the project property, the licensee shall be subject to and shall comply with any reasonable order of the commission in relation to such accounting for depreciation and to the creation and maintenance of such depreciation reserves. The results attained by accounting for depreciation as required or authorized by such State regulatory body, or by complying with any such reasonable order of the commission, shall be shown in the statements and reports of the licensee to the commission made in accordance with the provisions of the act and of Regulation 20 hereof and shall, in so far as applicable, be binding upon the licensee in the administration of the provisions of the act.

SEC. 7. *Review of commission's orders.*—In any proceedings to enforce any order of the commission under sections 5 or 6 hereof there shall be subject to review by the court the reasonableness of the basis of determining as well as the amount of depreciation reserves.

SEC. 8. *Disposition of depreciation reserve account*—A. *Upon the transfer of license.*—Upon the transfer of any license, whether by voluntary transfer, judicial sale, foreclosure, or otherwise, any successor or assign of the rights under such license shall be required to transfer to his or its account the credit balance in the depreciation reserve account; and the use of such account and balance and the accounting in connection therewith shall be continued by such successor or assign in the same manner as required of the original licensee as if there had been no transfer.

B. *Upon revocation of license.*—In the event a decree revoking a license is entered as a result of proceedings in equity in any court of competent jurisdiction and the whole or any part of the project or projects under license is sold by the court the vendee shall be required, unless the court decrees otherwise, to transfer to his or

its accounts the credit balance in the depreciation reserve account with respect of such part of the project or projects as may be acquired by such vendee under such sale; and the use of such account and balance and the accounting in connection therewith shall, unless the court decree otherwise, be continued by such vendee in the same manner as required of the original licensee as if there had been no sale: *Provided*, That such transfer of balance shall not be required of the United States in the event it becomes the purchaser of the whole or any part of the project.

C. *Upon the expiration of the license.*—If at the expiration of the original license the United States does not exercise its right to take over, maintain, and operate any project or projects of the licensee, and if at such time a new license is not issued to a new licensee or a new license issued to the original licensee upon such terms and conditions as may be authorized or required under the then existing laws and regulations, but an annual license is issued to the then licensee under the terms and conditions of the original license, then and in the latter event the then licensee shall continue in his or its accounts the credit balance in the depreciation reserve account; and the use of such account and balance and the accounting in connection therewith shall be continued under the rules and regulations in effect with respect thereto at the time of the expiration of the original license until such time as the United States may take over the project or projects or issue a new license. If a new license, other than annual is issued by the commission, the foregoing requirements shall apply, unless such new license shall specifically provide otherwise.

D. If and when the United States exercises its right to take over the project or projects under license or to issue a new license to a new licensee any credit balance in the current depreciation reserve account shall be considered in determining the net investment in the project or projects.

SEC. 2. *Separate accounting between project and nonproject property.*—The accounts or records of the licensee shall be kept and maintained in such manner as to show the accounting for depreciation on project property, including the retirements of such property and the balances in depreciation reserve accounts, separate and distinct from the nonproject property.

REGULATION 17.—AMORTIZATION RESERVES.

SECTION 1. *General requirements.*—After the first 20 years of operation, out of surplus earned thereafter, if any, accumulated in excess of a specified reasonable rate of return upon the actual, legitimate investment of a licensee in any project or projects under license the licensee shall establish and maintain amortization reserves, which

reserves shall, in the discretion of the commission, be held until the termination of the license or be applied from time to time in reduction of the net investment. Such specified rate of return and the proportion of such surplus earnings to be paid into and held in such reserves shall be set forth in the license.

SEC. 2. *Definition of terms.*—For the purposes of this regulation and of section 10 (*d*) of the act the terms "actual, legitimate investment," "earnings," "surplus earnings," and "amortization reserves" shall have the following meanings:

A. *Actual, legitimate investment* means the net debit balance in the fixed capital accounts of a project or projects of items properly includible therein under the accounting rules and regulations of the commission.

B. *Earnings* of a project means the excess of credits over debits of the items of operating revenues, operating expenses, income, and profit and loss named below, or similar items which may be provided for in the accounting rules and regulations prescribed by the commission from time to time, whether such earnings result directly from operations or transactions involving the project only or allocated to the project as a result of joint operations or of transactions involving the project and other property operated in connection therewith:

Debit items.	Credit items.
Operating expenses (including depreciation).	Operating revenues.
Uncollectible bills.	
Taxes assignable to operations.	
Taxes on net income.	
Reimbursement of others for headwater improvements.	Reimbursement from others for headwater improvements.
Amounts paid or accrued for reimbursing the United States for the cost of administration of the act and for [illegible] it for the use, occupancy, and enjoyment of its lands or other property.	
Rents paid or accrued for property used or useful in [illegible] rights or agreements for land rights, water rights, riparian rights, or other rights or licenses.	Rent received or accrued for the use or occupancy by others of constituent property the cost of which is properly includible as investment or under separate account.
Deferred income debits.	Deferred income credits.
Concentration of balance sheet accounts, the balances of which were created by credits to operating expense or income accounts appearing as a credit item herein.	Concentration of balance sheet accounts representing reclaimed wages and vouchered accounts written off because of licensee's inability to locate the creditor, and other like items.
Loss on land sold.	Profit on land sold.

If the total of the debit items exceeds the total of the credit items such excess of debits shall be known as *Earnings—Dr.*

When the licensee is not a public-service corporation or a person, association, or corporation developing, transmitting, or distributing power for sale or use in public service, but such power is developed, transmitted, distributed, or used for manufacturing, industrial, or other nonpublic-service purposes by the licensee or by any subsidiary corporation the stock of which is owned or controlled directly or indirectly by the licensee, the fair value of the power de-

veloped by the project under license and so used shall be reported annually by the licensee as operating revenue of such project: *Provided*. That such fair value so reported shall be subject to revision by the commission within one year from the date of filing of each such report: *And provided further*. That in any such revision the value so determined by the commission shall not be greater than the price at which an equal amount of power under similar service requirements could be purchased, or may or could be provided, by such licensee or subsidiary corporation from any other source.

C. *Surplus earnings* or *surplus* means the earnings in excess of the specified rate of return upon the actual, legitimate investment of the licensee in the project or projects.

D. *Amortization reserves* means the amount appropriated and set aside by the licensee out of surplus earnings for the purposes set out in section 10 (*d*) of the act.

SEC. 3. *Specified rate of return—Method of determining.*—A. The "specified rate of return" upon the actual, legitimate investment of a licensee in any project or projects shall, for the purpose of this regulation, be one and one-half (1½) times the weighted average annual interest rate payable on the par value of the bona fide interest-bearing debt of the licensee actually outstanding, in whole or in part, on account of the project property at the beginning of the period of amortization and of each calendar year thereafter: *Provided*. That, if at the beginning of the period of amortization or of any calendar year thereafter, the outstanding interest-bearing debt of the licensee on account of the project or projects under license, together with any other works or property operated in connection therewith, is less than 25 per cent of the actual, legitimate investment of the licensee in said project or projects, then and in such event for the calendar year next following the specified rate of return shall be two (2) times the legal rate of interest in the State in which the project, or the greater part thereof, is located.

B. In determining such weighted average annual interest rate there shall be included the interest payable according to the terms of the bonds, notes, or other evidences of such debt, discount (or premium) thereon, and expenses incurred in connection with the issue and initial sale thereof, such discount (or premium) and expenses for such purposes being prorated with respect to any item of such debt over the life of the security issued in respect thereof in the manner prescribed in the accounting rules and regulations of the commission.

C. When an issue of bonds, or other evidence of interest-bearing debt, is actually outstanding on account both of project property and of nonproject property such issue, for the purpose of this section, shall, unless otherwise provided in the lien, be prorated between

project property and nonproject property in the ratio of the actual, legitimate investment of the licensee therein, respectively, estimated if not actually determinable.

D. The fixing of a specified rate of return for the purposes of this regulation shall not be construed as limiting in any degree whatsoever the authority of the commission, or of any other public agency, in respect to the determination of a fair rate of return in any rate-making proceedings or in any proceedings for the determination of the net investment under the provisions of sections 14 and 15 of the act, or in connection with any other matter not directly related to the administration of this regulation.

SEC. 4. *Period for accumulating amortization reserves.*—For the purpose of this regulation the period for computing earnings and surplus, the appropriating or setting aside of amortization reserves, and all accounting or transactions in connection therewith shall begin twenty (20) years after the date a project is placed in operation under a license issued under the act. This will include all projects so licensed whether constructed before or after the issuance of such license. The date of acceptance of a license under section 23 of the act for a project already constructed and in operation will, for the purposes of this regulation, be considered as the date of the beginning of operation of such project, unless otherwise specifically provided in the license.

SEC. 5. *Proportion of surplus earnings to be reserved.*—Subject to the provisions of section 6 of this regulation, the following proportions of such surplus earnings shall be paid into and held in such amortization reserve: Of all surplus earnings up to and including 2 per cent upon the actual, legitimate investment, 20 per cent thereof shall be so paid; of all surplus earnings in excess of 2 per cent and not in excess of 4 per cent upon such investment, 50 per cent thereof shall be so paid; of all such surplus earnings in excess of 4 per cent and not in excess of 6 per cent, 70 per cent thereof shall be so paid; and of all such surplus earnings in excess of 6 per cent, 90 per cent thereof shall be so paid. *Provided*, That if at the end of any calendar year of the amortization period the commission shall find that the accumulated earnings of the licensee during the period of operation, including the first twenty (20) years thereof, have not yielded a fair return upon the actual, legitimate investment in the project or projects under license, the proportion of such surplus earnings for such calendar year and for succeeding calendar years to be paid into such amortization reserves shall be ten (10) per cent thereof until such time as the accumulated earnings of the licensee represent, in the judgment of the commission, a fair return upon such investment for such period of operation.

SEC. 6. *Accounting procedure.*—A. This regulation shall become effective with the beginning of the twenty-first year of operation of a project under license. On or before 60 days after the close of the calendar year in which the twenty-first year's operation commences under a license issued under the act, and likewise for each succeeding calendar year thereafter, the licensee shall ascertain the amount of "Earnings" or "Earnings—Dr." resulting from the year's operations, as also the surplus earnings, if any, and shall prepare and submit to the commission for approval a statement thereof, which statement shall show the items used in computing the earnings as well as all the necessary details with respect thereto; and such statement shall also show the actual, legitimate investment of the licensee in the project or projects at the beginning of the period of amortization or at the beginning of each calendar year thereafter. The actual, legitimate investment at the beginning of the period of amortization or of each calendar year thereafter shall be used as the basis for ascertaining the amount of the specified return. The statements with respect to earnings, etc., shall be cumulative. If at the close of the year following the beginning of the period of amortization, or any year thereafter, the statement submitted and approved by the commission shows earnings accumulated in excess of the specified rate of return on the actual legitimate investment for such period, such proportion of such excess as is required by section 5 hereof shall be set aside in a fund and accounted for in such manner as may be prescribed in the accounting rules and regulations of the commission: *Provided, however,* That the licensee shall not be required to include in the amortization reserve account or to set aside a total amount greater than the accumulated surplus earnings for the period.

B. The cash transferred to the amortization fund may be deposited in bank, or invested in the securities of the licensee, or such other securities as the commission may approve; and in the discretion of the commission such amortization reserves and funds shall be held until the termination of the license or be applied from time to time in reduction of the net investment.

C. Interest derived from the amortization fund deposited in bank or income from investments belonging to such fund shall be credited to the appropriate income account and an equal amount of cash transferred to the fund.

SEC. 7. *Disposition of amortization reserve accounts and funds.*—A. *Upon the transfer of license.*—Upon the transfer of any license, whether by voluntary transfer, judicial sale, foreclosure sale, or otherwise, any successor or assign of the rights under such license shall be

required to transfer to his or its accounts any credit balance in the amortization reserve accounts as also any debit balance in the amortization fund account, and the use of such accounts and the balances therein and the accounting in connection therewith shall be continued by such successor or assign in the same manner as if there had been no transfer.

B. *Upon revocation of license.*—In the event a decree revoking a license is entered as a result of proceedings in equity in any court of competent jurisdiction and the whole or any part of the project or projects under license is sold by the court, the vendee shall be required to transfer to his or its accounts the credit balance in the amortization reserve account and the debit balance in the amortization fund account with respect of such part of the project or projects as may be acquired by such vendee under such sale, and the use of such accounts and balances and the accounting in connection therewith shall, unless the court decree otherwise, be continued by such vendee in the same manner as if there had been no sale: *Provided*, That such transfer of balances shall not be required of the United States in the event it becomes the purchaser of the whole or any part of the project.

C. *Upon the expiration of the license.*—If at the expiration of the original license the United States does not exercise its right to take over, maintain, and operate any project or projects of the licensee, and if at such time a new license is not issued to a new licensee or a new license issued to the original licensee upon such terms and conditions as may be authorized or required under the then existing laws and regulations, but an annual license is issued to the then licensee under the terms and conditions of the original license, then and in the latter event the then licensee shall continue in his or its accounts the credit balances in the amortization reserve account and the debit balance in amortization fund account, and the use of such accounts and balances and the accounting in connection therewith shall be continued under the rules and regulations in effect with respect thereto at the time of the expiration of the original license until such time as the United States may take over the project or projects or issue a new license to a new licensee. If a new license other than annual is issued by the commission, the foregoing requirements shall apply unless such new license shall specifically provide otherwise.

D. If and when the United States exercises its right to take over the project or projects under license or to issue a new license, any balances in the amortization reserve account and the amortization fund account shall be considered in determining the net investment in the project or projects, and the original licensee, its successors or assigns, shall be entitled to receive and retain any cash or other funds contained in the amortization fund.

REGULATION 13.—EXPROPRIATION OF EXCESSIVE PROFITS.

SECTION 1. Until the respective States shall make provision for preventing excessive profits or for the expropriation thereof to themselves, or until the period of amortization as provided in section 10 (*d*) of the act is reached, the licensee shall pay annually to the United States any and all excessive profits arising from the operation of the project or projects under license.

SEC. 2. If the commission at any time during the period specified in the preceding paragraph has reason to believe that any licensee may be earning or has earned excessive profits within the meaning of section 10 (*e*) of the act, it will cause an investigation to be instituted and a hearing to be had, and after such investigation and hearing will issue such order or orders, not inconsistent with the act, as may be appropriate concerning the expropriation of excessive profits, if any, and the payment thereof to the United States. If the licensee is a public-service or other corporation, or a person or association developing, transmitting, or distributing power for sale, or use in public service, and the regulation and control of the rates charged by such licensee is within the jurisdiction of the Commission, such order or orders may require the licensee to make such reduction in the rates charged that excessive profits will not be earned.

SEC. 3. Where a State has created and has authorized and empowered a commission or other agency or agencies to regulate or control the rates and charges of payment for power developed, transmitted, or distributed within such State by public-service or other corporations, or by persons or associations, for sale or use in public service, it shall be deemed, for the purposes of this regulation and of section 10 (*e*) of the act, that such State has made provision for preventing excessive profits with respect to such public-service or other corporations and to such persons and associations.

SEC. 4. When the licensee is not a public-service corporation or a person, association, or corporation developing, transmitting, or distributing power for sale or use in public service, but such power is developed, transmitted, distributed, or used for manufacturing, industrial, or other nonpublic-service purposes by the licensee or by any subsidiary corporation the stock of which is owned or controlled directly or indirectly by the licensee, and there is no actual and bona fide sale of power or no allocation, satisfactory to the commission, to the project or projects of the licensee of the proportion of earnings of the licensee properly assignable to said project or projects, the commission may determine the fair value of the power so used and from such value determine the profits of such licensee and whether and to what degree such profits so determined are excessive and will require the licensee to pay to the United States any and all such ex-

cessive profits: *Provided*, That such value so determined shall not be greater than the price at which an equal amount of power under similar service requirements could be purchased or produced by such licensee or subsidiary corporation from any other source; and *Provided further*, That the amounts to be paid to the United States hereunder shall not be greater than the amounts which would be paid into amortization reserves under the provisions of Regulation 17 hereof, were such regulation applicable to the projects and properties named in section 1 hereof.

SEC. 5. Any proceeding involving the matter of excessive profits shall, in so far as practicable, be conducted according to the procedure and practice in fixing and regulating the rates, charges, and practices of railroad companies as provided in the act to regulate commerce, approved February 4, 1887, as amended, and any licensee or other party to such proceeding shall have the same rights of hearing, defense, and review as said companies in such cases.

REGULATION 18.—ALLOCATION OF EARNINGS.

SECTION 1. For use in the administration of certain provisions of the act, and for other purposes, each licensee shall ascertain and report to the commission annually, and at such other times as the commission may require, the earnings of his project or projects, and in computing such earnings the items of operating revenues, operating expenses, income, and profit and loss, as enumerated or provided for in the definition of "earnings" in Regulation 17, section 2 hereof, shall be included.

SEC. 2. Where the operation of the project works is combined with the operation of a generating, distributing, or other operating system, or other nonproject property not under license, and it is necessary to allocate all or a portion of the items involved in computing the earnings as between the project and nonproject operations, such allocation shall be made on an equitable basis. The applicant, permittee, or licensee may either before the issuance of permit or license or subsequent thereto and before the beginning of operation of the project works prepare and submit to the commission in detail a plan or basis for making such allocation and for ascertaining the earnings of the project. If the applicant or permittee so elects, such plan or basis shall be reviewed and a determination with respect thereto made by the commission prior to the issuance of permit or license. If such plan or basis as reviewed and determined involves a valuation of works or properties constructed or acquired prior to the date of issuance of permit or license the value of such works or properties shall, for the purpose of this regulation, be determined in the discretion of the commission either by agreement between the commis-

sion and the applicant or permittee, prior to the date of the issuance of permit or license or by a rule or method set forth in such permit or license. If the applicant, permittee, or licensee does not elect to have such plan or basis so prepared and submitted, reviewed, and determined prior to the issuance of license such plan or basis shall be employed by the licensee unless and until the commission, upon application of the licensee or upon its own initiative, shall by order change or modify such plan or basis. Any such plan or basis, after approval by the commission, shall remain in effect unless and until as conditions or experience warrant, the commission either upon application of the licensee or upon its own initiative, and at intervals of not less than five years, shall review such plan or basis; and if upon such review and after investigation and hearing, the commission shall find that such plan or basis no longer provides an equitable allocation of earnings it may by order change or modify such plan or basis.

REGULATION 20.—ACCOUNTS AND REPORTS.

SECTION 1. Each licensee shall as to each project under license, except as provided in section 3 hereof, conform to such rules and regulations as may be prescribed by the commission from time to time for the establishment and maintenance of a system of accounts and for the keeping and preserving of such books, records, and memoranda pertaining to the project and the project accounts as may be required by the commission.

SEC. 2. In order to aid the commission in determining the net investment of a licensee in any project, the licensee shall, upon oath, with a reasonable period of time, to be fixed by the commission, after the construction of the original project or any addition thereto or betterment thereof, file with the commission, in such detail as the commission may require, a statement in duplicate showing the actual legitimate cost of construction of such project, addition, or betterment, and the price paid for water rights, rights of way, lands, or interest in lands; and the licensee shall grant to the commission or to its duly authorized agent or agents, at all reasonable times, free access to such project, addition, or betterment, and to all maps, profiles, contracts, reports of engineers, accounts, books, records, and all other papers and documents relating thereto.

SEC. 3. Where a licensee is a municipal corporation subject to regulation by a State commission or is a public service corporation or a person, association, or corporation owning or operating any project and developing, transmitting, or distributing power for sale or use in public service, and the records and accounts of such licensee are kept and maintained under and in conformity with the account-

ing rules and regulations prescribed by the public utility commission or other commission or regulatory body of the State or States in which the project is located, the licensee will not be required to maintain also the system of accounts provided by section 1 hereof, but the system of accounts prescribed by the State regulatory body may be substituted therefor if desired: *Provided*, That no licensee shall be relieved from keeping such permanent records as, in the judgment of the commission, are necessary to enable such licensee to submit to the commission such statements and reports as may be required for the purposes of sections 3 and 5 hereof or for other purposes of the act: *And provided further*, That a record shall be kept and maintained by each licensee showing separately and in detail all debits and credits to the property investment or fixed capital accounts of each project classified in accordance with the system of accounts provided by section 1 hereof.

SEC. 4. Irrespective of the extent to which a licensee is required to conform to the system of accounts provided by section 1 hereof, all reports, annual or otherwise, submitted under the provisions of the act or of these regulations on account of project property or the operations thereof shall conform in items included and in their segregation to the requirements of said system of accounts as if the accounts from which such statements or reports are compiled were kept and maintained according to such system.

SEC. 5. A. Each licensee shall submit at such time or times as the commission may require statements and reports, including full information as to assets and liabilities, capitalization, net investment and reduction thereof, gross receipts, interest due and paid, depreciation and other reserves, cost of project, cost of maintenance and operation of the project, cost of renewals and replacements of the project works, and as to depreciation of the project works and as to production, transmission, use and sale of power; and shall make adequate provision for currently determining such costs and other facts. All such statements and reports shall be made upon oath, unless otherwise specified, and in such form and on such blanks as the commission may require.

B. Any licensee which, under the permission granted by section 3 hereof, does not keep its accounts in accordance with the system of accounts prescribed by the commission as provided by section 1 hereof, but substitutes therefor the system of accounts prescribed by a State regulatory body, shall, in addition to other reports which may be required under this regulation, file with the commission a verified copy of all annual reports made to such State regulatory body; and each licensee which is a corporation shall file with the commission a copy of all its annual reports made to its stockholders.

Sec. 6. The commission reserves to itself the right to investigate and make any lawful order concerning any item or amount included in the cost of the original project or of any addition thereto or betterment thereof, whether such cost is incurred by the licensee during the period of the license, or by a permittee or other person natural or artificial prior to the issuing of a license under the act.

FORMS.[1]

The following forms are prescribed for applications filed under the Federal water power act, in accordance with the foregoing regulations:

FORM 1.—*Official statement of organization of corporation and list of officers and directors.*

[See Regulation 2, sec. 4, par. A (1) (b).]

I, _____
(Name.) (Secretary or president.)

of the _____, do hereby certify that the organization of said corporation has been completed; and that the corporation is authorized to proceed with the project applied for according to the existing laws of the State of _____. I further certify that the following is a true list of the principal officers and all the directors of the said corporation, with the full names and official designation of each, to wit:

(Here insert the full name and official designation of each principal officer and director.)

Witness my hand and the seal of the corporation this _____ day of _____, 19__.

_____

(SEAL.)

FORM 2a.—*Dating and signature of applicant.*

[See Regulations 3, 4, and 5.]

This map (These estimates, This copy of notice, etc.) is a part of the application for preliminary permit (license) made by the undersigned this _____ day of _____, 19__.

_____

[1] Blank forms are not furnished by the commission. Applications have permit to be so varied in size that it has been found impracticable to furnish printed blanks therefor. Applications should be typewritten, following the forms indicated herein.

FORM 2h.—*Datings and signatures of applicant.*

[See Regulations 3, 4, and 5.]

This form to be used for exhibits pertaining to applications for amendment of plans for project under license. (Use wording which fits the facts.)

This drawing (This map, These field notes, etc.) is a part of an application made by the undersigned this _____ day of _____, 19__, for an amendment of license for Project No. _____, and supersedes Sheet ____, Exhibit ____ (modifies Sheet ____, Exhibit ____) (supplements Exhibit ____).

_____
(Licensee.)

By _____

Attest:

_____
Secretary.

FORM 3.—*Application for preliminary permit.*

[See Regulations 2 and 3.]

1. [1] _____

a {corporation / ~~citizen~~} organized and existing under and by virtue of the laws of the State of _____ and having its office and principal place of business at _____, in the State of _____

1. [1] _____

citizen__ of the United States, whose business address is _____, being an applicant for a license under the Federal water power act, do__ hereby make application to the Federal Power Commission for a preliminary permit for _____ months, for the project described herein and approximately shown upon a certain map signed by the applicant on the _____ day of _____ 192__, which map is filed herewith and made a part hereof. This application is made in order that the applicant may secure and maintain priority for a license under the Federal water power act while procuring the data and performing the acts necessary to perfect an application for such license.

2. The location of the project __ applied for is as follows:

(a) In the State __ of _____

(b) In the count __ of _____

[1] Cancel words not used.

(c) On the following-named stream _____ navigable and carrying commerce to the following extent:

_____

_____

_____

_____

(d) In the region of the following-named cities and towns:

_____

_____

_____

3. The proposed scheme of development for the project is as follows:

_____

_____

_____

4. The proposed use of current for the power to be developed is as follows:

_____

_____

_____

5. The location and capacity of all power projects owned or operated by the applicant, the markets supplied thereby, and the relation thereof to the project ___ applied for are briefly described as follows:

_____

_____

_____

6. The following exhibits are filed herewith and are hereby made a part of this application:

(Give each exhibit a designation and brief description, as Exhibit A, certified copy of articles of incorporation; Exhibit B, official statement of organization of corporation and list of officers on Form 1; Exhibit C, statement of nature and amount of data available, etc.)

Exhibit: _____

Exhibit: _____

Exhibit: _____

IN WITNESS WHEREOF the applicant has caused its name and corporate seal to be hereunto signed and affixed by

_____ its _____

thereunto duly authorized, this _____ day

of _____, 192__.

_____

By _____

_____

Attest:

_____

Secretary.

(When the application is made by an individual or association of individuals, it will be signed and sworn to before a notary public or other officer having authority to administer the oath, using the following form:)

WITNESS the signature__ of the applicant__ this_____

day of _____, 192__

_____

_____

_____

_____

(If the applicant is an individual or an association of individuals proof of citizenship is required. Such proof may be by affidavit in the following form:)

STATE OF _____ }
County of _____ } ss.

_____

and _____, being duly sworn, each for himself, says that he is a citizen of the United States of America.

_____

_____

_____

Subscribed and sworn to before me this _____

day of _____, 192__.

[SEAL.] _____

Notary Public.

FORM 4a.—*Application for license.*[1]

[See Regulations 2 and 4, 2 and 5, or 2 and 6.]

1.[2] _____

a {corporation / municipality} organized and existing under and by virtue of the laws of the State of _____, and having its office and principal place of business at _____, in the State of _____

1.[2] _____

citizen__ of the United States, whose business address is _____ _____, in pursuance of a preliminary permit issued to the applicant on the _____ day of _____, 192__, do__ hereby make application to the Federal Power Commission for a license for a project described herein and shown on general and detail maps signed by the applicant on the _____ day of _____, 192__, which maps are filed herewith and made a part hereof, said license to authorize the construction, operation, and maintenance of certain project works, the principal ones of which are designated as follows on said maps:

(Give the name or other designation and a brief description of the principal project works and cancel such of the four following items (a), (b), (c), and (d) as may not be applicable.)

(a. Dams and reservoirs.) _____

_____

_____

(b. Water conduits.) _____

_____

_____

(c) Power houses.) _____

_____

_____

(d. Transmission lines.) _____

_____

_____

[1] Applicants for license are requested to apply to the commission for maps of project boundary.

[2] Cancel words not used.

2. The location of the project applied for is as follows:

(a) In the State of _____

(b) In the county of _____

(c) On the following-named stream _____

navigable and carrying commerce to the following extent:

_____

_____

_____

(d) In the region of the following-named cities and towns:

_____

_____

_____

3. The proposed scheme of development for the project is as follows:

_____

_____

4. The proposed use or market for the power to be developed is as follows:

_____

_____

_____

5. The location and capacity of all power projects owned or operated by the applicant, the markets supplied thereby, and the relation thereof to the project applied for, are briefly described as follows:

_____

_____

_____

6. The following exhibits are filed herewith and are hereby made a part of this application:

(Give each exhibit a designation and brief description, as Exhibit A, certified copy of articles of incorporation; Exhibit B, official statement of organization and list of officers on Form 1; Exhibit C, statement of nature and amount of data already available, etc.)

Exhibit: _____

Exhibit: _____

Exhibit: _____

In witness whereof the applicant has caused its name and corporate seal to be hereunto signed and affixed by _____

its _____ thereunto duly authorized, this

_____ day of _____, 19__.

By _____

_____

_____

Attest:

_____

Secretary.

Form 6h.—*Application for amendment of license.*[1]

[See Regulations 2 and 4 or 2 and 5.]

1.[2] _____

a {corporation / municipality} organized and existing under and by virtue of the laws of the State of _____, and having its office and principal place of business at _____, in the State of _____

1.[2] _____, citizen of the United States, whose business address is _____, to whom a license for a power project, designated as Project No. ___, was issued by the Federal Power Commission on the ___ day of _____, 19__, hereby make ___ application to said commission for an amendment of said license in the manner and to the extent described herein and as shown on general and detail maps (plans) (specifications) (field notes) signed by the applicant on the ___ day of _____, 19__, which _____ are filed herewith and made a part hereof.

2. (Brief statement or description of change desired.)

_____

_____

_____

3. The proposed changes are necessary and desirable for the following reasons: _____

_____

4. The following exhibits are filed herewith and are hereby made a part of this application for amendment of license:

Exhibit ___, Sheet ___, superseding Exhibit ___, Sheet ___.

Exhibit ___, Sheet ___, modifying Exhibit ___, Sheet ___.

Exhibit ___, Sheet ___, supplementing Exhibit ___, Sheet ___.

(Use wording which fits the facts.)

In Witness Whereof the applicant has caused its name and corporate seal to be hereunto signed and affixed by _____, its _____, thereunto duly authorized, this ___ day of _____, 19__.

_____

By _____

Attest:

_____

Secretary.

[1] Applicants for amendment of license are requested to apply to the commission for complete map of project boundary.

[2] Correct middle and until.

[redacted]

[redacted]

1. [redacted]

[redacted] organized and existing under and by virtue of the laws of the State of [redacted], and having its office and principal place of business at [redacted], in the State of [redacted]

2. [redacted], citizen... of the United States, whose business address is [redacted]

hereby make... application to the Federal Power Commission for a license for a transmission line described herein and shown on general map(s) filed herewith and signed by the applicant on the [redacted] day of [redacted], 19[redacted], which maps are filed herewith and made a part hereof, said license to authorize the construction, operation, and maintenance of said transmission line described as follows:

[redacted]

3. The location of the transmission line, license for which is applied for, is as follows:

(a) In the State of [redacted]

(b) In the County of [redacted]

(c) On public lands (lands within [redacted] National Forest, lands within [redacted] Indian Reservation).

4. The proposed use of the transmission line is as follows:

[redacted]

5. The following exhibits are filed herewith and are hereby made a part of this application:

Exhibit A. [redacted]

Exhibit B. [redacted]

In Witness Whereof, the applicant has caused its name and corporate seal to be hereunto affixed and attested by [redacted] its [redacted] thereunto duly authorized, this [redacted] day of [redacted], 19[redacted].

[redacted]

By [redacted]

Attest:

[redacted]

[redacted]

[redacted]

[redacted] Exhibits A, B, C, D, E, F, G, H, I, and J of Regulations A, for short lines and Exhibits A, B, C, D, E, F, G, H, I, and J of Regulations A, for long lines, as the case may be, as set forth in said Regulations with respect to which blank is checked.

[redacted] Strike out the words "lands within ... Indian Reservation," if inapplicable.

THE FEDERAL WATER POWER ACT.

(Approved, June 10, 1920; vol. 41, Statutes at Large, p. 1063.)

(Public—No. 280—66th Cong. H. R. 5481.)

AN ACT To create a Federal Power Commission; to provide for the improvement of navigation; the development of water power; the use of the public lands in certain States, and to repeal section 18 of the River and Harbor Appropriation Act, approved August 8, 1917, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a commission is hereby created and established, to be known as the Federal Power Commission (hereinafter referred to as the commission), which shall be composed of the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture. Two members of the commission shall constitute a quorum for the transaction of business, and the commission shall have an official seal, which shall be judicially noticed. The President shall designate the chairman of the commission.

SEC. 2. That the commission shall appoint an executive secretary, who shall receive a salary of $5,000 a year, and prescribe his duties, and the commission may request the President of the United States to detail an officer from the United States Engineer Corps to serve the commission as engineer officer, his duties to be prescribed by the commission.

The work of the commission shall be performed by and through the Departments of War, Interior, and Agriculture and their engineering, technical, clerical, and other personnel except as may be otherwise provided by law.

All the expenses of the commission, including rent in the District of Columbia, all necessary expenses for transportation and subsistence, including, in the discretion of the commission, a per diem of not exceeding $6 in lieu of subsistence incurred by its employees under its orders in making any investigation or conducting field work, or upon official business outside of the District of Columbia and away from their designated points of duty, shall be allowed and paid on the presentation of itemized vouchers therefor approved by a member or officer of the commission duly authorized for such purpose, and in order to defray the expenses made necessary by the provisions of this act there is hereby authorized to be appropriated such sums as Congress may hereafter determine, and the sum of $[illegible] is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available until expended, to be paid out upon warrants drawn on the Secretary of the Treasury upon order of the commission.

SEC. 3. That the words defined in this section shall have the following meanings for the purposes of this act, to wit:

"Public lands" means such lands and interest in lands owned by the United States as are subject to private appropriation and disposal under public land laws. It shall not include "reservations," as hereinafter defined.

"Reservations" means national monuments, national parks, national forests, tribal lands embraced within Indian reservations, military reservations, and other lands and interests in lands owned by the United States and withdrawn, reserved, or withheld from private appropriation and disposal under the public land laws; also lands and interests in lands acquired and held for any public purpose.

"Corporation" means a corporation organized under the laws of any State or of the United States empowered to develop, transmit, distribute, sell, lease, or utilize power in addition to such other powers as it may possess, and authorized to transact in the State or States in which its project is located all business necessary to effect the purposes of a license under this act. It shall not include "municipalities" as hereinafter defined.

"State" means a State admitted to the Union, the District of Columbia, and any organized Territory of the United States.

"Municipality" means a city, county, irrigation district, drainage district, or other political subdivision or agency of a State competent under the laws thereof to carry on the business of developing, transmitting, utilizing, or distributing power.

"Navigable waters" means those parts of streams or other bodies of water over which Congress has jurisdiction under its authority to regulate commerce with foreign nations and among the several States, and which under their natural or improved condition, notwithstanding interruptions between the navigable parts of such streams or waters by falls, shallows, or rapids compelling land carriage, are used or suitable for use for the transportation of persons or property in interstate or foreign commerce, including therein all such interrupting falls, shallows, or rapids, together with such other parts of streams as shall have been authorized by Congress for improvement by the United States or shall have been recommended to Congress for such improvement after investigation under its authority.

"Municipal purposes" means and includes all purposes within municipal powers as defined by the constitution or laws of the State or by the charter of the municipality.

"Government dam" means a dam or other work constructed or owned by the United States for Government purposes with or without contribution from others.

"Project" means complete unit of improvement or development, consisting of a power house, all water conduits, all dams and appurtenant works and structures (including navigation structures) which are a part of said unit, and all storage, diverting, or forebay reservoirs directly connected therewith, the primary line or lines transmitting power therefrom to the point of junction with the [illegible] system, or with the interconnected primary transmission system, all miscellaneous structures used and useful in connection with said unit or any part thereof, and all water rights, rights of way, dams, dam-sites, reservoirs, lands, or interest in lands the use and occupancy of which are necessary or appropriate to the maintenance and operation of such unit.

"Project works" means the physical structures of a project.

"Net investment" in a project means the actual legitimate original cost thereof as defined and interpreted in the "classification of investment in road and equipment of steam roads, issue of 1914, Interstate Commerce Commission," plus similar costs of additions thereto and betterments thereof, minus the sum of the following items properly allocated thereto, if and to the extent that such items have been accumulated during the period of the license from earnings in excess of a fair return on such investment: (a) Unappropriated surplus, (b) aggregate credit balances of current depreciation accounts, and (c) aggregate appropriations of surplus or income held in amortization, sinking funds, or similar reserves, or expended for additions or betterments or held for the purposes for which such reserves were created. The term "cost" shall include, in so far as applicable, the elements thereof prescribed in said classification, but shall not include expenditures from funds obtained through

donations by States, municipalities, individuals, or others, and said classification of investment of the Interstate Commerce Commission shall in so far as applicable be published and promulgated as a part of the rules and regulations of the commission.

SEC. 4. That the commission is hereby authorized and empowered—

(a) To make investigations and to collect and record data concerning the utilization of the water resources of any region to be developed, the water power industry and its relation to other industries and to interstate or foreign commerce, and concerning the location, capacity, development costs, and relations to markets of power sites, and whether the power from Government dams can be advantageously used by the United States for its public purposes, and what is a fair value of such power, to the extent the commission may deem necessary or useful for the purposes of this act.

In order to aid the commission in determining the net investment of a licensee in any project, the licensee shall, upon oath, within a reasonable period of time, to be fixed by the commission, after the construction of the original project or any additions thereto or betterment thereof, file with the commission, in such detail as the commission may require, a statement in duplicate showing the actual legitimate cost of construction of such project, addition, or betterment, and the price paid for water rights, rights of way, lands, or interest in lands. The commission shall deposit one of said statements with the Secretary of the Treasury. The licensee shall grant to the commission or to its duly authorized agent or agents, at all reasonable times, free access to such project, additions, or betterment, and to all maps, profiles, contracts, reports of engineers, accounts, books, records, and all other papers and documents relating thereto.

(b) To cooperate with the executive departments and other agencies of State or National Governments in such investigations; and for such purpose the several departments and agencies of the National Government are authorized and directed upon the request of the commission to furnish such records, papers, and information in their possession as may be requested by the commission, and temporarily to detail to the commission such officers or experts as may be necessary in such investigations.

(c) To make public from time to time the information secured hereunder, and to provide for the publication of its reports and investigations in such form and manner as may be best adapted for public information and use. The commission, on or before the first Monday in December of each year, shall submit to Congress for the fiscal year preceding a classified report showing the permits and licenses issued under this act, and in each case the parties thereto, the terms prescribed, and the moneys received, if any, on account thereof.

(d) To issue licenses to citizens of the United States, or to any association of such citizens, or to any corporation organized under the laws of the United States or any State thereof, or to any State or municipality for the purpose of constructing, operating, and maintaining dams, water conduits, reservoirs, power houses, transmission lines, or other project works necessary or convenient for the development and improvement of navigation, and for the development, transmission, and utilization of power across, along, from or in any of the navigable waters of the United States, or upon any part of the public lands and reservations of the United States (including the Territories), or for the purpose of utilizing the surplus water or water power from any Government dam, except as herein provided: *Provided*, That licenses shall be issued within any reservation only after a finding by the commission that the license will not interfere or be inconsistent with the purpose for which such

reservation was created or acquired, and shall be subject to and contain such conditions as the Secretary of the department under whose supervision such reservation falls shall deem necessary for the adequate protection and utilization of such reservation: *Provided further*, That no license affecting the navigable capacity of any navigable waters of the United States shall be issued until the plans of the dam or other structures affecting navigation have been approved by the Chief of Engineers and the Secretary of War. Whenever the contemplated improvement is, in the judgment of the commission, desirable and justified in the public interest for the purpose of improving or developing a waterway or waterways for the use or benefit of interstate or foreign commerce, a finding to that effect shall be made by the commission and shall become a part of the records of the commission: *Provided further*, That in case the commission shall find that any Government dam may be advantageously used by the United States for public purposes in addition to navigation, no license therefor shall be issued until two years after it shall have reported to Congress the facts and conditions relating thereto, except that this provision shall not apply to any Government dam constructed prior to the passage of this act: *And provided further*, That upon the filing of any application for a license which has not been preceded by a preliminary permit under subsection (e) of this section, notice shall be given and published as required by the provisions of said subsection.

(d) To issue *preliminary* permits for the purpose of enabling applicants for a license hereunder to secure the data and to perform the acts required by section 9 hereof: *Provided, however*, That upon the filing of any application for a preliminary permit by any person, association, or corporation the commission, before granting such application, shall at once give notice of such application in writing to any State or municipality likely to be interested in or affected by such application; and shall also publish notice of such application for eight weeks in a daily or weekly newspaper published in the county or counties in which the project or any part thereof or the lands affected thereby are situated.

(f) To prescribe rules and regulations for the establishment of a system of accounts and for the maintenance thereof by licensees hereunder; to examine all books and accounts of such licensees at any time; to require them to submit at such times or times as the commission may require statements and reports, including full information as to assets and liabilities, capitalization, net investment and reductions thereof, gross receipts, interest due and paid, depreciation and other reserves, cost of project, cost of maintenance and operation of the project, cost of renewals and replacements of the project works, and as to the operation of the project works and as to production, transmission, use, and sale of power; also to require any accounts to make adequate provision for currently determining said costs and other facts. All such statements and reports shall be made upon oath, unless otherwise specified, and in such form and on such blanks as the commission may require. Any person who, for the purpose of deceiving, makes or causes to be made any false entry in the books or the accounts of such licensee, and any person who, for the purpose of deceiving, makes or causes to be made any false statement or report in response to a request or order or direction from the commission for the statements and report herein referred to shall, upon conviction, be fined not more than $5,000 or imprisoned not more than five years, or both.

(g) To hold hearings and to order testimony to be taken by deposition at any designated place in connection with the application for any permit or license, or the regulation of rates, services, or operations, or the making of any investiga-

tion, as provided in this act; and to require by subpoena, signed by any member of the commission, the attendance and testimony of witnesses and the production of documentary evidence from any place in the United States, and in case of disobedience to a subpoena the commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence. Any member, expert, or examiner of the commission may, when duly designated by the commission for such purpose, administer oaths and affirmations, examine witnesses, and receive evidence. Depositions may be taken before any person designated by the commission or by its executive secretary and empowered to administer oaths, shall be subscribed in writing by such person or under his direction, and subscribed by the deponent. Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(h) To perform any and all acts, to make such rules and regulations, and to issue such orders not inconsistent with this act as may be necessary and proper for the purpose of carrying out the provisions of this act.

Sec. 5. That each preliminary permit issued under this act shall be for the sole purpose of maintaining priority of application for a license under this act for such period or periods, not exceeding a total of three years as in the discretion of the commission may be necessary for making examinations and surveys, for preparing maps, plans, specifications, and estimates, and for making financial arrangements. Each such permit shall set forth the conditions under which priority shall be maintained and a license issued. Such permits shall not be transferable, and may be canceled by order of the commission upon failure of permittees to comply with the conditions thereof.

Sec. 6. That licenses under this act shall be issued for a period not exceeding fifty years. Each such license shall be conditioned upon acceptance by the licensee of all the terms and conditions of this act and such further conditions, if any, as the commission shall prescribe in conformity with this act, which said terms and conditions and the acceptance thereof shall be expressed in said license. Licenses may be revoked only for the reasons and in the manner prescribed under the provisions of this act, and may be altered or surrendered only upon mutual agreement between the licensee and the commission after ninety days' public notice.

Sec. 7. That in issuing preliminary permits hereunder or licenses where no preliminary permit has been issued and in issuing licenses to new licensees under section 15 hereof the commission shall give preference to applications therefor by States and municipalities, provided the plans for the same are deemed by the commission equally well adapted, or shall within a reasonable time to be fixed by the commission be made equally well adapted, to conserve and utilize in the public interest the navigation and water resources of the region. And as between other applicants the commission may give preference to the applicant the plans of which it finds and determines are best adapted to develop, conserve, and utilize in the public interest the navigation and water resources of the region, if it be satisfied as to the ability of the applicant to carry out such plans.

Upon whenever, in the judgment of the commission, the development of any project should be undertaken by the United States itself, the commission shall not approve any applications for such project by any citizen, association,

corporation, State, or municipality, but shall cause to be made such examinations, surveys, reports, plans, and estimates of the cost of the project as it may deem necessary, and shall submit its findings to Congress with such recommendations as it may deem appropriate concerning the construction of such project or completion of any project upon any Government dam by the United States.

The commission is hereby authorized and directed to investigate and, on or before the 1st day of January, 1931, report to Congress the cost and in detail the economic value of the power plant outlined in project numbered 2, House Document Numbered 1498, Sixty-second Congress, third session, in view of existing conditions, utilizing such study as may heretofore have been made by any department of the Government; also in connection with such project to submit plans and estimates of cost necessary to secure an increased and adequate water supply for the District of Columbia. For this purpose the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated.

SEC. 5. That no voluntary transfer of any license, or of the rights thereunder granted, shall be made without the written approval of the commission; and any successor or assign of the rights of such licensee, whether by voluntary transfer, judicial sale, foreclosure sale, or otherwise, shall be subject to all the conditions of the license under which such rights are held by such licensee and also subject to all the provisions and conditions of this act to the same extent as though such successor or assign were the original licensee hereunder: *Provided*, That a mortgage or trust deed or similar [illegible] or assignment thereof or upon any of same shall not be deemed voluntary transfers within the meaning of this section.

SEC. 6. That each applicant for a license hereunder shall submit to the commission—

(a) Such maps, plans, specifications, and estimates of cost as may be required for a full understanding of the proposed project. Such maps, plans, and specifications when approved by the commission shall be made a part of the license; and thereafter no change shall be made in said maps, plans, or specifications until such changes shall have been approved and made a part of such license by the commission.

(b) Satisfactory evidence that the applicant has complied with the requirements of the laws of the State or States within which the proposed project is to be located with respect to bed and banks and to the appropriation, diversion, and use of water for power purposes and with respect to the right to exercise in the business of developing, transmitting, and distributing power, and in any other business necessary to effect the purposes of a license under this act.

(c) Such additional information as the commission may require.

SEC. 7. That all licenses issued under this act shall be on the following conditions:

(a) That the project adopted, including the maps, plans, and specifications, shall be such as in the judgment of the commission will be best adapted to a comprehensive scheme of improvement and utilization for the purposes of navigation, of water-power development, and of other beneficial public uses; and if necessary in order to secure such scheme the commission shall have authority to require the modification of any project and of the plans and specifications of the project works before approval.

(b) That except when emergency shall require for the protection of navigation, life, health, or property, no substantial alteration or addition not in conformity with the approved plans shall be made to any dam or other project works constructed hereunder of a capacity in excess of one hundred

horsepower without the prior approval of the commission; and any emergency alteration or addition so made shall thereafter be subject to such modification and change as the commission may direct.

(c) That the licensee shall maintain the project works in a condition of repair adequate for the purposes of navigation and for the efficient operation of said works in the development and transmission of power, shall make all necessary renewals and replacements, shall establish and maintain adequate depreciation reserves for such purposes, shall so maintain and operate said works as not to impair navigation, and shall conform to such rules and regulations as the commission may from time to time prescribe for the protection of life, health, and property. Each licensee hereunder shall be liable for all damages occasioned to the property of others by the construction, maintenance, or operation of the project works or of the works appurtenant or accessory thereto, constructed under the license, and in no event shall the United States be liable therefor.

(d) That after the first twenty years of operation out of surplus earned thereafter, if any, accumulated in excess of a specified reasonable rate of return upon the actual, legitimate investment of a licensee in any project or projects under license the licensee shall establish and maintain amortization reserves which reserves shall, in the discretion of the commission, be held until the termination of the license or be applied from time to time in reduction of the net investment. Such specified rate of return [illegible] of such surplus earnings to be paid into and held in such reserves shall be set forth in the license.

(e) That the licensee shall pay to the United States reasonable annual charges in an amount to be fixed by the commission for the purpose of reimbursing the United States for the costs of the administration of this act; for recompensing it for the use, occupancy, and enjoyment of its lands or other property; and for the expropriation to the Government of excessive profits until the respective States shall make provision for recapturing excessive profits or for the expropriation thereof to themselves, or until the period of amortization as herein provided is reached, and in fixing such charges the commission shall seek to avoid increasing the price to the consumers of power by such charges, and charges for the expropriation of excessive profits may be adjusted from time to time by the commission as conditions may require: *Provided*, That when licenses are issued involving the use of Government dams or other structures owned by the United States or tribal lands embraced within Indian reservations the commission shall fix a reasonable annual charge for the use thereof, and such charges may be readjusted at the end of twenty years after the beginning of operations and at periods of not less than ten years thereafter in a manner to be described in each license: *Provided*, That licenses for the development, transmission, or distribution of power by States or municipalities shall be issued and enjoyed without charge to the extent such power is used by the public without profit or is used by such State or municipality for State or municipal purposes, except that as to projects constructed or to be constructed by States or municipalities primarily designed to provide or improve navigation licenses therefor shall be issued without charge; and that licenses for the development, transmission, or distribution of power for domestic, mining, or other beneficial use in projects of not more than one hundred horsepower capacity may be issued without charge, except on tribal lands within Indian reservations; but in no case shall a license be issued free of charge for the development and utilization of power created by any Government dam and that the amount charged therefor in any license shall be such as determined by the commission.

(f) That whenever any licensee hereunder is directly benefited by the construction work of another licensee, a permittee, or of the United States of a storage reservoir or other headwater improvement, the commission shall require as a condition of the license that the licensee so benefited shall reimburse the owner of such reservoir or other improvements for such part of the annual charges for interest, maintenance, and depreciation thereon as the commission may deem equitable. The proportion of such charges to be paid by any licensee shall be determined by the commission.

Whenever such reservoir or other improvement is constructed by the United States the commission shall assess similar charges against any licensee directly benefited thereby, and any amount so assessed shall be paid into the Treasury of the United States, to be reserved and appropriated as a part of the special fund for headwater improvements as provided in section 17 hereof.

(g) Such other conditions not inconsistent with the provisions of this act as the commission may require.

(h) That combinations, agreements, arrangements, or understandings, express or implied, to limit the output of electrical energy, to restrain trade, or to fix, maintain, or increase prices for electrical energy or service are hereby prohibited.

(i) In issuing licenses for a minor part only of a complete project, or for a complete project of not more than one hundred horsepower capacity, the commission may in its discretion waive such conditions, provisions, and requirements of this act, except the license period of fifty years, as it may deem to be in the public interest to waive under the circumstances: *Provided*, That the provisions hereof shall not apply to lands within Indian reservations.

SEC. 11. That if the dam or other project works are to be constructed across, along, or in any of the navigable waters of the United States, the commission may, in so far as it deems the same reasonably necessary to promote the present and future needs of navigation and consistent with a reasonable investment cost to the licensee, include in the license any one or more of the following provisions or requirements:

(a) That such licensee shall, to the extent necessary to preserve and improve navigation facilities, construct, in whole or in part, without expense to the United States, in connection with such dam, a lock or locks, booms, sluices, or other structures for navigation purposes, in accordance with plans and specifications approved by the Chief of Engineers and the Secretary of War and made part of such license.

(b) That in case such structures for navigation purposes are not made a part of the original construction at the expense of the licensee, then whenever the United States shall desire to complete such navigation facilities the licensee shall convey to the United States, free of cost, such of its land and its rights of way and such right of passage through its dams or other structures, and permit such control of pools as may be required to complete such navigation facilities.

(c) That such licensee shall furnish free of cost to the United States power for the operation of such navigation facilities, whether constructed by the licensee or by the United States.

SEC. 12. That whenever application is filed for a project hereunder involving navigable waters of the United States, and the commission shall find upon investigation that the needs of navigation require the construction of a lock or locks or other navigation structures, and that such structures can not, consistent with a reasonable investment cost to the applicant, be provided in the manner specified in section 11, subsection (a) hereof, the commission may grant the application with the provision to be expressed in the license that the licensee will install the necessary navigation structures if the Government fails to make

provisions thereafter within a time to be fixed in the license and cause a report upon such project to be prepared with estimates of cost of the power development and of the navigation structures, and shall submit such report to Congress with such recommendations as it deems appropriate concerning the participation of the United States in the cost of construction of such navigation structures.

SEC. 13. That the licensee shall commence the construction of the project works within the time fixed in the license, which shall not be more than two years from the date thereof, shall thereafter in good faith and with due diligence prosecute such construction, and shall within the time fixed in the license complete and put into operation such part of the ultimate development as the commission shall deem necessary to supply the reasonable needs of the then available market, and shall from time to time thereafter construct such portion of the balance of such development as the commission may direct, so as to supply adequately the reasonable market demands until such development shall have been completed. The periods for the commencement of construction may be extended once but not longer than two additional years, and the period for the completion of construction carried on in good faith and with reasonable diligence may be extended by the commission when not incompatible with the public interests. In case the licensee shall not commence actual construction of the project works or of any specified part thereof, within the time prescribed in the license or as extended by the commission, then, after due notice given, the license shall, as to such project works or part thereof, be terminated upon written order of the commission. In case the construction of the project works or of any specified part thereof, have been begun but not completed within the time prescribed in the license, or as extended by the commission, then the Attorney General, upon the request of the commission, shall institute proceedings in equity in the district court of the United States for the district in which any part of the project is situated for the revocation of said license, the sale of the works constructed, and such other equitable relief as the case may demand, as provided for in section 26 hereof.

SEC. 14. That upon not less than two years' notice in writing from the commission the United States shall have the right upon or after the expiration of any license to take over and thereafter to maintain and operate any project or projects as defined in section 3 hereof, and covered in whole or in part by the license, or the right to take over upon mutual agreement with the licensee all property owned and held by the licensee then valuable and serviceable in the development, transmission, or distribution of power and which is then dependent for its usefulness upon the continuance of the license, together with any lock or locks or other aids to navigation constructed at the expense of the licensee, upon the condition that before taking possession it shall pay the net investment of the licensee in the project or projects taken, not to exceed the fair value of the property taken, plus such reasonable damages, if any, to property of the licensee valuable, serviceable, and dependent as above set forth but not taken, as may be caused by the severance therefrom of property taken, and shall assume all contracts entered into by the licensee with the approval of the commission. The net investment of the licensee in the project or projects so taken and the amount of such severance damages, if any, shall be determined by agreement between the commission and the licensee, and in case they can not agree, by proceedings in equity instituted by the United States in the district court of the United States in the district within which any such property may be located: *Provided*, That such net investment shall not include or be affected by the value of any lands, rights of way, or other property of the United States licensed by the commission under this act, by the licensee, or by good will, going

value, or prospective revenue: *Provided further*, That the values allowed for water rights, rights of way, lands, or interest in lands shall not be in excess of the actual reasonable cost thereof at the time of acquisition by the licensee: *Provided*, That the right of the United States or any State or municipality to take over, maintain, and operate any project licensed under this act at any time by condemnation proceedings upon payment of just compensation is hereby expressly reserved.

SEC. 15. That if the United States does not, at the expiration of the original license, exercise its right to take over, maintain, and operate any project or projects of the licensee, as provided in section 14 hereof, the commission is authorized to issue a new license to the original licensee upon such terms and conditions as may be authorized or required under the then existing laws and regulations, or to issue a new license under said terms and conditions to a new licensee, which license may cover any project or projects covered by the original license, and shall be issued on the condition that the new licensee shall, before taking possession of such project or projects, pay such amount, and assume such contracts as the United States is required to do, in the manner specified in section 14 hereof: *Provided*, That in the event the United States does not exercise the right to take over or does not issue a license to a new licensee, or issue a new license to the original licensee, upon reasonable terms, then the commission shall issue from year to year an annual license to the then licensee under the terms and conditions of the original license until the property is taken over or a new license is issued as aforesaid.

SEC. 16. That when in the opinion of the President of the United States, evidenced by a written order addressed to the holder of any license hereunder, the safety of the United States demands it, the United States shall have the right to enter upon and take possession of any project, or part thereof, constructed, maintained, or operated under said license, for the purpose of manufacturing nitrates, explosives, or munitions of war, or for any other purpose involving the safety of the United States, to retain possession, management, and control thereof for such length of time as may appear to the President to be necessary to accomplish said purposes, and then to restore possession and control to the party or parties entitled thereto; and in the event that the United States shall exercise such right it shall pay to the party or parties entitled thereto just and fair compensation for the use of said property as may be fixed by the commission upon the basis of a reasonable profit in time of peace, and the cost of restoring said property to as good condition as existed at the time of the taking over thereof, less the reasonable value of any improvements that may be made thereto by the United States and which are valuable and serviceable to the licensee.

SEC. 17. That all proceeds from any Indian reservation shall be placed to the credit of the Indians of such reservation. All other charges arising from licenses hereunder shall be paid into the Treasury of the United States, subject to the following distribution: Twenty and one-half per centum thereof is hereby appropriated to be paid into the Treasury of the United States and credited to "Miscellaneous receipts"; 50 per centum of the charges arising from licenses hereunder for the occupancy and use of public lands, national monuments, national forests, and national parks shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress known as the reclamation act, approved June 17, 1902; and 37½ per centum of the charges arising from licenses hereunder for the occupancy and use of national forests, national parks, public lands, and national monuments, from developments within the boundaries of any State shall be paid by the Secretary of the Treasury to such State; and 50 per centum of the

charges arising from all other licenses hereunder is hereby reserved and appropriated as a special fund in the Treasury to be expended under the direction of the Secretary of War in the maintenance and operation of dams and other navigation structures owned by the United States or in the construction, maintenance, or operation of headwater or other improvements of navigable waters of the United States.

SEC. 15. That the operation of any navigation facilities which may be constructed as a part of or in connection with any dam or diversion structure shall, under the provisions of this Act, whether at the expense of a licensee hereunder or of the United States, shall at all times be controlled by such reasonable rules and regulations in the interest of navigation, including the control of the level of the pool caused by such dam or diversion structure as may be made from time to time by the Secretary of War. Such rules and regulations may include the maintenance and operation by such licensee at its own expense of such lights and signals as may be directed by the Secretary of War, and such fishways as may be prescribed by the Secretary of Commerce; and for willful failure to comply with any such rule or regulation such licensee shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section 35 hereof.

SEC. 16. That as a condition of the license, every licensee hereunder which is a public service corporation, or a person, association, or corporation owning or operating any project and developing, transmitting, or distributing power for sale or use in public service, shall abide by such reasonable regulation of the services to be rendered as customers or consumers of power, and of rates and charges of payment therefor, as may from time to time be prescribed by any duly constituted agency of the State in which the service is rendered or the rate charged. That in case of the development, transmission, or distribution, or use in public service of power by any licensee hereunder or by its customer engaged in public service within a State which has not authorized and empowered a commission or other agency or agencies within said State to regulate and control the services to be rendered by such licensee or by its customer engaged in public service, or the rates and charges of payment therefor, or the amount or character of securities to be issued by any of said parties, it is agreed as a condition of such license that jurisdiction is hereby conferred upon the commission, upon complaint of any person aggrieved or upon its own initiative, to exercise such regulation and control until such time as the State shall have provided a commission or other authority for such regulation and control: *Provided*, That the jurisdiction of the commission shall cease and determine as to such specific matter of regulation and control prescribed in this section as soon as the State shall have provided a commission or other authority for the regulation and control of that specific matter.

SEC. 20. That when said power or any part thereof shall enter into interstate or foreign commerce the rates charged and the service rendered by any such licensee, or by any subsidiary corporation, the stock of which is owned or controlled directly or indirectly by such licensee, or by any person, corporation, or association purchasing power from such licensee for sale and distribution or use in public service, shall be reasonable, nondiscriminatory, and just to the consumer, and all unreasonable discriminatory and unjust rates or services are hereby prohibited and declared to be unlawful; and whenever any of the States directly concerned has not provided a commission or other authority to enforce the requirements of this section within such State or to regulate and control the amount and character of securities to be issued by

any of such parties or such States are unable to agree through their properly constituted authorities on the services to be rendered or on the rates or charges of payment therefor, or on the amount or character of securities to be issued by any of said parties, jurisdiction is hereby conferred upon the commission, upon complaint of any person aggrieved, upon the request of any State concerned, or upon its own initiative, to enforce the provisions of this section, to regulate and control so much of the services rendered, and of the rates and charges of payment therefor as constitute interstate or foreign commerce, and to regulate the issuance of securities by the parties included within this section, and securities issued by the licensee subject to such regulations shall be allowed only for the bona fide purpose of financing and conducting the business of such licensee.

The administration of the provisions of this section, so far as applicable, shall be according to the procedure and practice in fixing and regulating the rates, charges, and practices of railroad companies as provided in the act to regulate commerce, approved February 4, 1887, as amended, and that the parties subject to such regulation shall have the same rights of hearing, defense, and review as said companies in such cases.

In any valuation of the property of any licensee hereunder for purposes of rate making, no value shall be claimed by the licensee or allowed by the commission for any project or projects under license in excess of the value or values prescribed in section 14 hereof for the purposes of purchase by the United States, but there shall be included the cost to such licensee of the construction of the lock or locks or other aids of navigation and all other capital expenditures required by the United States, and no value shall be claimed or allowed for the rights granted by the commission or by this act.

SEC. 21. That when any licensee can not acquire by contract or pledges an unimproved dam site or the right to use or damage the lands or property of others necessary to the construction, maintenance, or operation of any dam, reservoir, diversion structure, or the works appurtenant or necessary thereto, in conjunction with an improvement which in the judgment of the commission is desirable and justified in the public interest for the purpose of improving or developing a waterway or waterways for the use or benefit of interstate or foreign commerce, it may acquire the same by the exercise of the right of eminent domain in the district court of the United States for the district in which such land or other property may be located, or in the State courts. The practice and procedure in any action or proceeding for that purpose in the district court of the United States shall conform as nearly as may be with the practice and procedure in similar action or proceeding in the courts of the State where the property is situated: *Provided*, That United States district courts shall only have jurisdiction of cases when the amount claimed by the owner of the property to be condemned exceeds $3,000.

SEC. 22. That whenever the public interest requires or justifies the execution by the licensee of contracts for the sale and delivery of power for periods extending beyond the date of termination of the license, such contracts may be entered into upon the joint approval of the commission and of the public-service commission or other similar authority in the State in which the sale or delivery of power is made, or if sold or delivered in a State which has no such public-service commission, then upon the approval of the commission, and thereafter, in the event of failure to issue a new license to the original licensee at the termination of the license, the United States or the new licensee, as the case may be, shall assume and fulfill all such contracts.

SEC. 23. That the provisions of this act shall not be construed as affecting any permit or valid existing right of way heretofore granted or as confirming

or otherwise affecting any claim, or as affecting any authority heretofore given pursuant to law, but any person, association, corporation, State, or municipality, holding or possessing such permit, right of way, or authority may apply for a license hereunder, and upon such application the commission may issue to any such applicant a license in accordance with provisions of this act, and in such case the provisions of this act shall apply to such applicant as a licensee hereunder: *Provided*, That when application is made for a license under this section for a project or projects already constructed, the fair value of said project or projects, determined as provided in this section, shall for the purposes of this act and of said license be deemed to be the amount to be allowed as the net investment of the applicant in such project or projects as of the date of such license, or as of the date of such determination, if license has not been issued. Such fair value may, in the discretion of the commission, be determined by mutual agreement between the commission and the applicant or, in case they can not agree, jurisdiction is hereby conferred upon the district court of the United States in the district within which such project or projects may be located, upon the application of either party, to hear and determine the amount of such fair value.

That any person, association, corporation, State, or municipality intending to construct a dam or other project works across, along, over, or in any stream or part thereof, other than those defined herein as navigable waters, and over which Congress has jurisdiction under its authority to regulate commerce between foreign nations and among the several States, may in their discretion file declaration of such intention with the commission, whereupon the commission shall cause immediate investigation of such proposed construction to be made, and if upon investigation it shall find that the interests of interstate or foreign commerce would be affected by such proposed construction, such person, association, corporation, State, or municipality shall not proceed with such construction until it shall have applied for and shall have received a license under the provisions of this act. If the commission shall not so find, and if no public lands or reservations are affected, permission is hereby granted to construct such dam or other project works in such stream upon compliance with State laws.

SEC. 24. That any lands of the United States included in any proposed project under the provisions of this act shall from the date of filing of application therefor be reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by the commission or by Congress. Notice that such application has been made, together with the date of filing thereof and a description of the lands of the United States affected thereby, shall be filed in the local land office for the district in which such lands are located. Whenever the commission shall determine that the value of any lands of the United States so applied for, or heretofore reserved or classified as power sites, will not be injured or destroyed for the purposes of power development by location, entry, or selection under the public-land laws, the Secretary of the Interior, upon notice of such determination, shall declare such lands open to location, entry, or selection, subject to and with a reservation of the right of the United States or its permittees or licensees to enter upon, occupy, and use any part or all of said lands necessary, in the judgment of the commission, for the purposes of this act, which right shall be expressly reserved in every patent issued for such lands; and no claim or right to compensation shall accrue from the exercise or use of any of said lands for said purposes. The United States or any licensee for any such lands hereunder may enter thereupon for the purposes of this act, upon payment of any damages to crops, buildings, or other improvements caused thereby to the owner thereof, or

upon giving a good and sufficient bond to the United States for the use and benefit of the owner to secure the payment of such damages as may be determined and fixed in an action brought upon the bond in a court of competent jurisdiction, said bond to be in the form prescribed by the commission: *Provided*, That locations, entries, selections, or filings heretofore made for lands reserved as water-power sites or in connection with water-power development or electrical transmission may proceed to approval or patent under and subject to the limitations and conditions in this section contained.

SEC. 26. That any licensee, or any person, who shall willfully fail or who shall refuse to comply with any of the provisions of this act, or with any of the conditions made a part of any license issued hereunder, or with any rule issued by the commission, or with any regulation or lawful order of the commission, or of the Secretary of War, or of the Secretary of Commerce as to fairways, issued or made in accordance with the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall, in the discretion of the court, be punished by a fine of not exceeding $1,000, in addition to other penalties herein prescribed or provided by law; and every month any such licensee or any such person shall remain in default after written notice from the commission, or from the Secretary of War, or from the Secretary of Commerce, shall be deemed a new and separate offense punishable as aforesaid.

SEC. 27. That the Attorney General may, on request of the commission or of the Secretary of War, institute proceedings in equity in the district court of the United States in the district in which any project or part thereof is situated for the purpose of revoking for violation of its terms any permit or license issued hereunder, or for the purpose of remedying or correcting by injunction, mandamus, or other process any act of commission or omission in violation of the provisions of this act or of any lawful regulation or order promulgated hereunder. The district courts shall have jurisdiction over all of the above-mentioned proceedings and shall have power to issue and execute all necessary process and to make and enforce all writs, orders, and decrees to compel compliance with the lawful orders and regulations of the commission and of the Secretary of War, and to compel the performance of any condition imposed under the provisions of this act. In the event a decree revoking a license is entered, the court is empowered to sell the whole or any part of the project or projects under license, to wind up the business of such licensee conducted in connection with such project or projects, to distribute the proceeds to the parties entitled to the same, and to make and execute such further orders and decrees as equity and justice may require. At such sale or sales the vendee shall take the rights and privileges belonging to the licensee and shall perform the duties of such licensee and assume all outstanding obligations and liabilities of the licensee which the court may deem equitable in the premises; and at such sale or sales the United States may become a purchaser, but it shall not be required to pay a greater amount than it would be required to pay under the provisions of section 14 hereof at the termination of the license.

SEC. 28. That nothing herein contained shall be construed as affecting or intending to affect or in any way to interfere with the laws of the respective States relating to the control, appropriation, use, or distribution of water used in irrigation or for municipal or other uses, or any vested right acquired therein.

SEC. 29. That the right to alter, amend, or repeal this act is hereby expressly reserved; but no such alteration, amendment, or repeal shall affect any license theretofore issued under the provisions of this act, or the rights of any licensee thereunder.

SEC. 30. That all acts or parts of acts inconsistent with this act are hereby repealed: *Provided*, That nothing herein contained shall be held or construed

to modify or repeal any of the provisions of the act of Congress approved December 19, 1913, granting certain rights of way to the city and county of San Francisco, in the State of California: *Provided further*, That section 18 of an act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, approved August 8, 1917, is hereby repealed.

SEC. 32. That the short title of this act shall be "The Federal Water Power Act."

Approved, June 10, 1920.

AMENDMENT TO THE FEDERAL WATER POWER ACT.

(41 Stat. 1063.)

AN ACT To amend an act entitled "An act to create a Federal Power Commission; to provide for the improvement of navigation; the development of water power; the use of the public lands in relation thereto; and to repeal section 18 of the river and harbor appropriation act, approved August 8, 1917, and for other purposes," approved June 10, 1920.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter no permit, license, lease, or authorization for dams, conduits, reservoirs, power houses, transmission lines, or other works for storage or carriage of water, or for the development, transmission, or utilization of power, within the limits as now constituted of any national park or national monument shall be granted or made without specific authority of Congress, and so much of the act of Congress approved June 10, 1920, entitled "An act to create a Federal Power Commission; to provide for the improvement of navigation; the development of water power; the use of the public lands in relation thereto; and to repeal section 18 of the river and harbor appropriations act, approved August 8, 1917, and for other purposes," approved June 10, 1920, as authorizes securing such uses of existing national parks and national monuments by the Federal Power Commission is hereby repealed.

Approved, March 3, 1921.

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RECEIVED
1924

Application for license

One

[illegible] its office in [illegible] and [illegible] the State of Idaho, with its statutory [illegible] principal place of business thereis located at Idaho Falls, Bonneville County, Idaho, has hereby made a petition to the [illegible] and [illegible] for a license for a project described hereinafter and known as general and detailed maps signed by the [illegible] on the 26th day of August, 1913, which maps are filed herewith and made a part hereof; said license to authorize the construction and maintenance of certain [illegible] project works, the principal [illegible] of which are located as follows on [illegible]:

1. [illegible] Creek:

Located on Bear River in Franklin County, Idaho, in sections 25, 27, 34, 35 and 36, Township 13 South, Range 43 East, and Sections 30, 31 and 6, Township 15 South, Range 44 East, B.M., built in part in the years 1913 to 1916; [illegible], in the years 1919 and 1921.

(a) [illegible] Reservoirs:

Cowida diversion and storage dam is a concrete gravity, overflow type, together with an earthen dike creating a storage reservoir with capacity of 11,500 acre feet.

(b) Water Conduits:

Water is conveyed from the reservoir to the plant of the through a concrete intake and steel pipe, the terminating in a steel surge tank from which the water feeds are carried through a steel penstock. The flow of water to the [illegible] is controlled by steel [illegible] set in concrete and [illegible] with suitable controlling devices.

(c) Power Houses:

The power house is built of reinforced concrete, housing three generating units. The water is utilized through these units to develop 27,000 kilowatts of electrical energy at [illegible].

(d) Transmission Lines:

The power above mentioned is generated, transformed and [illegible] through [illegible] electrical transmission system [illegible] the Bonneville [illegible], Idaho, [illegible] other [illegible] [illegible].

[illegible]

[illegible]

[illegible] Applicant serves electric energy at wholesale to the following cities and towns:

The Applicant serves electric energy at wholesale from Afton, Idaho, [illegible] Kanarraville, Utah, on the south, a distance of [illegible] miles. Approximately [illegible] communities are served, including Salt Lake City, Ogden, Provo, Moran, Bingham, Provo, Orem, Lehi and American Fork in Utah; Idaho Falls, Ashton, Afton, St. Anthony, [illegible] and Montpelier in Idaho.

3. The scheme of development of the project is as follows:

Water is stored in the reservoir above described and conveyed by the above mentioned conduit a distance of approximately [illegible] feet to a steel surge tank, and thence through penstocks under a head of 145 feet to three Ivan Morris type vertical shaft turbines directly connected to three 1,000 kilowatt General Electric generators, and thence returned to channel of Bear River.

4. The [illegible] of the [illegible] is as follows:

For electric current for power, electric light, irrigation, traction and other purposes. The total population served is estimated at more than 300,000 persons and electric service is at present to about 16,000 customers at this date, in the territory above described.

5. The location and capacity of all power projects owned or operated by the Applicant, the market supplied thereby and the relation thereof to the project applied for are briefly described as follows:

(a) The following power generating plants owned or operated by the Applicant on the Interconnected System:

Name of Plant	Geographical Location	Installed Generator Capacity KW
Alpine	Sec. 9, Twp. 4 S., R 2 E., S.L.M.	1,750
American Fork (Upper)	Sec. 28, Twp. 4 S., R 2 E., S.L.M.	1,200
American Fork (Lower)	Sec. 31, Twp. 4 S., R 2 E., S.L.M.	950
Battle Creek	Sec. [illegible], Twp. 5 S., R 2 E., S.L.M.	2,400
Cove	Sec. 33, Twp 10 [illegible], 240 E., S.L.M.	7,500
Devils	Sec. 18, Twp [illegible] E., T 1 E., [illegible]	312
Georgetown	Sec. [illegible], Twp [illegible], R 4 E., S.L.M.	150
Grace	Sec. [illegible], Twp [illegible], R 40 E., S.L.M.	[illegible]

Name of Canal	Description of Diversion	Quantity Applied for (cfs)
[illegible]	[illegible]	1,[illegible]
[illegible] Creek	[illegible]	[illegible]
Byrne	[illegible]	2,[illegible]
Idaho Falls	[illegible]	1,[illegible]
Jordan Narrows	[illegible]	1,[illegible]
Logan	[illegible]	2,[illegible]
McCammon	[illegible]	60
Mill Creek (Upper)	[illegible]	[illegible]
Mill Creek (Lower)	[illegible]	1,[illegible]
Northside	[illegible]	7,[illegible]
Olmsted	[illegible]	10,[illegible]
Oneida	[illegible]	20,[illegible]
Paris	[illegible]	[illegible]
Park City	[illegible]	175
Pioneer	[illegible]	6,[illegible]
Riverdale	[illegible]	5,750
Santaquin	[illegible]	[illegible]
Talley	[illegible]	[illegible]
[illegible] Creek	[illegible]	1,[illegible]
[illegible]	[illegible]	[illegible]
St. Anthony	[illegible]	[illegible]
Weber	[illegible]	2,[illegible]
Thomson	[illegible]	[illegible]
Willard	[illegible]	350
Total		109,[illegible]

*Project herein applied for.

(b) The market supplied is described in paragraph 4 (d) supra, and the relation of the project to applicant's interconnected system is shown on Exhibit "A".

6. The following exhibits are filed herewith and are hereby made a part of this application:

Exhibit "A" - Certified copy of Articles of Incorporation.
"B" - Other evidence that Applicant is qualified to proceed with Project Applied for.
"C" - Field Notes of Project Summary of Oneida Reservoir.
"D" - Evidence that the Applicant has complied with the Requirements of the Laws of the State of Idaho.
"E" - [illegible] of nature, extent and Ownership of Water Rights and of Ownership of Lands.
"F" - [illegible] Agreement [illegible] or other Structures Involved.
"G" - [illegible] Financial Ability of Applicant to Finance Project.

- Exhibit "A" - Map showing location of the entire project of dams, power plants and transmission lines of the Utah Power & Light Company. Two blue prints of this map.
- Exhibit "B" - Detailed maps of Entire Project 2 sheets. Marked sheet No. 2 and two blue prints.
- Exhibit "C" - General Design Drawings of Power Houses, Dams, Intake, etc 4 sheets, marked No. 1, 2, 3, and 4, with Two Blue Prints of Each Sheet.
- Exhibit "D" - General Descriptions and General Specifications of Mechanical, Electrical and Transmission Equipment.
- Exhibit "E" - Statement Showing Lands of Any Over Government Lands.
- Exhibit "F" - Statement Setting Forth Brief History of Project Works Already Constructed with Method of Financing.
- Exhibit "G" - Statement in Lieu of Exhibit "F".

IN WITNESS WHEREOF, the Applicant has caused its name and corporate seal to be hereunto signed and affixed by S.R. Inch and Geo. D. Thomas its Vice President and Secretary, thereunto duly authorized this 20th day of August, 1920.

UTAH POWER & LIGHT COMPANY

By S.R. Inch.
Vice President and General Manager

Attest:

Geo. D. Thomas
Secretary

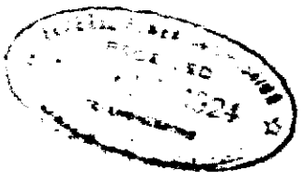


EXHIBIT "A"

[illegible] KEY OF ARTICLES OF INCORPORATION

To accompany Application for License
Under Act of June 10, 1920.

[illegible] Power Plant
[illegible]

RECEIVED
1924

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] thereto of [illegible] copy certified by the Secretary of State of the State of Maine, being the state where said corporation was organized and now exists, is filed herewith to accompany the above application.

This statement is a part of the application for license made by the undersigned this 21st day of August, 1924.

[illegible]

By [illegible]
[illegible]

UTAH POWER & LIGHT COMPANY.

Certificate of change of Number of Directors.

FEDERAL POWER COMMISSION RECEIVED JAN 17 1929

TO THE RECORDER RECORDING OF THE STATE OF MAINE:

I, HERBERT L. MORAN, clerk of Utah Power & Light Company, hereby certify that at a legal meeting of the stockholders of said Company, held at its principal office in the City of Augusta, Maine, on the 21st day of February, 1917, the following preamble and resolutions were unanimously adopted by a vote of the stockholders of said corporation holding 206,383 shares, being more than a majority of the issued capital stock of said corporation:

"WHEREAS the stockholders of this Company find that the number of directors of this Company is inconvenient for the transaction of its business,

"THEREFORE, BE IT

RESOLVED that the number of directors of Utah Power & Light Company be increased from fifteen to seventeen; and

BE IT FURTHER

RESOLVED that the Clerk of said Company be and hereby is authorized and directed to execute and file with the Secretary of State of the State of Maine, a certificate of such change in the number of directors."

IN WITNESS WHEREOF I have hereunto set my hand this twenty-first day of February, 1917.

Herbert L. Moran
Clerk.

STATE OF MAINE
Office of Secretary of State.
Augusta, Feb. 21, 1917
Received and filed this day.
ATTEST:
Frank S. Ball,
Secretary of State.
Recorded Vol. 12 Page 34.

Augusta, Maine, October 13, 1916.

TO THE HONORABLE SECRETARY OF THE STATE OF MAINE:

I, ERNEST L. MeLEAN, Clerk of UTAH POWER & LIGHT COMPANY, hereby certify that at a legal meeting of the stockholders of said Company, held at its principal office in this city this day the following resolutions were unanimously adopted by the vote of 384,443 shares of the capital stock of this Company:

WHEREAS, it appears that the amount of capital stock of this corporation is insufficient for the purposes for which said corporation is formed.

THEREFORE, BE IT RESOLVED:

That the authorized capital stock of this Company be and it hereby is increased from $45,000,000 divided into 450,000 shares of the par value of $100 each to $60,000,000 divided into 600,000 shares of the par value of $100 each; and

BE IT FURTHER RESOLVED:

That the capital stock of this Company shall consist of 600,000 shares of the par value of $100 each, of which 150,000 shares shall be preferred stock, 100,000 shares shall be second preferred stock and 350,000 shares shall be common stock, with the rights, privileges and preferences as in the by-laws now stated; and

BE IT FURTHER RESOLVED:

That the Clerk of the Company be and he is hereby authorized and directed to file the required certificate of the foregoing increase of stock with the Secretary of the State of Maine.

ATTEST: [redacted]
Clerk.

STATE OF MAINE
Office of Secretary of State.
Augusta, Oct. 13, 1916.
Received and filed this day.
ATTEST:
John E. Bunker
Secretary of State.
Recorded Vol. 11 Page 488.

Augusta, Maine, January 29, 1913.

To the Honorable Secretary of the State of Maine:

I, Joseph Williamson, Clerk of UTAH POWER & LIGHT COMPANY, hereby certify that at a legal meeting of the stockholders of said Company held at its principal office in this city this day, the following preamble and resolutions were unanimously adopted by vote of all the issued capital stock of said Company:

WHEREAS it appears that the number of Directors of this Company is inconvenient for the transaction of its business,

THEREFORE BE IT RESOLVED that the number of Directors of Utah Power & Light Company be increased from five to fifteen; and be it further

RESOLVED that the Clerk of said Company be and hereby is authorized and directed to file the required certificate of such change in the number of Directors with the Secretary of State of the State of Maine.

ATTEST:

Jos. Williamson
Clerk.

STATE OF MAINE
Office Of Secretary of State.
Augusta, Jan. 29, 1913.
Received and filed this day.
ATTEST:

J. E. Alexander
Secretary of State.

Recorded Vol. 9 Page 324.

Augusta, Maine, January 25, 1913.

To the Honorable Secretary of the State of Maine:

I, Joseph Williamson, Clerk of [redacted] POWER & LIGHT COMPANY, hereby certify that at a legal meeting of the stockholders of said company held at its principal office in this city this day, the following preamble and resolutions were unanimously adopted by vote of all the issued stock of said company.

WHEREAS, it appears that the amount of capital stock of this corporation is insufficient for the purpose for which said corporation is organized.

Therefore, be it

RESOLVED that the capital stock of this corporation be increased from $60,000,000, divided into 600,000 shares of the par value of $100 each, to $45,000,000, divided into 450,000 shares of the par value of $100 each, which shares shall have such preferences as may be stated in the by-laws.

RESOLVED that the Clerk of the Company be and he is hereby authorized and directed to file the required certificate of the foregoing increase with the Secretary of the State of Maine.

ATTEST:

Joseph Williamson
Clerk.

STATE OF MAINE.
Office of Secretary of State.
Augusta, Jan. 28, 1913
Received and filed this day.

ATTEST:
J. H. Alexander
Secretary of State.

Recorded Vol. 9 Page [redacted]

Augusta, Maine, November 14, 1912.

To the Honorable Secretary of the State of Maine:

I, Joseph Williamson, Clerk of [redacted] POWER & LIGHT COMPANY, hereby certify that at a legal meeting of the stockholders of said Company held at its principal office in this city this day, the following resolutions were unanimously adopted by all the issued capital stock of said Company:

WHEREAS, It appears that the amount of capital stock of this corporation is insufficient for the purpose for which said corporation is organized, therefore, be it

RESOLVED, that the capital stock of this corporation be increased from $1,000, divided into 10 shares of the par value of $100 each, to $40,000,000 divided into 400,000 shares of the par value of $100 each, which shares shall have such preferences as may be stated in the by-laws.

RESOLVED that the Clerk of the Company be and he is hereby authorized and directed to file the required certificate of the foregoing increase with the Secretary of the State of Maine.

ATTEST:

Jos. Williamson
Clerk.

STATE OF MAINE
Office of Secretary of State.
Augusta, Nov. 16, 1912
Received and filed this day.
ATTEST:
J. E. Alexander
Deputy Secretary of State.
Recorded Vol. 9 Page 492

to buy, sell, lease and use machinery, generators, motors, lamps, apparatus, devices, supplies and articles of every kind pertaining to or in any wise connected with the production, use, distribution, regulation, control or application of electricity or electrical apparatus for light, heat, power, telegraph, telephone, railway, manufacturing and any and all other purposes; to construct, acquire, purchase, use, sell or lease any works, construction or plants or parts thereof connected with or involving the production, use, distribution, regulation, control or application of electricity or electrical apparatus for any of such purposes; to buy, acquire, lease, use, produce, furnish and supply electricity or any other power or force, in any form and for any purpose whatsoever.

To acquire, build, construct, own, lease and operate railway properties of all kinds and descriptions (including parks, places of amusement and other usual or useful adjuncts to said railway property and business) and with any kind of motive power, and to sell or lease the same;

To manufacture, purchase, sell and distribute, for light, heat and power and all other purposes, natural and artificial gas, and to acquire, construct, purchase, own, maintain, operate, sell and lease all necessary and convenient works, conduits, plants, apparatus, and connections for holding, receiving, purifying, manufacturing, selling, utilizing and distributing natural or artificial gas; to manufacture and sell or otherwise dispose of chemicals or other products derived wholly or in part from gas or gas works.

To manufacture, purchase, sell and distribute steam and hot water for heating, and other purposes, and to acquire, construct, purchase, own, maintain, operate, sell and lease all necessary and convenient works, plants, apparatus and connections for manufacturing, selling and distributing steam and hot water;

To construct and acquire by purchase, lease or otherwise, reservoirs dams, canals, ditches, flumes, pipe lines and such other works, plants, equipments, appliances and appurtenances as may be necessary, useful or appropriate for impounding, storing, conveying, distributing, and utilizing water for power, irrigation, fire, sanitary, domestic,

manufacturing and other uses, and to use, apply, sell and otherwise dispose of water for such uses; to construct and to acquire by purchase, lease or otherwise, and to operate hydraulic and other works, transmission plants, transmission lines, transforming and distributing stations and distributing circuits and any and all rights of any connected therewith or useful therefor; to transform the power generated by hydraulic or other plants into electrical or other energy, and transmit, use or otherwise dispose of the said electrical or other energy for any and all purposes; to acquire any and all rights or other property necessary or useful in connection with acquiring, owning, and operating any or all of said plants;

To acquire, buy, operate, lease and sell ice and refrigerating plants; and to acquire, lease, hold, use and otherwise avail of such real and personal estate, property, rights, privileges, grants, consents and franchises, including inventions, patents, processes, stocks, bonds and other evidences of indebtedness of persons, firms or corporations, and franchises or special grants or privileges from cities, towns or other municipalities, as the company shall deem requisite or advantageous in pursuance of any of its corporate purposes above stated; and to mortgage, pledge, sell, convey or otherwise dispose of any or all of the foregoing; and to undertake, contract for or carry on any business or operation deemed by the company incidental to, or in aid of, or advantageous in pursuance of, any of its corporate purposes.

Nothing herein shall be deemed to limit or exclude any power, right or privilege given to the company by law.

But the business of construction and operation of railroads and aiding in the construction thereof, the business of telegraph and telephone companies, and the business of gas and electric companies are to be carried on only in states and jurisdictions other than the State of Maine, and only in such other states and jurisdictions when and where and as permissible under the laws thereof; and it is not intended that the corporation shall exercise in any state any powers not permitted to it under the law of such state.

State of Maine

Certificate of Organization of a Corporation under the General Laws.

The undersigned, officers of a corporation organized at 248 Water Street Augusta, Maine, at a meeting of the signers of the articles of agreement thereto, duly called and held at the office of Williamson, Burleigh & McLean in the city of Augusta, Maine, on Friday the sixth day of September, A. D. ~~Nineteen~~ 1912, hereby certify as follows:

The name of said corporation is UTAH POWER & LIGHT COMPANY.

The purposes of said corporation are

The amount of capital stock is one thousand dollars.

The amount of common stock is one thousand dollars.

The amount of preferred stock is nothing.

The amount of capital stock already paid in is nothing.

The par value of the shares is one hundred dollars.

The names and residences of the owners of said shares are as follows:

Names.	Residences.	No. of Shares. Common.	No. of Shares. Preference.
Joseph Williamson,	Augusta, Maine.	2	
Ernest L. McLean,	Augusta, Maine.	2	
Geoffrey Konte,	New York, N.Y.	2	
E. K. Leavitt,	Winthrop, Maine.	2	
E. K. Ramsay,	Augusta, Maine.	2	
	Total,	10	

Said corporation is located at Augusta, Maine, in the County of Kennebec.

The number of directors is five and their names are Geoffrey Keata, Joseph Williamson, Ernest L. McLean, R. H. Leavitt and R. H. Hussey.

The name of the clerk is Joseph Williamson and his residence is Augusta, Maine.

The undersigned, R. H. Leavitt is president; the undersigned R. H. Leavitt is treasurer; and the undersigned Geoffrey Keata, R. H. Leavitt and R. H. Hussey

are a majority of the directors of said corporation.

Witness our hands this sixth day of September, A. D. 1912.

R. H. Leavitt *President.*

R. H. Leavitt *Treasurer.*

Geoffrey Keata
R. H. Leavitt
R. H. Hussey
Directors.

KENNEBEC ss. September 6, A. D. 1912.

Then personally appeared Geoffrey Keata, R. H. Leavitt and R. H. Hussey

and severally made oath to the foregoing certificate, that the same is true.

Before me,

Joseph Williamson *Justice of the Peace.*

State of Maine

Attorney General's Office, Sept. 6, A. D. 1912

I hereby certify that I have examined the foregoing certificate, and the same is properly drawn and signed, and is conformable to the constitution and laws of the State.

R. K. Butterfield *Attorney General.*

COPY

(Name of Corporation.)

...WEST POWER & LIGHT COMPANY

...Kennebec ..... ss.

Registry of Deeds.

Received September 6 1918

at 3 h. 20 m. p M.

Recorded in Vol. 804 Page 48

ATTEST:

J. C. Tebbetts Register.

By F. C. Tebbetts Clerk

A true copy of record.

ATTEST:

J. C. Tebbetts Register.

By F. C. Tebbetts Clerk

STATE OF MAINE

Office of Secretary of State.

Augusta, Sept 6 1918

Received and filed this day.

ATTEST:

J. E. Alexander

Deputy Secretary of State.

Recorded in Vol. 81 Page 309

[illegible]

[illegible] APPLICANT IS QUALIFIED
TO PROCEED WITH PROJECT APPLIED FOR

To accompany Application for License
Under Act of June 10, 1920

FEDERAL POWER COMMISSION
RECEIVED
JAN 17 1924

[illegible] Power Plant
[illegible]

[redacted]

[redacted]

APPLICATION OR LICENSE - [redacted]

OFFICIAL STATEMENT OF ORGANIZATION OF CORPORATION
AND LIST OF OFFICERS AND DIRECTORS

I, George B. Thomas, Secretary of the [redacted] POWER & LIGHT COMPANY, do hereby certify that the organization of said corporation has been completed; and that the corporation is authorized to proceed with the project applied for according to the existing laws of the State of Maine, and also with the laws of the State of Idaho in which state the Oneida Power Plant is located.

I further certify that the following is a true list of the principal officers and of the directors of the said corporation, with the full name and official designation of each, to-wit:

[redacted]

Name	Office
H. S. Mitchell	Chairman of Board
Lafayette Hanchett	President
G. T. Cruerbeck	Vice-President
[redacted]	"
[redacted]	"
[redacted]	Vice-President & Genl Mgr.
[redacted]	Secretary
[redacted]	Asst Secretary
[redacted]	"
[redacted]	"
[redacted]	Treasurer
[redacted]	Asst. Treasurer
[redacted]	"
[redacted]	"

[redacted]

Herbert J. Auerbach	J. E. Cruesbeck	E. R. Inch
A. P. Bigelow	Lafayette Hanchett	T. E. Loose
L. M. Farnsworth	John C. Howard	Stephen W. Love
J. T. Funk	Thos. Taylor	Oakley Wells
P. J. Moran	[redacted]	T. G. Wright
		H. S. Mitchell

Statement

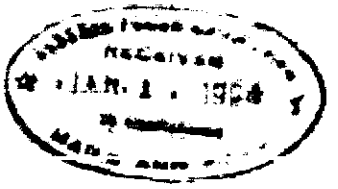
This statement is a part of the application for license filed by the undersigned this 20th day of August, 1957.

[redacted]

[redacted]

[redacted]

To accompany Application for License
[redacted] Act of June 10, 1920.



[redacted]

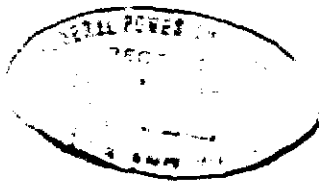


EXHIBIT "A"

According to Regulation [illegible], Division 2,
and Regulation 5, Division 2.

APPLICATION FOR LICENSE - [illegible] POWER PROJECT

FIELD NOTES OF THE PROJECT BOUNDARY

Field Notes of the Project Boundary of Ocoee Power Plant [illegible] herewith submitted by the applicant and accompany this application, and shown on the attached sheets 1 to 7 inclusive.

See Map Exhibit "A", Sheets 2 and 3.

This instrument is [illegible] application for license made by the undersigned this 22nd day of August 1927.

[illegible] POWER COMPANY

By E. R. Mach

[illegible]

1	[illegible]	[illegible]	East	1700	
6	[illegible]	[illegible]	[illegible]	[illegible]	To a point on boundary line between SE 1/4 of NE 1/4 and NW of NE 1/4 of said Sec 25.
6	[illegible]	[illegible]	East	2635	To NE corner of NE 1/4 of SE 1/4 said Sec 25.
7	79+19.6	128+19.6	North	2640	To NE corner of SE 1/4 of SE 1/4 Sec 24, said Township & range.
8	118+19.6	[illegible]	[illegible]	[illegible]	To a point on line between SE 1/4 of SE 1/4 and SW of SE 1/4 Sec 19.
9	[illegible]	[illegible]	[illegible]	[illegible]	
10	123+79.6	123+19.6	N 12°17'E	660	
11	123+19.6	136+19.6	[illegible]	1320	
12	136+19.6	143+84.6	N 32°22'E	810	
13	143+84.6	150+84.6	N 18°40'W	750	
14	150+84.6	[illegible]	[illegible]	1320	
15	[illegible]	[illegible]	[illegible]	1320	
16	[illegible]	[illegible]	[illegible]	[illegible]	
17	168+19.6	168+19.6	[illegible]	1320	
18	[illegible]	[illegible]	[illegible]	[illegible]	
19	[illegible]	[illegible]	[illegible]	[illegible]	
20	[illegible]	[illegible]	[illegible]	[illegible]	
21	[illegible]	[illegible]	[illegible]	[illegible]	
22	181°39.6	[illegible]	[illegible]	[illegible]	
	[illegible]	[illegible]	[illegible]	[illegible]	
24	[illegible]	[illegible]	[illegible]	[illegible]	
25	[illegible]	[illegible]	[illegible]	[illegible]	
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	
27	[illegible]	[illegible]	[illegible]	[illegible]	
28	[illegible]	[illegible]	[illegible]	[illegible]	
29	[illegible]	[illegible]	[illegible]	[illegible]	
30	[illegible]	[illegible]	[illegible]	[illegible]	
31	[illegible]	[illegible]	[illegible]	[illegible]	

[illegible]	[illegible]	[illegible]	Bearing	Distance Ft.	Remarks
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	
[illegible]	[illegible]	[illegible]	[illegible]	75.1	
[illegible]	[illegible]	[illegible]	[illegible]	174.0	
[illegible]	[illegible]	[illegible]	[illegible]	54.5	
[illegible]	[illegible]	[illegible]	[illegible]	113.5	
[illegible]	[illegible]	[illegible]	[illegible]	147.0	
[illegible]	[illegible]	[illegible]	[illegible]	225.3	
[illegible]	[illegible]	[illegible]	[illegible]	147.5	
[illegible]	[illegible]	[illegible]	[illegible]	91.0	
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	
[illegible]	[illegible]	[illegible]	[illegible]	217.3	
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	
[illegible]	[illegible]	724+31.0	[illegible]	[illegible]	
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	
[illegible]	[illegible]	[illegible]	[illegible]	206.0	
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	
[illegible]	[illegible]	[illegible]	[illegible]	314.4	
[illegible]	[illegible]	745+09.3	5°15'	222.2	
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	
[illegible]	[illegible]	[illegible]	[illegible]	105.7	
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	
[illegible]	[illegible]	[illegible]	[illegible]	172.0	
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	
[illegible]	[illegible]	[illegible]	[illegible]	17.1	
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	
[illegible]	[illegible]	[illegible]	[illegible]	57.3	
[illegible]	[illegible]	[illegible]	[illegible]	168.7	
[illegible]	[illegible]	[illegible]	[illegible]	151.6	
[illegible]	[illegible]	[illegible]	[illegible]	77.4	
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	
[illegible]	[illegible]	[illegible]	[illegible]	90.5	
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	

166	[illegible]	[illegible]	[illegible]	[illegible]	191.4
174	[illegible]	[illegible]	[illegible]	[illegible]	113
175	[illegible]	[illegible]	[illegible]	[illegible]	30
176	[illegible]	[illegible]	[illegible]	[illegible]	174.3
177	[illegible]	[illegible]	[illegible]	[illegible]	70.1
178	[illegible]	[illegible]	[illegible]	[illegible]	52.7
179	[illegible]	[illegible]	[illegible]	[illegible]	101
180	[illegible]	[illegible]	[illegible]	[illegible]	82
181	[illegible]	[illegible]	[illegible]	[illegible]	91
182	[illegible]	[illegible]	[illegible]	[illegible]	144.6
183	[illegible]	[illegible]	[illegible]	[illegible]	149.1
184	[illegible]	[illegible]	[illegible]	[illegible]	172.7
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
189	[illegible]	[illegible]	[illegible]	[illegible]	140.3
190	[illegible]	[illegible]	[illegible]	[illegible]	111.2
191	[illegible]	[illegible]	[illegible]	[illegible]	119.0
192	410+30.2	410+38.3	[illegible]	33.1	
193	410+33.3	412+37.9	[illegible]	105.6	
194	412+37.9	[illegible]	[illegible]	146.1	
195	[illegible]	[illegible]	[illegible]	176.8	
196	[illegible]	[illegible]	[illegible]	74.4	
197	[illegible]	[illegible]	[illegible]	77.1	
198	410+37.7	416+71.3	[illegible]	75.1	
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
201	[illegible]	[illegible]	[illegible]	[illegible]	93.9
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	14.6
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	118.9
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	74.3
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	42.3
165	[illegible]	[illegible]	[illegible]	[illegible]	171.8
167	[illegible]	[illegible]	[illegible]	[illegible]	138.0
168	[illegible]	[illegible]	[illegible]	[illegible]	51.9
169	[illegible]	[illegible]	[illegible]	[illegible]	101.3
170	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
171	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
172	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	115.5
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	111.1

[illegible] the [illegible] for be-
tween [illegible] 36 & 1 Tp
12 & 13 S & 40 E, and
71 & 6 Tp 12 & 13 S, R
41 E, [illegible] 748.2 feet.

181	445+10.1	445+71.3	3	41°13'	3	61.2
182	445+71.3	446+10.1	3	55°39'	3	38.8
183	446+10.1	447+45.0	3	70°35'	3	104.9
184	447+45.0	448+62.2	3	71°29'	3	117.2
185	448+62.2	449+75.8	3	89°45'	3	73.6
186	449+75.8	450+08.4	3	84°25'	3	32.5
187	450+08.4	452+00.3	3	14°25'	3	172.2
188	452+00.3	452+38.0	3	25°51'	3	37.4
189	452+38.0	455+13.0	3	7°15'	3	275.0
190	455+13.0	456+19.8	3	3°10'	3	170.3
191	456+48.8	456+13.6	3	2°01'	7	15.8

From thence the 1/4 Cor between Sec 5 & 7 Twp 15 S, R 41 E, bears S 74°21' E, 42.2 feet.

192	476+35.5	477+06.6	3			41
193	477+06.6	479+52.7	3			245.1
194	479+ 1.7	480+01.6	3	11°21'	3	10.9
195	480+01.6	481+27.7	3	0°19'	7	125.7
196	481+27.3	482+75.6	3	88°56'	3	109.3
197	482+75.6	483+74.2	3	82°00'	3	97.6
198	483+74.2	484+81.8	3	42°07'	3	147.5
199	484+81.8	486+17.4	3	9°27'	3	135.6
200	486+17.4	489+30.4	3	29°48'	3	113.0
201	489+30.4	490+04.9	3	52°56'	3	34.5
202	490+04.9	491+14.6	3	44°22'	3	109.7
203	491+14.6	492+83.0	3	88°30'	3	68.4
204	492+83.0	493+90.7	3	21°47'	3	97.7
205	493+90.7	494+76.5	3	41°36'	3	116.8
206	494+76.5	496+10.1	3	0°52'	7	133.6
207	496+10.1	497+29.9	3	19°38'	7	119.9
208	497+29.9	499+12.0	3	30°34'	3	182.1
209	499+12.0	501+83.0	3	35°15'	3	271.0
210	501+83.0	504+61.0	3	77°00'	3	278.0
211	504+61.0	506+05.2	3	20°31'	3	115.2
212	506+06.2	507+83.7	3	35°59'	3	122.5
213	507+83.7	508+74.7	3	75°18'	3	146.0
214	508+74.7	509+81.5	3	57°56'	3	78.3
215	509+81.5	491+22.0	3	75°49'	3	170.5
216	491+22.0	494+27.3	3	76°59'	3	305.3
217	494+27.3	495+55.9	3	42°00'	3	128.6
218	495+55.9	497+11.3	3	77°56'	3	146.4
219	497+12.3	500+81.3	3	71°40'	3	270.0
220	500+81.3	501+17.5	3	17°21'	3	32.5
221	501+17.	502+79.3	3	3°17'	3	164.0
222	502+79.3	503+71.6	3	4°00'	3	93
223	503+71.	504+	3	1°07'	3	17

274	308+24.	[illegible]	S [illegible]° [illegible]			
275	308+74.8	713+24.8	S 47°43° W	330		
276	412+[illegible]	811+79.8	S [illegible]° [illegible]	515		
277	421+79.8	927+53.2	S 20°00' [illegible]	140		
278	417+19.8	190+19.8	S 12°15° [illegible]	100		
279	420+19.8	623+19.8	S 21°25° [illegible]	270		
280	958+19.8	1134+19.8	S 10°11° [illegible]	190		
281	1134+19.8	1326+74.8	S 9°11' W	196		
282	1326+52.8	1527+ 3.2	S 8°01° W	180		
283	527+74.8	1611+71.2	S 19°01° W	1131.2		
284	621+71.3	685+16.8	S 14°10° W	1041.8		
285	715+16.8	818+19.2	S	112.4	To center of Sec 23 Twp 12S R 10 E.	
286	818+23.2	1001+19.2	S	1.80.8	To NW corner of W 1/4 of W 1/4 said Sec 26.	
87	1011+19.2	1127+19.2	[illegible]	[illegible]	To station 1 which is the [illegible] of beginning.	

AREA

Surface area of Reservoir = [illegible] acres

Area not owned by private [illegible] = [illegible] acres
[illegible] = (4.00 acres

[illegible] = [illegible] acres

I, Hal A. Dale, [illegible] Chief Engineer of the Utah Power & Light Company, hereby certify that the foregoing plat and notes are a full true and correct copy of the field notes of a survey made under my direction between the dates of January 1st, 1913, and July 1st, 1920.

Hal A. Dale
Asst. Chief Engineer

EXHIBIT "J"

EVIDENCE THAT THE APPLICANT HAS COMPLIED
WITH REQUIREMENTS OF THE LAWS OF THE STATE WITHIN
WHICH THE PROJECT IS LOCATED.

To Accompany Application for License
Under Act of June 10, 1920

Oneida Power Plant
UTAH POWER & LIGHT COMPANY

EXHIBIT "D"

Responding to Regulation 4, Section 4, and
Regulation 6, Section 1.

APPLICATION FOR LICENSE - UTAH POWER & LIGHT COMPANY

EVIDENCE THAT THE APPLICANT HAS COMPLIED
WITH REQUIREMENTS OF THE LAWS OF THE STATE WITHIN
WHICH THE PROJECT IS LOCATED.

All of the requirements of the State of Idaho with respect to the development within the contemplation of this application are covered by permits referred to under Exhibit "B" hereof.

Applicant is a going concern owning and operating electric light and power properties in Idaho, and has complied with the laws of the State of Idaho with respect to the right to engage in the business of developing, transmitting and distributing power and in any other business necessary to effect the purpose of the license applied for.

The official certificate of [illegible], Secretary of State, for the State of Idaho, certifying that Utah Power & Light Company has complied with the laws of said State governing foreign corporations, and is a corporation in good standing and authorized to transact business and conduct its operations therein, is filed herewith.

This is a project already constructed, and no franchises or other rights from counties or municipalities, than those already acquired, will be required for the operation thereof.

This statement is a part of the application for license made by the undersigned this 20th day of August, 1928.

UTAH POWER & LIGHT COMPANY

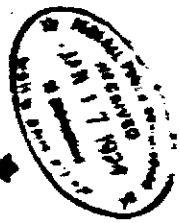
By _____

Vice-President & General Manager

State of Idaho



Department of State.



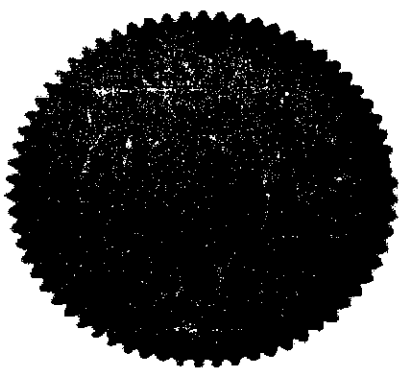
I, [illegible], Secretary of State of the State of Idaho, do hereby certify that I am the legal custodian of the records of said State pertaining to all corporations, both foreign and domestic, that have qualified to engage in business under the laws of the State of Idaho, and the right of such corporations to transact business in said State at the present time; and that I am the proper officer to execute this certificate.

I FURTHER HEREBY CERTIFY and declare that the

UTAH POWER & LIGHT COMPANY

a corporation organized under and by virtue of the laws of the State of Maine, has complied with the laws of the State of Idaho governing foreign corporations, having filed its articles of incorporation on November 16, 1918, and having designated an agent on whom process might be served; that said corporation has paid to the State of Idaho all corporation license taxes since the date of its qualification in this State, and is a corporation in good standing in said State, and is authorized and entitled to transact business and conduct its operations therein.

I FURTHER HEREBY CERTIFY That HENRY ST. CLAIR, of Idaho Falls, Idaho, is at the present time the designated agent for said UTAH POWER & LIGHT COMPANY.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State. Done at Boise City, the Capital of Idaho, this 5th day of May, A. D. 1923.

[signature]

Secretary of State.

[redacted]

[redacted]

To accompany Application for License
Under Act of June [illegible],1920

Oneida power plant
[redacted]

EXHIBIT "E"

Per ... Regulation 6, Section 5, and Regulation 6, Section 1.

APPLICATION FOR LICENSE - UTAH POWER & LIGHT COMPANY

STATEMENT OF THE NATURE, EXTENT AND OWNERSHIP OF WATER RIGHTS.

FEDERAL POWER COMMISSION RECEIVED JAN 17 1924 WASHINGTON, D.C.

WATER RIGHTS:

Water rights at this plant are evidenced by License and Certificate No. 6308, for 1500 cu ft per second of the flow of Bear River issued by the Commissioner of Reclamation of the State of Idaho on the 14th day of November, 1917; and License and Certificate No. 7258, for an additional 1,000 cu ft per second of the flow of Bear River issued by the said Commissioner on the 25th day of May, 1920.

These rights are confirmed by final decree in the case of Utah Power & Light Company vs The Last Chance Canal Company, Ltd., et al, equity case No. 248 in the District Court of the United States for the District of Idaho, Eastern Division. This case was a general adjudication of the rights of water users from Bear River and its tributaries in the State of Idaho.

Certified copies of the above mentioned applications, permits and licenses are attached to and made a part of the original copy of this application.

20th August

J. R. Rich

From FERC file #472
on Oneida Powerplant
see Exhibit E of original
license application

No. 10192

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

---

1. Name of Applicant: A. Burdette,
Postoffice address: Portland, County: Multnomah, State: Oregon.

2. The quantity of water claimed is one thousand five hundred cubic feet per second.

3. Source of water supply: Bear River and tributaries. County of Bannock.

4. Location of point of diversion: At point immediately west of intersection of east boundary line of NE¼ of SE¼ of Sec. 23, T. 13 S., R. 40 E., B. M., and Bear River in Bannock County, being dam across said river at point 2465 feet east and 360 feet south of N.W. corner of S.E.¼ of Sec. 23 aforesaid; being in NE¼ of SE¼ of said Section 23.

5. To be used for: Irrigation & power.

I. Irrigation and domestic use: Yes.

(a) Amount of land to be irrigated: One Hundred Nineteen Thousand Eight Hundred and Forty (119,840) acres.

(b) In the following legal subdivisions: See Exhibit "A" hereto attached and hereby made a part hereof.

II. Mining, power, manufacturing or transportation purposes: Yes; when, and that portion, not being used for Irr.

(a) To be used for: generating electric power.

(b) Amount of power to be generated: twenty-five thousand horse power.

(c) At what point: at a point 2649.2' E. and 1242' S. of NW Cor. of NE¼ Sec. 21, T. 14 S., R. 40 E. B.B. & M.

(d) Is water to be returned to any stream: Yes.

(e) If so, name stream and locate point of return: Bear River at point of intersection of Bear River and eastern boundary line of Sec. 21, T. 14 S., R. 40 E. B. M., in Oneida County; being 1242 feet south of NE corner of Section 21 aforesaid; and which point of return is 2649 and 2 tenths ft. east and 1242 feet south of the NW cor. of the NE¼ of Sec. 21, T. 14 S., R. 40 E. B. & M.

6. Estimated cost of works: $1,000,000.00

7. Description of works for diversion: Described below.

I. Kind of works: Reservoir, or forebay, dam, pipe-lines or other conduits or aqueducts.

II. Dimension of works:

(a) Height of dam 17 feet, from crest to river-bed: Length of dam at top, over all, 265 feet, length of dam at bottom 142 feet. Material used in construction: wood, earth, stone, steel and concrete.

(b) Capacity of reservoir: Two hundred twenty (220) acre feet.

(c) Size of headgate: Width 24 feet, height 10 feet.

(d) Conduit pipe to power plant then canals, width at bottom: Main Canal #1-75 feet, #2-25 feet, width at water line Main Canal #1-107 feet, #2-44 feet, depth of water Main Canal #1-8 feet, #2-4.5 feet. Diameter of pipes: 2 each 144 inches. Average grade per mile is: Pipe 4 feet C. #1 0.6 feet, C. #2 1.8 feet. Length of conduit is to power H. 7/8 mi. M. C. #1-11.0 miles, #2-21.3 miles and it crosses the following quarter sections: See Exhibit "B" hereto appended and hereby made a part hereof, to land described in ¶ I (b) and point described in ¶ II (a) above which is the point of intended use.

8. The time required for the completion of the construction of such work is 5 years.

9. Time required for the complete application of the water to the proposed use is 4 additional years.

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

A. Beretta, Applicant

Remarks: Forebay or reservoir created by dam will impound water on all four quarter sections of Sec. 23 and on the SE¼ of Sec. 14, T. 13 S., R. 40 E., B. B. & M. Bannock County, Idaho.

250 sec. ft. of the water returned to the stream at the point of return given above will be again diverted at a point S. 75° 53' E. 5250' from the NE cor. of the SW¼ Sec. 30, T. 14 S., R. 40 E., B. B. & M. Oneida County to supply Main Canal #2.

All laterals, headgates or aqueducts in the distribution system will be large enough to supply 1 sec. ft. of water to each 80 acres to be irrigated.

All lands within the State of Idaho that are found economically feasible to irrigate by this proposed system; will be irrigated; but in the event of a shortage of water during any irrigating season the lands in Idaho shall be deemed to have a prior right.

EXHIBIT "A"

§ I (b) List of lands to be irrigated in the following subdivisions: Cache Valley - Idaho & Utah

T. 13 S., R. 38 E., B. B. & M.

Canal #1

Sec. 23, S½ Sec. 24, Secs. 25, 26 and 27.
NE¼ Sec. 28, Sec. 33, 34, 35 and 36

Total----------640 acres

T. 14 S., R. 38 E., B. B. & M.

Sec. 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15.
E½ Sec. 16, E½ & SW¼ Sec. 22, Sec. 23, 24,
25, 26, 35 and 36

Total----------11,680 acres

T. 14 S., R. 39 E., B. B. & M.

Sec. 6, 7, 18, 19, 30, 31, 32, 29, 20 and 17.
N½ Sec. 8, SW¼ Sec. 9, Sec. 16, W½ Sec. 21,
N½ Sec. 28, Sec. 33.

Total----------8,800 acres

T. 15 S., R. 38 E., B. B. & M.

Sec. 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35
and 36.

Total----------7,680 acres

T. 15 S., R. 39 E., B. B. & M.

N½ Sec. 4, N½ Sec. 5, Sec. 6, 7, 18, 19, 30, 31,
N½ Sec. 32.

Total----------6,800 acres

T. 16 S., R. 38 E., B. B. & M.

Sec. 1, 2, 11, 12, 13, 14, NE¼ Sec. 15, N½
and SW¼ Sec. 23, Secs. 24 and 25.

Total----------5,760 acres

T. 16 S., R. 39 E., B. B. & M.

W½ Sec. 6, Secs. 8, 7, 18, 19, and 30.

Total----------3520 acres

T. 16 S., R. 1 E., B. B. & M.

Sec. 32, N½ Sec. 36

Total----------960 acres

Idaho
41,840 Ac
+ 6,720
54,560 Ac. Total Idaho

T. 13 N., R. 1 E., S. L. B. & M.

SW¼ Sec. 3, Sec. 4, E½ Sec. 5, N½ Sec. 8, Sec. 9, S½ Sec. 10, Sec. 16, E½ Sec. 17, E½ Sec. 20, Sec. 21, S½ Sec. 22, Secs. 27 & 28, S½ Sec. 29, Secs. 32, 33, 34 and 35.

Total----------3,800 acres

T. 12 N., R. 1 E., S. L. B. & M.

S½ Sec. 1, Secs. 2, 3, 4, 5, S½ Sec. 6, Secs. 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, N½ Sec. 25, Secs. 26, 27, 28, 29, 30, 31, 32, SW¼ Sec. 33, Secs. 34 and 35.

Total----------20,960 acres

T. 12 N., R. 1 W., S. L. B. & M.

SW¼ Sec. 6, W½ Sec. 7

480

Total----------480 acres

T. 11 N., R. 1 W., S. L. B. & M.

Sec. 2, NE¼ Sec. 3, S½ Secs. 4, 9, 16, 21, 28, 33, Secs. 5, 8, 17, 20, 29, 32, S½ Sec. 31, Secs. 30, 19, 18, S½ Sec. 7, Sec. 6.

Total----------3,760 acres

T. 10 N., R. 1 W., S. L. B. & M.

W½ Sec. 4, Sec. 5, NE¼ Sec. 6, Sec. 8, W½ Sec. 9, Sec. 16, NE¼ Sec. 17, Sec. 21, SW¼ Sec. 22, Sec. 27, E½ Sec. 28, Sec. 34, SW¼ Sec. 35.

5440

Total----------5,440 acres

T. 9 N., R. 1 W., S. L. B. & M.

Secs. 2 & 3, N½ & SE¼ Sec. 10, Secs. 11 & 12.

Total----------3,040 acres

Total Under Main Canal #1----------97,280 acres

MAIN CANAL #2

T. 10 N., R. 2 E., S. L. B. & M.

S½ Sec. 11, N½ Sec. 13, S½ & NW¼ Sec. 13, Secs. 14, 22, 23, 24, 25, 26, 27 and 28, S½ Sec. 21, SW¼ Sec. 21

Total----------4,720 acres

Idaho

T. 14 N., R. 1 W., S. L. B. & M.

N½ Sec. 35, Sec. 36

Total----------960 acres

T. 14 N., R. 1 E., S. L. B. & M.

Secs. 31, 32, and 33

Total----------1,920 acres

T. 13 N., R. 1 W., S. L. B. & M.

Secs. 1 & 2, N½ Sec. 11, Secs. 12, 13 and 14, N½ and SE¼ Sec. 23, Sec. 24, NE¼ Sec. 25

Total----------4,800 acres

T. 13 N., R. 1 E., S. L. B. & M.

Secs. 4, 5, 6, 7, 8, 9, W½ Sec. 16, Secs. 17, 18, 19, 20, 21, and 30, E½ Sec. 31

8,160

Total----------8,160 acres

Total Under Canal #2----------22,560 acres

GRAND TOTAL UNDER CANAL #1 and #2----------119,640 acres

EXHIBIT "E"

Page 11 (d)

Quarter Sections Crossed.

FILE LISTS TO SHOW ENTRY

N½ Sec. 29, N½ & SW¼ Sec. 26, and W½ Sec. 25 T. 13 S., R. 40 E., S. B. & M. W½ Sec. 2, N½ Sec. 3, W½ Sec. 13, E½ Sec. 15, E½ Sec. 22, NE¼ Sec. 21, T. 14 S., R. 40 E., S. B. & M.

Main Canal #1

N½ & SW¼ Sec. 10, W½ 21, SW¼ 17, N½ 20, N½ 19 T. 14 S., R. 40 E., S. B. & M. N½ 24, SW¼ 13, N½ 23, SW¼ 14, N½ & NW¼ 15, NE¼ 16, all Sec. 9, W½ 10, N½ & SW¼ Sec. 8, W½ 5, SW¼ 6, T. 14 S., R. 39 E., S. B. & M.

N½ & SW¼ Sec. 31, T. 13 S., R. 39 E., S. B. & M. NW¼ 24, W½ 25, N½ & SW¼ 36, SW¼ 13, N½ 14, W½ 23, N½ 26, E½ 27, N½ & SW¼ 28, W½ 33, and the W½ of 34, T. 12 S., R. 39 E., S. B. & M.

[illegible] 4, [illegible] 9, [illegible] & [illegible] 16, [illegible] 21, [illegible] & [illegible] 28, [illegible] 29, [illegible] 34, T. 14 S., R. 38 E., B. M. & M.

[illegible] 2, [illegible] 11, [illegible] 10, [illegible] 16, [illegible] 22, [illegible] 27, [illegible] 34, T. 15 S., R. 38 E., B. M. & M.

[illegible] 2, [illegible] 3, [illegible] 10, [illegible] 15, [illegible] 22, [illegible] & [illegible] 23, [illegible] 26, T. 16 S., R. 38 E., B. M. & M.
[illegible] 32, T. 14 S., R. 1 W., S. M. B. & M.
[illegible] & [illegible] 5, [illegible] 8, [illegible] 17, [illegible] 20, [illegible] & [illegible] 29, [illegible] 30, [illegible] 31, [illegible] 32, T. 15 S., R. 1 W., S. M. B. & M.

[illegible] 6, [illegible] 7, T. 12 N., R. 1 W., S. M. B. & M.
[illegible] 1, [illegible] 12, [illegible] 11, [illegible] 14, [illegible] 23, [illegible] 24, [illegible] & [illegible] 25, [illegible] 36, T. 12 N., R. 2 W., S. M. B. & M.
[illegible] 1, T. 11 N., R. 2 W., S. M. B. & M.
[illegible] 6, [illegible] 7, [illegible] 18, [illegible] 19, [illegible] 30, [illegible] & [illegible] 31, T. 11 N., R. 1 W., S. M. B. & M.

[illegible] 4, [illegible] 7, [illegible] 8, [illegible] & [illegible] 17, [illegible] 20, [illegible] & [illegible] 29, [illegible] 32, [illegible] 33, [illegible] 34, T. 10 N., R. 1 W., S. M. B. & M.

[illegible] 3, [illegible] 4, [illegible] 9, [illegible] 10, [illegible] 11, and the [illegible] 12, T. 9 N., R. 1 W., S. M. B. & M.

All Canal #2

[illegible] 30, [illegible] 31, T. 14 S., R. 40 E., B. M. & M.
[illegible] 36, T. 14 S., R. 39 E., B. M. & M.
[illegible] 1, [illegible] 2, [illegible] & [illegible] 3, [illegible] 4, [illegible] & [illegible] 9, [illegible] 8, [illegible] 17, [illegible] 20, [illegible] 21, [illegible] & [illegible] 28, [illegible] 33, T. 15 S., R. 39 E., B. M. & M.

[illegible] 4, [illegible] 8, [illegible] 9, [illegible] 16, [illegible] 21, [illegible] 21, [illegible] 28, [illegible] & [illegible] 29, all Sec. 10, [illegible] & [illegible] 11, [illegible] 12, [illegible] & [illegible] 13, T. 16 S., R. 39 E., B. M. & M.

Lateral "A"

[illegible] 16, [illegible] 22, [illegible] 15, [illegible] 16, [illegible] 21, [illegible] 28, [illegible] and [illegible] 33, T. 14 S., R. 39 E., B. M. & M.

Lateral "2"

[illegible] 8, [illegible] 7, [illegible] 18, [illegible] 7, T. 14 S., R. 39 E., B. M. & M.
[illegible] 12, [illegible] & [illegible] 1, T. 14 S., R. 38 E., B. M. & M.
[illegible] 34, [illegible] 35, [illegible] 36, [illegible] 36, [illegible] 34, T. 13 S., R. 38 E., B. M. & M.

[illegible] 3, [illegible] 10, [illegible] 11, [illegible] & [illegible] 14, [illegible] 23, [illegible] 26, [illegible] 26, [illegible] & [illegible] 36, T. 14 S., R. 38 E., B. M. & M.
[illegible] 1, T. 15 S., R. 38 E., B. M. & M.

Lateral "C"

NE¼ 10, S½ & SE¼ 11, SW¼ 12, S½ & SE¼ 13, E½ 24, E½ 25, All 36, T. 15 S., R. 38 E., B. M. & E.
E½ 1, All 12, All & SW¼ 13, N½ & SE¼ 24, NE¼ 25, T. 16 S., R. 38 E., B. M. & E.

Lateral "D"

E½ 8, All 8, All 17, SW¼ 16, N½ & SE¼ 21, All 28, all of 33, T. 15 S., R. 1 E., B. L. M. & L. All and SW¼ 4, NW¼ 9, All & SW¼ 8, SW¼ 7, N½ & SW¼ 18, N½ & SW¼ 19, NE¼ 30, SE¼ 29, T. 16 S., R. 1 E., B. L. M. & E.

Lateral "E"

All 8, All 17, SW¼ 16, All 21, All & SE¼ 22, All 27, NE¼ 34, NE¼ 35, T. 12 S., R. 1 W., B. L. M. & E.

Lateral "F"

NE¼ 6, All 5, All 8, All 9, T. 13 S., R. 1 W., B. L. M. & E.

Lateral "G"

NE¼ 36, T. 12 S., R. 2 W., B. L. M. & E.
SE¼ 31, T. 12 S., R. 1 W., B. L. M. & E.
All 6, All 5, All 8, All 17, All & NE¼ 20, All 29, All 32, T. 11 S., R. 1 W., B. L. M. & E.

All 5, SW¼ 4, All 9, T. 10 S., R. 1 W., B. L. M. & E.

Lateral "H"

SE¼ 21, All 28, T. 15 S., R. 39 E., B. M. & E.
All 36, T. 14 S., R. 1 W., B. L. M. & E.
All 1, All 12, All 13, NW¼ 24, T. 15 S., R. 1 W. B. L. M. & E.

Lateral "I"

SE¼ 15, NE¼ 22, All 23, All 26, T. 16 S., R. 39 E., B. M. & E.
All 32, T. 14 S., R. 1 W., B. L. M. & E.
All 5, All 8, All 17, NE¼ 20, T. 15 S., R. 1 E., B. L. M. & E.

APPROVAL OF STATE ENGINEER

The number of this permit is 7256
Date of first receipt of application 3:00 P. M. January 10, 1911.
Returned to applicant for correction: February 17, 1911.
Corrected application received April 18, 1911.
Recorded in Book 22 Page 7256 Approved April 20, 1911.

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 grant the same, subject to the following limitations and conditions:

Good and sufficient bond to be filed in the sum of $3,000.00 on or before June 28, 1911.
One-fifth of the work above specified to be completed on or before October 29, 1913.
The whole of said work to be completed on or before April 29, 1915.
The time for proof of beneficial use of water appropriated in accordance herewith, extended to April 29, 1920.

Witness my hand this twenty-ninth day of April, 1911.

A. E. Robinson,
State Engineer.

THIS INDENTURE, Made at Salt Lake City, Utah, this twentieth day of December, A. D. 1911, between A. Burdette, party of the first part, and George L. Snowden, party of the second part, WITNESSETH:

That first party for one dollar and other good and valuable considerations, to first party in hand paid by second party, receipt whereof is hereby acknowledged, has remised, released, conveyed, assigned and quit-claimed, and by these presents does remise, release, convey, assign and forever quit-claim, unto second party, and to his heirs and assigns, all right, title and interest of first party in and to that certain "Application for Permit to Appropriate the Public Waters of the State of Idaho", No. 10192, for One Thousand Five Hundred (1500) cubic feet per second of the waters of Bear River and tributaries for generating electric power, irrigation and domestic uses, and all right, title and interest of first party in and to that certain permit granted by the State Engineer of Idaho under said application for permit, which permit is recorded in the official records of said State Engineer on file in his office at Boise, Idaho, in Book 22 of permits at page 7255 thereof, to which recorded permit reference is hereby made for a further and more complete description thereof and the rights in and to the use of waters hereby assigned and conveyed.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances, unto second party, his heirs and assigns forever.

WITNESS the hand and seal of first party on the day and year first above written.

A. Burdette. (SEAL)

STATE OF UTAH,)
) ss.
County of Salt Lake.)

On this twenty-first day of December, in the year one thousand nine hundred eleven, before me F. E. Barnum, a duly appointed, qualified, commissioned and acting Notary Public in and for the County of Salt Lake, in the State of Utah, personally appeared at Salt Lake City, within said County, A. Burdette, known to me to be the person whose name is subscribed to the within instrument, and duly acknowledged to me the execution thereof.

My commission expires November 8, 1913.

F. E. Barnum,
Notary Public.

Received and filed for record in the office of the State Engineer at Boise, Idaho, at 9:00 A. M. January 6, 1912.

A. E. Robinson
State Engineer

Received and filed for record in the office of the State Engineer at Boise, Idaho, at 9:00 A. M. February 28th, 1916.

J. E. Smith,
State Engineer.

DEED

(Dated February 21, 1916)

GEORGE L. [redacted] to UTAH POWER AND LIGHT COMPANY

FOR

IDAHO PERMIT No. 7255, etc.

THIS INDENTURE, made at Salt Lake City, Utah, this twenty-first day of February, A. D. One Thousand Nine Hundred and Sixteen, between George L. Snowden, party of the first part, and Utah Power & Light Company, a corporation of Maine, party of the second part, WITNESSETH:

That first party for Ten Dollars and other valuable considerations, to him in hand paid by second party, receipt whereof is hereby acknowledged, has remised, released, conveyed, assigned and quit-claimed, and by these presents does remise, release, convey, assign and forever quit-claim unto second party, and to its successors and assigns, the following described property, to-wit:

All right, title and interest of first party in and to that certain "Application for Permit to Appropriate the Public Waters of the State of Idaho", No. 10198, for one thousand five hundred

(1500) cubic feet per second of the waters of Bear River and tributaries for generating electric power, irrigation and domestic uses.

Also all right, title and interest of first party in and to that certain Permit, granted by the State Engineer of Idaho under said Application for Permit, and by said State Engineer designated as Permit No. 7255, and which Permit is recorded in the official records of said State Engineer kept in his office at Boise, Idaho, in Book 22 of Permits at Page 7255 thereof, and to which recorded Permit reference is hereby had for a further and more complete description thereof.

Also all right, title and interest of first party in and to the waters and use of the waters mentioned in said Application and Permit, and all rights of the first party to divert, impound, release, transport, manipulate and use the waters aforesaid.

Excepting and reserving, however, unto first party and his assigns from the operation of this conveyance, and for the purpose of his relinquishing same unto the State of Idaho, all his rights under said Application and Permit to use said waters for irrigation and domestic purposes; it being understood that neither this reservation nor such proposed relinquishment shall affect the right, title and interest in second party, its successors and assigns, by this conveyance vested, to divert, impound, release, transport, manipulate and use for power purposes all said one thousand five hundred (1500) cubic feet per second of time of the waters mentioned in said Application and Permit;

TOGETHER with all and singular the improvements and appurtenances heretofore constructed for the diverting, impounding, releasing, transporting, manipulating and utilizing said waters for power purposes, and all and singular the improvements and appurtenances of whatsoever kind in any manner connected with or directly or indirectly having to do with the diverting, impounding, releasing, transporting, manipulating or utilizing said waters;

TO HAVE AND TO HOLD, all and singular the said premises, including said improvements, and appurtenances unto second party, its successors and assigns, for its and their sole use, enjoyment, benefit and behoof, forever.

WITNESS the hand of first party hereunto subscribed and his seal hereto affixed on the day and year first above written.

George L. Freeman (Seal)

Signed, Sealed and Delivered
in the presence of
A. Story, Jr.
B. Silverstone.

STATE OF UTAH)
) ss.
County of Salt Lake,)

On this twenty-first day of February, in the year One Thousand Nine Hundred Sixteen, before me, Frederick Steigmeyer, a duly appointed, qualified, commissioned and acting Notary Public in and for the County of Salt Lake, State of Utah, personally appeared at Salt Lake City, within said County, said George L. Swendsen, known to me to be the person whose name is subscribed to the within instrument and duly acknowledged to me his execution thereof.

My commission expires May 1, 1919.

(SEAL) Frederick Steigmeyer
Notary Public.

RELINQUISHMENT

(Dated February 23, 1916) George L. Swendsen
To State of Idaho, of certain rights under
Idaho Permit No. 7256

THIS INDENTURE, made this twenty-third day of February, A. D. One Thousand Nine Hundred Sixteen, between George L. Swendsen, party of the first part, and the State of Idaho, the party of the second part, WITNESSETH: That

WHEREAS, by deed dated February 21, A. D. 1916, first party hereto conveyed to Utah Power & Light Company, a corporation of Maine, all his right, title and interest in and to that certain "Application for permit to appropriate the Public Waters of the State of Idaho", No. 10198, for one thousand five hundred (1500) cubic feet per second of the waters of Bear River and tributaries, and in and to that certain Permit, granted by the State Engineer of Idaho under said Application, such Permit having been designated by said State Engineer as "Permit No. 7256", and in and to the waters and the use of the waters mentioned in said Application and Permit, excepting and reserving however, unto himself and his assigns, for the purpose of relinquishment unto the State of Idaho, the right to use said waters for irrigation and domestic purposes, and

WHEREAS, it was agreed between the grantor and grantee in said deed first above mentioned that neither such reservation nor such proposed relinquishment to the State of Idaho should affect the right, title and interest in said Utah Power & Light Company, its successors and assigns, by said deed vested, to divert, impound, release, transport, manipulate and use for power purposes all said one thousand five hundred (1500) cubic feet per second of time of the waters mentioned in said Application and Permit.

NOW, THEREFORE, for a valuable consideration, receipt whereof is hereby acknowledged, first party has relinquished, and hereby does relinquish, unto the State of Idaho, all his present right,

title and interest in and to the use for irrigation and domestic purposes of the waters mentioned in that certain "Permit to Appropriate the Public Waters of the State of Idaho", by the State Engineer of Idaho heretofore designated as "Permit No. 7255, recorded in the official records of said State Engineer kept in his office at Boise, Idaho, in Book 22 of Permits at page 7255, thereof; it being understood, and it being a condition on which this relinquishment is made, executed and delivered unto said state, that this relinquishment does not affect the right, title and interest vested in Utah Power & Light Company, its successors and assigns, by the deed first in the preamble hereto mentioned, to divert, impound, release, transport, manipulate and use for power purposes, all said One thousand five hundred (1500) cubic feet per second of time of the waters mentioned in said application for Permit: and, moreover, that this relinquishment shall not be construed as vesting in the State of Idaho any right, title or interest in or to any lands, or in or to any improvements or appurtenances heretofore constructed for the diverting, impounding, releasing, transporting, manipulating and/or utilizing said waters for power purposes, - all said improvements and appurtenances having been heretofore, by the deed first in the preamble hereto mentioned, sold and conveyed by the first party hereto to said Utah Power & Light Company.

WITNESS the hand of first party hereunto set at Salt Lake City, Utah, on the day and year first above written.

George L. Swendsen

Signed, in the presence of
E. Story, Jr.,
L. Silverstone.

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE.)

On this twenty-third day of February, in the year One Thousand Nine Hundred Sixteen, before me, Frederick Steigmeyer, a duly appointed, qualified, commissioned and acting Notary Public in and for the County of Salt Lake, State of Utah, personally appeared at Salt Lake City, within said County, George L. Swendsen, known to me to be the person whose name is subscribed to the within instrument and duly acknowledged to me his execution thereof.

My commission expires May 1, 1919.

Frederick Steigmeyer.
(SEAL) Notary Public

Received and filed for record in the office of the State Engineer at Boise, Idaho, Feb. 28th, 1916.

J. H. Smith,
State Engineer

STATE OF UTAH,)
County of Salt Lake.) ss.

George L. Swendsen, being first duly sworn, upon his oath deposes and says:

"My name is George L. Swendsen. I am of lawful age, and an engineer in the employ of Utah Power & Light Company, a corporation of Maine, which is the owner of Permit No. 7255, approved by the State Engineer of Idaho on April 29, 1911, for the use for power of fifteen hundred cubic feet per second of time of the waters of Bear River; that in developing electric power in connection with said permit, diversion has been made practically at the point of diversion recited in said permit; the actual diversion taking place by means of a dam constructed across Bear River, the center of which dam bears S. 54° 15' E. 3515.4 (three thousand five hundred fifteen and four-tenths) feet from the northwest corner of Section 26, T. 13 S., R. 40 E., B. L. This dam and a dyke create a reservoir inundating parts of the SE¼ and E½ of Section 23, N½ of Section 24, SW¼, W½ and SE¼ of Section 13, and SE¼ and E½ of Section 12, in T. 13 S., R. 40 E., B. L., and W½ of Sec. 18, S½, SE¼, E½ and E½ of Section 7, and E½, E½ and E½ of Section 6, in T. 13 S., R. 41 E., B. L., from which reservoir water is diverted into two sixteen feet inside diameter pipes at a point which bears S. 74° 30' E., 3996.3 (three thousand nine hundred ninety-six and three-tenths) feet from the northwest corner of Section 26, T. 13 S., R. 40 E., B. L., and by said pipes is conducted to point of use, which is S. 74° 45' E. 5198 feet from the northwest corner of said Section 26. The proposed point of return to Bear River is S. 70° 10' E. 3000 feet from the northwest corner of said Section 26. The carrying capacity of said pipes exceeds fifteen hundred second feet. I attach to this affidavit a map entitled: 'Map (Exhibit A) accompanying affidavit as to actual points of diversion and use and proposed point of return under permit No. 7255;' which correctly shows the above mentioned points. I make this affidavit at request of Utah Power & Light Company, the corporation above named, for filing with the State Engineer of Idaho as a part of his official records kept at his office at Boise, Idaho".

Further Deponent saith not.

George L. Swendsen

Subscribed and sworn to before me this twenty-sixth day of February, A. D. 1916.

My commission expires May 1, 1919.

Frederick Dieterman
Notary Public in and for Salt Lake County, Utah.
(SEAL)

Received and filed for record at the Office of the State Engineer at Boise, Idaho, at 9:00 A. M. February 29, 1916.

J. E. Smith,
State Engineer.

STATE OF UTAH)
) ss.
County of Salt Lake.)

Frederick Steigmeyer, being first duly sworn, upon his oath, deposes and says:

"My name is Frederick Steigmeyer. I am of lawful age and attorney for Utah Power & Light Company, a corporation of Maine, which is the holder and owner of permit No. 7255, approved by the State Engineer of Idaho on April 28, 1911, and recorded in Book 22 of Permits at Page 7258, of the records of said State Engineer, kept in his office at Boise, Idaho; that I am authorized for and on behalf of said corporation to make this affidavit; that I have read the affidavit of even date of George L. Swendsen, engineer employed by said corporation, relating to the actual points of diversion and use and proposed point of return under construction had and being made in connection with said permit No. 7255, and which affidavit of said Swendsen, including a map attached thereto, has been delivered to me for filing with the State Engineer of Idaho as a part of his official records; that the change described in said Swendsen affidavit is made for economy in investment and to meet requirements of best engineering practice in securing most favorable hydraulic conditions; that no one will be injured by such change and that the holder and owner of said permit, No. 7255, made and makes such change at its own risk".

Frederick Steigmeyer

Subscribed and sworn to before me this twenty-sixth day of February, A. D. 1916.

My commission expires November 2, 1917.

A. E. Burdett
Notary Public in and for the County of Salt Lake, State of Utah.

(SEAL)

Received and filed for record in the office of the State Engineer at Boise, Idaho, at 9:00 A. M. February 28, 1916.

J. E. Smith,
State Engineer.

Permit No. 7256

CERTIFICATE OF COMPLETION OF WORK

To All Whom It May Concern:

This is to certify that Utah Power & Light Company of Salt Lake City, County of Salt Lake, and State of Utah, the holder of Permit No. 7256, issued upon Application No. 10198, bearing date of priority of January 18, 1911, authorizing the

diversion of 1500 second feet of the waters of Bear River, and tributaries, County of Bannock, State of Idaho, for 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 1500 second feet of the waters of Bear River, and tributaries; that the point of diversion of said waters is at the intersection of the east boundary line of NE¼SE¼ of Sec. 23, T. 13 S., R. 40 E., B. M., and Bear River in Bannock County, Idaho; and that the place of use of said water is about 2500' below intake.

Witness my hand this 1st day of June, A. D. 1916.

J. E. Smith, State Engineer of the State of Idaho.

License issued for 1500 second feet.

STATE OF IDAHO

License and Certificate of Water Right

Water License No. 7255 — Amount 1500 sec. ft.

Water District No. 5-A — Priority 1-18-1911

THIS IS TO CERTIFY that A. Burdette, of Portland, Oregon, made application for a permit to appropriate the public waters of the State of Idaho, dated January 18, 1911; that Permit No. 7255, was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1500 second feet, was issued thereunder on June 1, 1916, showing that said works were completed on the 19th day of April, 1916; and that on the 29th day of April, 1920, Utah Power and Light Company, of Salt Lake City, State of Utah, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of a right to the use of the waters of Bear River, a tributary of _____, for the purpose of generating power, under Use Permit No. ____ of the Commissioner 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 Commissioner of Reclamation of Idaho and entered of record in Volume 5 of Licenses, at page 2566, on the 26th day of May, 1920;

The right hereby confirmed dates from January 18, 1911;

The point of diversion is located at the intersection of the boundary line of the NE¼ of Sec. 23, Tp. 13 S., R. 40 E. B.M. County of Franklin.

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 1500 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated

At Oneida Power Plant located S. 74° 01' E. 2178 feet from the NW Cor. of Sec. 26, T. 13 S., R. 40 E., B. M.

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 Commissioner of Reclamation, affixed at Boise, Idaho, this 26th day of May, 1920.

(SEAL)

C. O. SWENDSEN,
Commissioner of Reclamation

STATE OF IDAHO,)
) ss.
County of Ada.)

I, W. G. [redacted], Commissioner of Reclamation of the State of Idaho, hereby certify the above and foregoing to be a full, true and correct copy of Permit to Appropriate the Public Waters of the State of Idaho, No. 7256, including all instruments recorded thereunder, as the same appears of record in the Department of Reclamation, in Book [redacted] of Permits at page 7255; also a full, true and correct copy of Water License No. 7256, as the same appears of record in Book 5 of Licenses at page 2566.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this 19th day of June, 1923.

W. G. [redacted],
Commissioner of Reclamation

By Clara M. Brown
Custodian of Records.

Permit #6308 (13-2032)

No. 9073

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: R. O. Whittington
Postoffice address: Box 1022, Salt Lake City, County: Salt Lake, State: Utah.

2. The quantity of water claimed is 1000 (one thousand) cubic feet per second.

3. Source of water supply: Bear River and tributaries.
County of Bannock.

4. Location of point of diversion: See Note "A" under Remarks.

5. To be used for:

II. Mining, power, manufacturing or transportation purposes:

(a) To be used for: General commercial purposes.
(b) Amount of power to be generated: 30910 horse power.
(c) At what point: At a point on the East bank of Bear River S. 71° 25' E. 3868' from the W¼ Cor. of the NE¼ of Sec. 21, T. 14 S., R. 40 E. B.M.
(d) Is water to be returned to any stream: Yes
(e) If so, name stream and locate point of return: Bear River at a point S. 71° 25' E. 3868' from W¼ Cor. of NE¼ of Sec. 21, T. 14 S., R. 40 E., B. B. & M. in Oneida County, Idaho.

6. Estimated cost of works: $1,000,000.00

7. Description of works for diversion: Impounding & diverting dam and pipe-line.

I. Kind of works: Reservoir, dam, pipe-line and other conduit necessary controlling gate valves.

II. Dimensions of works:

(a) Height of dam 250 feet, length of dam at top 860 feet, length of dam at bottom 110 feet. Material used in construction: concrete, steel, rock and rubble masonry.
(b) Capacity of reservoir: 94960 acre feet.
(c) Size of headgate: eight gate valves 12' in diameter.
(d) Conduit steel or other pipe. Diameter of pipe: 120 inches. Average grade per mile is 10 feet. Length of conduit is 18868 feet and it crosses the following quarter sections: NW¼ & SW¼ Sec. 3, NW¼ & SW¼ of Sec. 10, NE¼ Sec. 15, NW¼ & SW¼ of Sec. 14, NE¼ Sec. 21, NW¼ Sec. 22, all in T. 14 S., R. 40 E., B. B. & M., to point described in & II (c) above which is the point of intended use.

8. The time required for the completion of the construction of such work is 5 years.

9. Time required for the complete application of the water to the proposed use is 4 additional years.

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

E. O. Whittington, Applicant.

By Jm. Story, Agent.

Remarks: Note "A" 4. Location of point of Diversion: To Reservoir S. 45° 28' E. 5070' from ¼ Cor. common to Sec. 7 & 18, T. 13 S., R. 41 E., B. B. & M. in Bannock County, Idaho; to pipes from reservoir, S. 31° 55' E. 3260' from NE Cor. of NE¼ of Sec. 5, T. 14 S., R. 40 E., B. B. & M. in Oneida County, Idaho. Initial and terminal point of reservoir survey is S. 25° 28' E. 2080' from NW Cor. of NE¼ of Sec. 8, T. 14 S., R. 40 E., B. B. & M. in Oneida County, Idaho.

APPROVAL OF STATE ENGINEER

The number of this permit is 6308
Date of first receipt of application 9:00 A. M. June 17, 1910.
Returned to applicant for correction June 29, 1910.
Corrected application received June 29, 1910.
Recorded in Book 19 Page 6308 Approved July 7, 1910.

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 grant the same, subject to the following limitations and conditions:
Good and sufficient bond to be filed in the sum of $2,000.00 on or before September 8, 1910.
One-fifth of the work above specified to be completed on or before January 7, 1911.
The whole of said work to be completed on or before July 7, 1915.
The time for proof of beneficial use of water appropriated in accordance herewith, extended to July 7, 1919.

Witness my hand this seventh day of July, 1910.

D. S. Martin
State Engineer

Inst. No. 18733 TRANSFER OF PERMIT

THIS INDENTURE, Made this 31st day of May, A. D. 1911, between E. O. Whittington, of Ouray, Colorado, party of the first part, and William Story, Jr., of Ouray, Colorado, party of the second part; WITNESSETH:

That for one dollar and other valuable considerations to first party this day paid by second party, the receipt whereof is hereby acknowledged, first party has sold and conveyed, and by these presents does sell, quitclaim and convey unto second party, his heirs and assigns, the following described permit and property, to-wit:

That certain permit approved by the State Engineer of the State of Idaho on July 7, 1910, and by him designated as Permit No. 6508, appearing of record at page 6508, of Book 19 of Permits of the official records of said State Engineer at Boise, Idaho; granting to E. O. Whittington, the first party herein, the right to appropriate and utilize the waters of Bear River at Oneida Narrows, Idaho, for power purposes in accordance with the plans and specifications set forth in the application made by said first party for such permit; together with all the rights privileges and franchises vested in first party under such permit, and also all rights of way, easements and licenses heretofore acquired and now possessed by first party and which second party may desire to use directly and indirectly in diverting, impounding or utilizing any of the waters mentioned in said permit; together with all and singular the tenements, hereditaments and appurtenances unto the premises aforesaid belonging or in any wise appertaining, and the rents issues and profits thereof;

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances and rights and profits thereunto incident, unto second party, his heirs and assigns, forever.

IN WITNESS WHEREOF, first party has hereunto set his hand and seal on the day and year first above written.

E. O. Whittington. (SEAL)

STATE OF COLORADO,
) ss.
County of Ouray,)

On this 31st day of May, A. D. 1911, before me, Arthur L. Grubow, a duly appointed, commissioned, qualified and acting Notary Public in and for the County of Ouray, State of Colorado, personally appeared E. O. Whittington, known to me to be the same person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and hereto affixed my notarial seal on the day and year in this certificate first above written.

(SEAL)

Arthur L. Grubow
Notary Public, in and for
the County of Ouray, Colorado.

Recorded at the request of Wm. Story, Jr., June 7th, 1911, at 9:10 A. M.

John J. Evans, Recorder.

By J. Jones, Jr., Deputy.

STATE OF IDAHO,)
) ss.
County of Oneida,)

I, John J. Evans, Auditor and Recorder of Oneida County, Idaho, do hereby certify that the foregoing is a full, true and correct copy of Transfer of Permit from E. O. Shittington to William Story, Jr., on file in my office and recorded in Book 7 of Deeds, Page 438, Records of Oneida County, Idaho.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of said County this 30th day of July, 1913.

John J. Evans,
Auditor and Recorder, Oneida
(SEAL) County, State of Idaho.

Received and filed for record in the office of the State Engineer at Boise, Idaho, at 9:01 A. M. August 4, 1913.

F. J. King,
State Engineer

THIS INDENTURE, Made this 4th day of September, A. D. 1911, between William Story, Jr., of Ouray, Colorado, party of the first part, and Tri-State Power Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, party of the second part, WITNESSETH:

That for one Dollar and other valuable considerations to first party this day paid by second part, the receipt whereof is hereby acknowledged, first party has sold and conveyed and by these presents does sell, quitclaim and convey unto second party, its successors and assigns, the following described permit and property, to-wit:

That certain permit approved by the State Engineer of the State of Idaho on July 9, 1910, and by him designated as Permit No. 4308, appearing of record at Page 4308 of Book 19 of Permits of the Official Records of said State Engineer at Boise, Idaho; granting to E. O. Shittington, the right to appropriate and utilize the waters of Bear River at Oneida Narrows, Idaho, for power purposes in accordance with the plans and specifications set forth in the Application made by said Shittington for such permit; together with all the rights privileges and franchises vested in first party under such permit, and also all rights of way, easements and licenses heretofore acquired and now possessed by first party and which second party may desire to use, directly or indirectly, in diverting, transmitting or utilizing any of the

waters mentioned in said permit; together with all and singular the tenements, hereditaments and appurtenances unto the premises aforesaid belonging or in any wise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, and rights and profits thereunto incident, unto second party, its successors and assigns, forever.

IN WITNESS WHEREOF, first party has hereunto set his hand and seal on the day and year first above written.

William Story, Jr. (SEAL)

STATE OF COLORADO,)
) ss.
CITY AND COUNTY OF DENVER.)

On this 4th day of September, A. D. 1911, before me, I. Amon West, a duly appointed, commissioned, qualified and acting Notary Public in and for the City and County of Denver, State of Colorado, personally appeared William Story, Jr. known to me to be the same person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I hereunto subscribe my name and affix my notarial seal on the day and year in this certificate first above written.

My Commission expires September 26th, 1911.

I. Amon West
Notary Public in and for the
City and County of Denver,
State of Colorado.
(SEAL)

Received and filed for record in the office of the State Engineer at Boise, Idaho, at 9:08 A. M. August 4, 1915.

F. P. King,
State Engineer

THIS INDENTURE, Made this sixth day of January, A. D. 1913, between the Tri-State Power Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, party of the first part, and Utah Power & Light Company, a corporation organized and existing under and by virtue of the laws of the State of Maine, party of the second part,

WITNESSETH: That for one dollar and other valuable considerations to first party this day paid by second party, receipt whereof is hereby acknowledged, first party has sold, and surveyed, and by these presents does sell, quit-claim and convey unto second party, its successors and assigns, the following described permit and property, to-wit:

That certain Permit approved by the State Engineer of the State of Idaho on July 7, 1913, and by him designated as Permit No. 6308, appearing of record at page 6308 of Book 19, of Permits of the Official records of said State Engineer at Boise, Idaho; granting to E. O. Whittington, the right to appropriate and utilize the waters of Bear River at Oneida Narrows, Idaho, for power purposes in accordance with the plans and specifications set forth in the application made by said Whittington for such permit; together with all the rights, privileges and franchises vested in first party under such Permit, and also all rights of way, easements and licenses heretofore acquired and now possessed by first party and which second party may desire to use, directly or indirectly, in diverting, impounding or utilizing any of the waters mentioned in said Permit; together with all and singular the tenements, hereditaments and appurtenances unto the premises aforesaid belonging or in any wise appertaining, and the rents, issues and profits thereof;

TO HAVE AND TO HOLD, All and singular, the said premises, together with the appurtenances and rights and profits thereunto incident, unto second party, its successors and assigns forever.

IN WITNESS WHEREOF, First party has caused its name to be hereunto subscribed and its corporate seal to be affixed by its president pursuant to resolution adopted by its stockholders and board of directors, the day and year first above written.

Tri-State Power Company

(SEAL) By W. Story, Jr., President

STATE OF UTAH,)
) ss.
COUNTY OF SALT LAKE.)

On this sixth day of January in the year 1913, before me, Frederick Steigmeyer, a Notary Public in and for the County and State aforesaid, personally appeared William Story, Junior, known to me to be the president of the corporation that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.

My commission expires May 19, 1915.

GIVEN under my hand and notarial seal the day and year in this certificate first above written.

Frederick, Steigmeyer
(SEAL) Notary Public

Received and filed for record in the office of the State Engineer at Boise, Idaho, at 9:08 A. M. Aug. 4, 1913.

F. P. King,
State Engineer

STATE OF IDAHO, }
} ss.
COUNTY OF ADA. }

Frederick Steigmeyer, being first duly sworn, upon his oath, deposes and says:

That he is attorney for the Utah Power and Light Company, a corporation organized and existing under the laws of the State of Maine, and which is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 6308; that in developing electrical power in connection with said Permit diversion has been, is being or will be made not only at the point of diversion specified in said Permit, but also at a point on Bear River, N. 74° 08' E., 7913 feet from the Northwest corner of Section 30, T. 13 S., R. 41 E., B. M., in Bannock County, Idaho, the water so diverted to be returned to the Narrows Reservoir on Bear River at point of use, No. 1, being S. 70° 10' E., 3000 feet, from Northwest corner of Section 26, T. 13 S., R. 40 E., B. M., in Bannock County, Idaho. The Reservoir created by the dam erected at such additional point of diversion is known as the "Oneida Reservoir" and its capacity is twelve thousand six hundred acre feet. The reservoir created by the building of the dam at the point of diversion specified in said Permit is known as the "Narrows Reservoir" and its capacity is approximately eighteen thousand four hundred acre feet. The final point of use and return of water to Bear River is to be at the point specified in said Permit, being at a point on said River S. 71° 25' E. 3868 feet, from the Northwest corner of the Northeast quarter of Section 21, T. 14 S., R. 40 E., B. M., in Franklin County, Idaho. The Oneida Reservoir is situate in the SW¼, S½ NW¼, W½ SE¼ Section 23, E½ Sec. 24, SW¼, S½ NW¼, NW¼ SW¼ Section 13, SE¼, Section 12, all in T. 13 S., R. 40 E., B. M. & M. The E½ E½, Section 18, SW¼, S½ NW¼, W½ SW¼ Section 7; SE¼, E½ NE¼ Section 6, all in T. 13 S., R. 41 E., B. M. & M., and SW¼ Section 31, T. 12 S., R. 41 E. B. M. & M. A dike forming a part of the South barrier of such Oneida Reservoir is situate in the SE¼ of Section 23, T. 13 S., R. 40 E., B. M. The two sixteen foot diameter pipes extending from such Oneida Reservoir to point of use, No. 1, are situate in SE¼ of Section 23 and the NE¼ of Section 26, T. 13 S., R. 40 E., B. M. The Narrows Reservoir is situate in SE¼ and NE¼ of Section 3, the SW¼ and NW¼ of Section 2in T. 14 S., R. 40 E., B. M., the S½ and NE¼ of Section 34, the SW¼ and NW¼ of Section 35, the [illegible] of Section 26, all in T. 13 S., R. 40 E., B. M. The dam creating Oneida Reservoir is to be 100 feet high, 150 feet long at bottom and 375 feet long at top; the dam creating the Narrows Reservoir is to be 60 feet high, 320 feet long at top and 120 feet long at bottom.

That the change above described is made for economy in investment and to meet requirements of best engineering practice in securing most favorable hydraulic conditions; that no one will be injured by such change and that the holder and owner of said permit No. 6308, made and makes such change at its own risk.

Further deponent saith not.

Frederick Steigmeyer

Subscribed and sworn to before me this 4th day of August, 1913.
My commission expires Nov. 16, 1916.

(SEAL)

Chas. E. Stotts,
Notary Public.

Received and filed for record in the office of the State Engineer at Boise, Idaho, at 9:10 A. M. August 4, 1913.

P. P. King,
State Engineer

Deposition for proof of completion of works made July 7th, 1915.
Report of Examining Engineer made May 17th, 1916.
Certificate of Completion of Works issued June 3rd, 1916.

Permit No. 6308

CERTIFICATE OF COMPLETION OF WORKS

To All Whom It May Concern:

This is to certify that UTAH POWER & LIGHT COMPANY, of Salt Lake City, County of Salt Lake, and State of Utah, the holder of Permit No. 6308, issued upon Application No. 9078, bearing date of priority of June 17, 1910, authorizing the diversion of 1,000 second feet of the waters of Bear River, and tributaries, County of Bannock, State of Idaho, for 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 1,000 second feet of the waters of Bear River, and tributaries; that the point of diversion of said waters is at the dam, which is N. 74° 30' E., 7913 feet from the northwest corner of Section 30, Township 13 South, Range 41 East of Boise Meridian, and that the place of use of said water is S. 75° 01' E. 5173 feet from the northwest corner of Section 26, Township 13 South, Range 40 East of Boise Meridian.

Witness my hand this 3rd day of June, A. D. 1916.

J. E. Smith,
State Engineer of the
State of Idaho.

Licenses issued for 1000 second feet

STATE OF IDAHO

Water License No. 6308.

Water District No. 5-A

WHEREAS, On the 17th day of June, A. D. 1910, E. O. Whittington, of Salt Lake City, County of Salt Lake, State of Utah, duly made application (No. 9073) to the for a permit to use one thousand (1000) cubic feet per second of the waters of Bear River and tributaries, in Water District No. 5-A, County of Bannock, State of Idaho, for power purposes, and,

WHEREAS, On the 7th day of July, A. D. 1910, Permit No. 6308 was issued to said applicant for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 7th day of July, A. D. 1915, and for the application to beneficial use of said water on or before the 7th day of July, A. D. 1919, and,

WHEREAS, On the 31st day of May, A. D. 1911, E. O. Whittington transferred all his right, title and interest in and to said permit to William Story, Jr., and,

WHEREAS, On the 4th day of September, A. D. 1911, William Story, Jr., transferred all his right, title and interest in and to said permit to the Tri-State Power Company, and,

WHEREAS, On the 6th day of January, A. D. 1912, the Tri-State Power Company transferred all its right, title and interest in and to said permit to the Utah Power and Light Company, and,

WHEREAS, On the 7th day of July, A. D. 1915, Utah Power and Light Company, the holder of said permit, duly made proof of the completion of adequate works for the diversion of 1000 cubic feet per second of said waters, as evidenced by my Certificate No. 6308, dated June 3, 1918, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use one thousand (1000) cubic feet per second of said water, with date of priority of June 17, 1910, and,

WHEREAS, On the 7th day of July, A. D. 1917, Utah Power and Light Company, the holder of said permit, duly made proof of the application to beneficial use of 1000 cubic feet per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to Utah Power and Light Company of Grace, County of Bannock, State of Idaho, the holder and owner of said permit No. 6308, a perpetual right, dating from June 17, 1910, to the use of one thousand (1000) cubic feet per second of the waters of Bear River and tributaries, in the County of Bannock, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at the dam, S. 74° 08' E. 7913 feet from the NW Cor. of Sec. 30, T. 13 S., R. 41 E., B. M., and conducted to the power plant located S. 74°01' E. 2173 feet from the NW Cor. of Sec. 36, T. 13 S., R. 40 E., B. M., for the purpose of generating power, subject, however, to the laws of the State of Idaho, applicable to a

license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 14th day of November, A. D. Nineteen Hundred and Seventeen.

J. E. Smith,
State Engineer

By Fred A. Dilkie,
Deputy.

(S.E.)

STATE OF IDAHO, }
} ss.
County of Ada. }

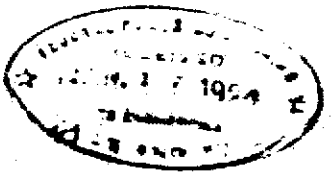
I, W. G. [redacted], Commissioner of Reclamation of the State of Idaho, hereby certify the above and foregoing to be a full, true and correct copy of Permit to Appropriate the Public Waters of the State of Idaho, No. 6308, including all instruments recorded thereunder, as the same appears of record in the Department of Reclamation, in Book 19 of Permits at page 6308; also a full, true and correct copy of Water License No. 6308, as the same appears of record in Book 6 of Licenses at page [redacted].

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this 19th day of June, 1923.

W. G. [redacted],
Commissioner of Reclamation

By [signature]
Custodian of Records.

[redacted]



[redacted]

To Accompany Application for License
Under Act of June 10, 1920

Oneida Power Plant
[illegible] POWER & LIGHT COMPANY

RECEIVED
1924

All of the lands covered by this project are public lands of the United States except the parts belonging to the applicant. These are the Southeast quarter of the Southeast quarter Section 23; the Northeast quarter of the Northeast quarter, part of the Northwest quarter of the Northeast quarter and part of the Northeast quarter of the Northwest quarter, Section 25, all in Township 13 South, Range 40 East, Boise Meridian, containing 146.60 acres which were acquired under warranty deed. Also parts of Northwest quarter, part of East half of Southwest quarter, Southwest quarter of Southeast quarter Section 6; part of West half of Northeast quarter, the Northwest quarter of the Southeast quarter and Northeast quarter of Southwest quarter Section 7, all in Township 13 South, Range 41 East. Part of the South half of Southwest quarter Section 31, Township 12 South, Range 41 East, Boise Base and Meridian, which were acquired by the applicant under Quitclaim Deed. The portions of these Quitclaim Deed lands included within the project area as outlined on Exhibit X are described by notes and bounds as follows:

Acquired by Quitclaim Deed from Charles K. Hopkins and Louie E. Hopkins, his wife, Oct 5th, 1915. Patent issued to Charles K. Hopkins Oct 25, 1915.

Beginning at a point S 20°15' E. 1407 feet from the Northwest corner of the Northeast quarter of Section Seven (7), Township Thirteen (13) South, Range Forty-one (41) East, Boise Base & Meridian; thence S 21°45' E, 97.7 ft; thence S 12°36' E, 195.8 ft; thence S 0°32' E, 133.6 ft; thence S 19°28' W, 119.8 ft; thence S 20°54' W, 182.1 ft; thence S 25°13' W, 271 ft; thence S 37° 00' W, 308 ft; thence S 29°31' W, 115.2 ft; thence S 25°59' W, 122.6 ft; thence S 37°18' W, 146 ft; thence S 57°56' W, 76.8 ft; thence S 76°49' W, 170.5 ft; thence S 76°59' W, 308.3 ft; thence S 42° 00' W, 138.4 ft; thence S 77°08' W, 246.4 ft; thence S 74°50' W, 338 ft; thence S 17° 21' W, 82.5 ft; thence S 49°57' W, 106 ft; thence South 361 ft; thence East 717.2 ft; thence N 38°32' E, 135.2 ft; thence N 44° 58' E, 109.9 ft; thence N 78°23' E, 118.8 ft; thence N 58°34' E, 150.8 ft; thence N 50°26' E, 136.9 ft; thence N 81°13' E, 238.5 ft; thence N 43°35' E, 178.9 ft; thence N 35°46' E, 273 ft; thence N 21° 28' E, 107.4 ft; thence N 48°19' E, 138.1 ft; thence N 32°28' E, 386.8 ft; thence N 54°58' E, 88.3 ft; thence N 28°16' E, 112.1 ft; thence N 22°35' W, 242 ft; thence N 3°14' W, 107.7 ft; thence N 24°52' E, 101.5 ft; thence N 5°16' W, 207.3 ft; thence N 11°24' W, 19.5 ft; thence N 20°49' W, 130.1 ft; thence N 17°[illegible] E, 19.3 ft; thence [illegible] ft; [illegible]

Eliminate
see letter 3/-/24

Acquired by Quit Claim Deed, from Charles H. Hopkins and Louie E. Hopkins, his wife November 19, 1917.

All those certain uplands lying between the banks of Bear River and the following described meander line, including whatever rights the party of the first part may have to the River:

Beginning at the 1/4 Section corner on the South boundary line of Section 6, Township 13 South, Range 41 East, Boise Base and Meridian; thence S 245.1 feet; thence S 16°21' E, 49.9 feet; thence S 0°19' W, 125.7 feet; thence S 28° 38' E, 109.3 feet; thence S 22°08' E, 97.4 feet; Thence S 42°07' E, 147.6 feet; thence S 8°37' E, 335.6 feet; thence S 29°48' E, 113.0 feet; thence S 32°56' E, 74.5 feet; thence S 44°22' E, 109.7 feet; thence S 39°30' E, 68.4 feet; thence E 89°58' E, 389.0 feet; thence N 10°40' E, 322.0 feet; thence N 7°45' E, 125.4 feet; thence N 28° 02'7, 136.0 feet; thence N 17°46' W, 96.1 feet; thence N 7°54' W, 134.0 feet; thence N 24°13' W, 94.5 feet; thence N 4°23' W, 123.5 feet; thence N 18°52' W, 147.8 feet; thence N 12° 35' W, 198.2 feet; thence W 583.1 feet more or less to the place of beginning, containing 12.09 acres more or less.

Also beginning at the 1/4 Section Corner on the South boundary line of Section 6, Township 13 South, Range 41 East, Boise Base and Meridian; thence E 533.1 feet; thence N 12° 35' W, 33.1 feet; thence N 16°17' W, 147.5 feet; thence N 11°05' W, 91.8 feet; thence N 23°49' W, 122.1 feet; thence N 12° 21' W 217.3 feet; thence N 35°01' W, 136.3 feet; thence N 32°12' W, 166.0 feet; thence N 38°41' W, 349.2 feet; thence S 1060.1 feet more or less to the place of beginning, containing 4.98 acres more or less.

[illegible]
[illegible]
[illegible]

[illegible] whatever rights
[illegible] to the river
[illegible] corner of the South
[illegible] Township 13 South,
[illegible] Meridian; thence
North 1169.1 feet; thence N 38°41' W, 65.3 feet;
thence N 54°31' W, 229.0 feet; thence N 23°56' W,
190.6 feet; thence N 10°17' W, 206.0 feet; thence
N 54°09' W, 251.0 feet; thence N 37°51' W, 126.1
feet; thence N 23°49' W, 96.9 feet; thence N 13°
11' W 177.1 feet; thence N 11°46' W, 153.7 feet;
thence N 29°44' E, 314.4 feet; thence N 9°15' E,
100.7 feet; thence West 359.6 feet; thence S 18°
40' W, 25.2 feet; thence S 27°07' W, 148.8 feet;
thence S 74°58' W, 74.8 feet; thence S 14°51' W,
36.3 feet; thence S 4°55' W 171.8 feet; thence
S 38°44' W, 168.0 feet; thence S 14°10' W, 48.9
feet; thence S 26°14' E, 121.3 feet; thence S 24°
21' E, 87.3 feet; thence N 89°28' E, 58.4 feet;
thence S 68°45' E, 67.3 feet; thence S 55°00' E,
102.5 feet; thence S 71°44' E, 16.41 feet; thence
S 30°07' E, 130.7 feet; thence S 15°42' E,177.7
feet; thence S 5°04' W,111.6 feet; thence S 9°
47'E, 138.5 feet;thence S 1°04' E,108.8 feet;
thence S 52°34' E, 52.8 feet; thence S 41°48'E,
61.2 feet; thence S 53°29' E, 58.8 feet; thence S
60°35' E, 104.9 feet;thence S 71°39' E, 117.2 feet;
thence S 58°46' E, 73.6 feet; thence S 56°28' E,
82.5 feet; thence S 44°26' E, 172.2 feet; thence
S 26°51' E, 87.4 feet; thence S 7°16' E, 230.0
feet; thence S 5°09' E, 130.8 feet; thence S 2°01'
W, 15.6 feet; thence E 41.0 feet more or less to
the place of beginning, containing 12.58 acres
more or less.

Acquired by
Quitclaim Deed
from J. W. Mulberry
and Anna Mulberry,
his wife, Jan 13, 1919.

All those certain uplands lying between the
banks of Bear River and the following described
meander line, together with whatever rights the
party of the first part may have to the river.

Beginning at a point which bears S 78°24' W
1334.5 feet from the Northwest corner of Section
6, Township 13 South, Range 41 East, Boise Base and
Meridian; thence S 1144.2 feet; thence S 28°04' E,
143.3 feet; thence S 36°21' E, 68.1 feet; thence S
9°34' E, 125.4 feet; thence S 9°37' W, 148.8 feet;
thence S 16°27' E, 135.8 feet; thence S 72°06' E,
84.4 feet; thence S 46°19' E, 97.1 feet; thence S
[illegible]° E, 10.1 feet; thence S 45°37' E, 113.6 feet;
thence S [illegible]°8' E, 1[illegible].1 feet; thence S 6°29' E,
[illegible] feet; thence S [illegible]°5' E, [illegible]5.9 feet;

Eliminate see letter 3/7/24

[illegible] feet; thence N 14°27' E, [illegible] feet; thence N [illegible]° W, 140.5 feet; thence N [illegible] feet; thence N 2°16' E, 222.7 [illegible] feet; thence N [illegible]° E, 215.1 feet; thence N [illegible] feet; thence N 17°23' W, 140.4 feet; thence N 13°27' E 90.2 feet; thence N [illegible]° W, 215.1 feet; thence N 19° 15' W, 155.3 feet; thence N 17°23' W, 128.5 feet; thence N [illegible]° W, 230.3 feet; thence N 54°27' W, 152.7 feet; thence N 50°18' W, 109.0 feet; thence N [illegible]° W, 67.3 feet; thence N 14°27' W, 158.7 feet; thence N 10°27' W, 104.4 feet; more or less to the place of beginning. Containing [illegible] acres more or less.

Acquired by
Quitclaim Deed
from Clara Dalton Forman
and Aaron E. Forman,
her husband,
Dec 3, 1917

All those certain uplands lying between the banks of Bear River and the following described meander line, together with whatever rights the party of the first part may have to the river:

Beginning at a point which bears East 748.2 feet from the Northwest corner of Section 5, Township 13 South, Range 41 East, Boise Base and Meridian; thence S 75°34' E, 58.6 feet; thence S 50°56' E, 42.3 feet; thence S 73°19' E, 101 feet; thence S 55°08' E, 62.8 feet; thence S 3°23' E, 91.0 feet; thence S 11°42' W, 144.6 feet; thence S 29°53' E, 149.2 feet; thence S 4°03' E, 273.5 feet; thence S 28°10' E, 247.5 feet; thence S 47°09' E, 115.0 feet; thence S 10°53' E, 140.3 feet; thence S 8°35' E, 174.2 feet; thence S 23°54' E, 59.7 feet; thence N 1144.2 feet; thence N 10°37' W, 57.2 feet; thence N 0°11' E, 99.4 feet; thence N 1°21' East 108.2 feet; thence W 347.4 feet more or less to the place of beginning, containing 3.48 acres more or less.

Acquired by
Quit Claim Deed
from Aaron E. Forman
and Clara D. Forman,
his wife.
December 3, 1917.

Eliminate see letter 3/7/24

All those certain uplands lying between the banks of Bear River and the following described meander line, together with whatever rights the party of the first part may have to the river:

Beginning at a point which bears S 78°38' E, 1774.6 feet from the Northwest corner of Section 6, Township 13 South, Range 41 East, Boise Base and Meridian; thence S 1144.2 feet;

[illegible]

eliminate per letter 3/7/[illegible]

[illegible] S 1°01' E, [illegible]; thence S 22°04' E, [illegible] feet; thence S 1°11' E, 77.1 feet; thence S [illegible]° E, 79.1 feet; thence S 45° 01' E, 112.5 feet; thence S 1°03' E, 101.1 feet; thence S 1°29' E, 11.2 feet; thence S 1°03' W, 225.3 feet; thence S 16°09' W, 94.9 feet; thence S 23°40' W, 71.4 feet; thence S 38°.3 feet; thence N 9°15' E, 121.5 feet; thence N 14°07' E, 133.3 feet; thence N 7° 43' E, 140.3 feet; thence N 5°39' E, 303.7 feet; thence N 2°16' E, 232.7 feet; thence N 12°31' W, 170.0 feet; thence N 21°00' E, 133.0 feet; thence N 27°43' W, 140.4 feet; thence N 15°07' E, 10.2 feet; thence N 45°57' W, 213.1 feet; thence N 39°15' W, 133.0 feet; thence N 17°23' W, 128.6 feet; thence N 41°33' W 210.3 feet; thence N 34°27' W, 152.7 feet; thence N 30°13' W, 109.0 feet; thence N 25°21' W, 87.3 feet; thence N 14°37' W, 188.7 feet; thence N 10°37' W, 104.4 feet more or less to [illegible] of beginning, containing 11.47 acres more or less.

Also beginning at a point which bears East 925 feet from the Southwest corner, Section 31, Township 14 South, Range 41 East, S.L.B.& M.; thence East 372.4 feet; thence N 2°00' W, 90.6 feet; thence N 4°37' W, 150.7 feet; thence N 36° 06' W, 75.1 feet; thence N 28°14' W, 124.9 ft; thence S 52°24' W, 106.3 feet; thence N 37° 45' W, 139.6 feet; thence S 89°24' W, 37.9 feet; thence N 17°21' W, 192.4 feet; thence S 89° 33' W, 115.3 feet; thence in a southeasterly direction down middle of Deer River to point of beginning; containing approximately 2.33 acres more or less.

I hereby certify that the foregoing five pages comprise a full, true and correct tabulation of the lands owned by the applicant, and that said lands were acquired for use and are used in connection with the Oneida power plant.

A. E. Bruckner
Engineer and Custodian of Records
Utah Power & Light Company.

This statement is a part of said application made by the undersigned this 20th day of August, 1923.

[illegible]

[redacted]

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EXHIBIT "F"

STATEMENT CONCERNING ABILITY OF APPLICANT TO FINANCE PROJECT

To Accompany Application for License
Under Act of June 10, 1920.

Oneida Power Plant
[illegible] POWER & LIGHT COMPANY

1921

EXHIBIT "G"

Responding to Regulation 4, Section 7,
and Regulation 6, Section 1.

APPLICATION FOR LICENSE - UTAH POWER & LIGHT COMPANY

STATEMENT CONCERNING ABILITY OF APPLICANT TO FINANCE PROJECT

The applicant is a going concern, owning and operating electric light and power properties in Utah and Idaho.

The project applied for under the present application is not a new business venture, but has been developed in response to the growth of an already existing consumer's demand for electric energy.

The project covered by this application has been completed and has been in successful operation for several years and has been financed by the sale of the applicant's securities.

This statement is a part of the application for license made by the undersigned this 20th day of August, 1923.

UTAH POWER & LIGHT COMPANY

By J. R. Bacon

Vice-President & General Manager

EXHIBIT "F"

STATEMENT OF EFFECT OF PROJECT ON STREAM FLOW

To Accompany Application for License
Under Act of June 10, 1920

Oneida Power Plant

EXHIBIT "F"

Responding to Regulation 4, Section 3,
and Regulation 5, Section 1.

APPLICATION FOR LICENSE - UTAH POWER & LIGHT COMPANY

STATEMENT OF THE EFFECT OF THE PROPOSED OPERATION OF THE
PROJECT POWER ON THE NORMAL FLOW OF THE STREAM.

The reservoir of Oneida Plant creates a usable pondage of approximately 11,500 acre feet. The waters coming downstream from other plants are released from the reservoir at a uniform rate, with a usual daily minimum flow of approximately 631 cubic feet per second, and a usual daily maximum flow of approximately 1920 cubic feet per second. This temporary impounding of the water does not adversely affect the conservation or utilization of the flow of Bear River.

This statement is part of the application for license made by the undersigned this 22nd day of August, 1928.

UTAH POWER & LIGHT COMPANY

By R. A. Thek

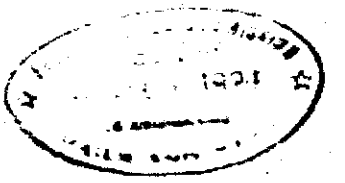
Vice-President & General Manager

EXHIBIT "I"

STATEMENT OF POWER CAPACITY OF PROJECT

To Accompany Application for License
Under Act of June 10, 1920.

Oneida Power Plant
[illegible] POWER & LIGHT COMPANY



[redacted]

[redacted] CITY

[redacted] CITY OF [redacted]

---

1. Estimate of the power capacity of the Project.
2. Stream flow data involved in determining Power Capacity.
3. List of all present and proposed sources of power for the system of which the Project is a part.

(1) Estimate of power capacity:

(a)	Average static head	- 140 ft
(b)	Hydraulic capacity	- 3450 cfs*
(c)	Flow Available, 90% of time	1185 cfs
(d)	Power Capacity	13270 hp

[redacted]

*Flow assumed necessary to generate 30,000 kw. the installed generator capacity.

(2) Stream flow Data:

Oneida Plant receives its water supply from the Oneida [redacted] and discharges to Bear River through one steel pipe [redacted] feet in diameter and about 1/2 mile long. Immediately below the tailrace is installed a Stevens recorder - also a gaging cable - for the purpose of obtaining a record of the stream flow passing this point.

The flow of Bear River is regulated by Bear Lake storage; hence the record secured at the gaging station below the tailrace is a record of the regulated flow of Bear River. The Natural flow (or flow which would have occurred without storage regulation) can be obtained by considering the regulating effect (the storage change) secured by the operation of the Bear Lake storage canals. This has been done in the following sheets.

The inflow to Bear River below storage control does not exceed the hydraulic capacity of the Oneida Plant, therefore it has been assumed that the available flow for Oneida Plant for 90% of the time is equal to the storage flow that has occurred through the storage period, 1914-1932; the entire period during which records have been obtained.

	1914	1915	1916	1917	1918	1919	1920	1921	1922
Jan	27900	31170	31000*	35000*	40918	33150	33591	[illegible]	[illegible]
Feb	25600	27522	27550*	32000*	31690	30255	27330	27296	[illegible]
Mar	42740	36630	41085	38000*	36321	30457	29169	36066	41319
Apr	87980	29618	36214	42000*	34403	32235	32968	39418	76800
May	113510	21915	30222	32850	29594	22913	33157	37607	132190
June	95883	16116	26725	124100	26466	19719	34078	90340	[illegible]
July	46780	23068	25645	63296	31013	29470	28446	50756	[illegible]
Aug	38849	19149	29153	42175	35830	31461	28018	29822	31600
Sept	34780		28617	38680	31800	29278	30361	28194	50200
Oct	43490		[illegible]	35779	31424	26709	28202	27515	[illegible]
Nov	34580		23587*	34399	36703	27049	26298	34777	[illegible]
Dec	37830		30272*	33676	42034	33622	33697	42053	41414
Year	686350		365044	599099	404926	361323	364901	475213	606[illegible]

*Estimated

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[illegible] CHANGE IN [illegible] AND MONTHLY [illegible]

	1914	1915	1916	1917	1918	1919	1920	1921	[illegible]
Jan	- 5066	+ 3197	- 6804	-17827	-13393	-21012	-1.064	- 2041	-17[illegible]
Feb	- 6839	-11525	- 5428	-14600	- 0981	-12959	- 6259	- 4392	-14[illegible]
Mar	- 4801	- 3042	+30296	-13003	+ 74.0	+ 2135	+ 3674	+53501	-13[illegible]
Apr	+19761	+ 3778	+42841	+33380	+24418	+21178	+24848	+33071	+ 4[illegible]
May	+12885	+ 2757	+46596	+42273	+[illegible]139	+13022	+36499	+70716	+[illegible]
June	+ 5850	+ 3138	+14619	-12488	+17617	-15356	+47825	+14750	+[illegible]
July	- 7034	-15442	-11766	- 4105	-[illegible]	-45502	-15675	- 631	- [illegible]
Aug	-10835	-15786	-20067	-23247	-26006	-29292	-21624	-13101	-1[illegible]
Sept	+11888	- 9448	-17798	-16725	-[illegible]0601	-25118	-11462	- 5855	- [illegible]
Oct	- 7827	- 1732	- 3698	-13665	- 6904	-11061	- 2268	- 67.2	-[illegible]
Nov	- 7222	- 698	- 3822	-11185	-[illegible]	- 8124	+ 1100	-11293	- [illegible]
Dec	-11968	- 8111	-12058	- 9857	-16916	-16978	+ 8126	-10163	-1[illegible]
Year	-[illegible]	-47207	+50811	-[illegible]	-[illegible]	-136067	+[illegible]	+81913	-[illegible]

Minus signs indicate Storage Releases exceeded Storage Input by Canals.
Plus signs indicate Storage Input by Canals exceeded Storage Releases.

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COLORADO

(1)
(2)

[illegible]
[illegible]
[illegible]

	1914	1915	1916	1917	1918	1919	1920	1921	1922
Jan	22811	17773	22196	17678	2758[illegible]	12148	10333	24725	21343
Feb	19461	16009	22122	17200	22701	17326	21071	22096	19364
Mar	37825	31988	71381	21997	42811	37572	32843	70769	37254
Apr	107661	55385	79055	80380	58821	53413	57815	72489	82525
May	126055	24678	76818	125143	52955	35935	121634	136325	103966
June	99065	19256	61341	111615	44102	6017(a)	81903	105076	92492
July	29464	7614	13489	59186	16524	3050(a)	12771	30404	21123
Aug	25114	5744	10343(a)	18926	7951(a)	4096(a)	7153(a)	16641	16137
Sept	22065	6100*	10619	21945	11191	6150	18869	23059	23013
Oct	24465	15500*	21478	22065	22461	15648	25934	20793	21970
Nov	20795	19000*	19765	23214	24267	18925	27398	23484	25890
Dec	25450	16000*	18515	23018	25122	16644	25371	23868	23051
Year	560795	211343	407812	563280	356435	236924	451098	570126	539370

Grand total 1914 - 1922 = 3,880,319 daf
3880319 ÷ 3287 = 1185 = Average flow in cfs

*Estimated like corresponding months in 1919.
(a) Storage water in addition to all of the natural flow diverted by East Channe Canal System. Natural flow at Gaskill in such instances considered as the inflow to Bear River between Grace Dam and Gaskill.

[illegible]

EXHIBIT "J"
(3)

POWER AND PROPOSED
TRAN POWER & LIGHT

	State	County
EXISTING HYDROELECTRIC PLANTS - U.P.& L.CO.		
Alpine	Utah	Utah
American Fork (Upper)	Utah	Utah
American Fork (Lower)	Utah	Utah
Battle Creek	Utah	Utah
Cove	Idaho	Bannock
Davis	Utah	Davis
Georgetown	Idaho	Bear Lake
Grace	Idaho	Bannock
Granite	Utah	Salt Lake
High Creek	Idaho	Franklin
Lyrum	Utah	Cache
Idaho Falls	Idaho	Jefferson
Jordan Narrows	Utah	Salt Lake
Logan	Utah	Cache
McCammon	Idaho	Bannock
Mill Creek (Upper)	Utah	Salt Lake
Mill Creek (Lower)	Utah	Salt Lake
Murdock	Utah	Wasatch
Olmsted	Utah	Utah
Oneida	Idaho	Franklin
Paris	Idaho	Bear Lake
Park City	Utah	Wasatch
Pioneer	Utah	Weber
Riverdale	Utah	Weber
Santaquin	Utah	Utah
Shelley	Idaho	Jefferson
Snake Creek	Utah	Wasatch
Stairs	Utah	Salt Lake
St. Anthony	Idaho	Fremont
Weber	Utah	Weber
Wheelon	Utah	Boulder
Willard	Utah	Boulder
EXISTING STEAM PLANTS - U.P.& L.CO.		
Jordan	Utah	Salt Lake
EXISTING HYDRO LAKE STORAGE RESERVOIRS		
Idaho Power Company	Idaho	Power
PROPOSED HYDROELECTRIC PLANTS - U.P.& L.CO.		
Soda	Idaho	Caribou
Placing Gorge	Utah	Daggett

Other possible sites on Bear River are Lava, Narrows
These developments cannot be definitely determined
conditions affecting them.

SOURCES OF POWER
PARK SYSTEM

Location	Source of Supply	Installed Capacity kw	Ultimate Capacity kw
T 4 S., R 2 E; Sec 6	Dry Creek	1,750	
T 4 S., R 2 E; Unsurveyed	American Fork	1,200	
T 4 S., R 2 E; Sec 32	American Fork	950	
T 5 S., R 2 E; Sec 22	Battle & Grove Creeks	2,400	
T 10 S., R 40 E; Sec 33	Bear River	7,500	
T 3 S., R 1 E; Sec 18	Farmington Creek	312	
T 11 S., R 44 E; Sec 4	Georgetown Creek	180	
T 10 S., R 40 E; Sec 21	Bear River	44,000	55,000
T 2 S., R 1 E; Sec 28	Big Cottonwood	1,500	
T 10 S., R 40 E; Sec 34	Oak River	550	
T 10 S., R 1 E; Sec 2	Blacksmith Fork	2,000	
T 8 S., R 27 E; Sec 28	Snake River	1,875	
T 4 S., R 1 E; Sec 15	Jordan River	1,000	
T 12 N., R 1 E; Sec 36	Logan River	2,000	5,000
T 9 S., R 36 E; Sec 12	Portneuf River	60	
T 1 S., R 2 E; Sec 27	Mill Creek	500	
T 1 S., R 1 E; Sec 34	Mill, Porter & Church Cr.	1,120	
T 3 S., R 3 E; Sec 32	Provo River	2,500	
T 6 S., R 3 E; Sec 7	Provo River & Tributaries	12,700	
T 13 S., R 40 E; Sec 26	Bear River	30,000	40,000
T 14 S., R 45 E; Sec 9	Paris Creek	650	
T 2 S., R 4 E; Sec 24	Ontario Tunnel	75	
T 4 N., R 1 W; Sec 22	Ogden River	6,500	
T 5 N., R 1 W; Sec 19	Weber River	3,750	
T 10 S., R 1 W; Sec 13	Summit Creek	250	
T 11 S., R 27 E; Sec 10	Snake River	250	
T 8 S., R 4 E; Sec 21	Snake and Lavina Creeks	1,150	
T 2 S., R 2 E; Sec 20	Big Cottonwood	1,000	
T 7 N., R 40 E; Sec 1	Smiths Fork - Snake	500	
T 5 N., R 1 E; Sec 30	Weber River	2,500	
T 15 N., R 2 W; Sec 27	Bear River	7,125	
T 8 N., R 2 W; Sec 28	Willard Creek	350	
Total, Hydroelectric Plants - U.P.& L.Co.		139,487	161,487
T 1 S., R 1 W; Sec 2		16,000	
Total, Hydroelectric and Steam Plants - U.P.& L.Co.		155,487	177,487
American Falls	Snake River	15,600	
Total, Connected Systems		171,087	
T 9 S., R 41 E; Sec 18	Bear River	15,000	15,000
T 2 N., R 20 E; Sec 1	Green River	40,000	40,000
Total, Proposed Hydroelectric Plants - U.P.& L.Co.		55,000	55,000

* Bank, with a combined capacity of 35,000 kw.
** until there has been further investigation of geological

Exhibit "F"

1924

This statement is a part of the application for license made by the undersigned this 20th day of August, 1923.

UTAH POWER & LIGHT COMPANY

By _____
Vice-President & General Manager

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EXHIBIT "J"

GENERAL MAP OF APPLICANT'S ENTIRE SYSTEM

To Accompany Application for License
Under Act of June 10, 1920.

Oneida Power Plant
[illegible] POWER & LIGHT COMPANY

EXHIBIT "J"

Responding to Regulation 4, Section 10, and
Regulation 6, Section 1.

GENERAL MAP OF APPLICANT'S ENTIRE SYSTEM

A general map of the entire system, showing transmission lines, state and county lines, streams, towns and other features, and location of all power plants of applicant, is submitted with this application.

Principal structures of Oneida Plant are shown on detail maps accompanying Exhibits "K" and "L".

This statement is a part of the application for license made by the undersigned this 20th day of August, 1923.

UTAH POWER & LIGHT COMPANY

By _____
Vice-President & General Manager

[redacted]

[illegible] 192[illegible]

EXHIBIT "E"

DETAIL MAPS OF METER PROJECT

To Accompany Application for License
Under Act of June 10, 1920

[illegible] Power Plant
[illegible] POWER & LIGHT COMPANY

[redacted]

[illegible]

Regarding [illegible] Section 11, [illegible]
[illegible], [illegible].

APPLICATION FOR LICENSE - UTAH POWER & LIGHT COMPANY

DETAIL MAP OMEGA PROJECT

Detail maps of Omega project, showing project boundary, location of project works, contour lines, land ties, reference lines and status of ownership, are submitted with this application, on a set of two (2) sheets numbered 1 to 2. Each map is accompanied by two blue prints.

This statement is a part of the application for license made by the undersigned this 20th day of August, 1923.

UTAH POWER & LIGHT COMPANY

By [signature]

Vice-President & General Manager

[redacted]

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EXHIBIT "L"

GENERAL DESIGN DRAWINGS

To accompany Application for License
Under Act of June 10, 1920.

Oneida Power Plant
[illegible]

EXHIBIT 'L'

Responding to Regulation 4, Section 12, and
Regulation 5, Section 1.

APPLICATION FOR LICENSE - UTAH POWER & LIGHT COMPANY

GENERAL DESIGN DRAWINGS OF PRINCIPAL STRUCTURES.

General design drawings showing plans, elevations and sections of all principal structures and appurtenant works are submitted herewith on sheets numbered 1 to 4. Each drawing is accompanied by the date line and its

This statement is a part of the application for license made by the undersigned this 20th day of August, 1923.

UTAH POWER & LIGHT COMPANY

By [signature]
Vice-President & General Manager

EXHIBIT "K"

STATEMENT OF MECHANICAL, ELECTRICAL AND TRANSMISSION EQUIPMENT

To accompany application for License
Under Act of June 10, 1920.

Oneida Power Plant
UTAH POWER & LIGHT COMPANY

THIS EXHIBIT M SUBMITTED WITH AND MADE A PART OF APPLICATION OF THE Utah Power & Light Company FOR A LICENSE FOR PROJECT NO. 472 Idaho (Oneida Project, Bear River) IS RECOMMENDED FOR APPROVAL.

CHIEF ENGINEER

APPROVED June 1, 1927 192
BY ORDER OF THE FEDERAL POWER COMMISSION

EXECUTIVE SECRETARY

LICENSE ISSUED June 13, 1927 192
(Effective as June 1, 1927)

EXECUTIVE SECRETARY

EXHIBIT "E"

Responding to Regulation 4, Section 13, and
Regulation 5, Section 1.

APPLICATION FOR LICENSE - UTAH POWER & LIGHT COMPANY

GENERAL DESCRIPTIONS AND GENERAL SPECIFICATIONS OF
THE MECHANICAL, ELECTRICAL AND TRANSMISSION EQUIPMENT.

This is a 30,000-kw plant in three generating units. All high tension equipment is placed outdoors.

With the exception of the third generating unit and necessary switching apparatus, the equipment was installed in 1913 to 1914. The third unit mentioned was installed in 1919 to 1921.

HYDRAULIC DATA:

Three I.P. Morris vertical reaction water wheels, 130 rpm. Capacity of each is 15,000 hp. Total capacity of wheels 45,000 hp.

Three I.P. Morris governors - double floating lever.

GENERATOR AND EXCITER DATA:

Three General Electric AR generators, Form V, 972 amperes, 4600 volts, 180 rpm. Capacity of each 10,000 kw. Installed capacity 30,000 kw.

Exciters: Four General Electric Type MSC. Form L exciters, 400 amperes, 250 volts, 180 rpm. 100 kw each, three of which are direct driven and one motor driven.

TRANSFORMER DATA:

Seven General Electric Type OS, Form KK, single-phase transformers, 4000 kva each, 100,000 to 4600 v, 26400 cycles - water cooled - delta connection.

Energy is delivered to the steel tower transmission

[redacted]

line, [illegible] double circuit, [illegible] to-pole H-frame tower line, [illegible] single circuit. [illegible] these lines extends from the [illegible] Plant [illegible] Substation, located west of Salt Lake City, Utah, a distance of [illegible] miles from the Grain Plant. Steel tower line placed approximately 750 feet apart; suspension insulators carrying 250,000-cm copper, 12 strands, static, 5/8-inch Siemens Martin steel 7-strand. Wood pole tower line towers spaced approximately 600 feet apart; suspension insulators carrying 250,000-cm copper, 12 strands, 5/16-inch Siemens Martin steel 7-strand static.

This statement is a part of the application for license made by the undersigned this 20th day of August, 1925.

UTAH POWER & LIGHT COMPANY

By [signature]

Vice-President & General Manager

FEDERAL POWER COMMISSION
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RECORDS & FILES

(SECOND PART)

The construction of the plant covered by this application was commenced by the Telluride Power Company, successor in interest to L.L. Nunn. The partially constructed plant, together with other plants and holdings of said Telluride Power Company was acquired by Utah Power & Light Company, applicant herein, about January 1, 1919. The construction of this plant was completed and the project developed by said applicant and ever since has been operated as a part of its interconnected hydro-electric system. (See Exhibit "G" of this application for complete historical information.)

The land upon which is located the power house, penstocks, a part of the flow line, and a part of the reservoir site, is owned by the applicant as set out in Exhibit "F" of this application. The diversion dam and works and remainder of the flow line and reservoir site are located upon Government land as shown in detail on map denominated Exhibit "A", filed with and made a part of this application.

On or about August 29, 1906, L. L. Nunn, applicant's predecessor in interest, made application to the Department of the Interior under the Act of February 15, 1901, for a permit for a right of way for the Ontario power project and reservoir. Under date of May 9, 1908, the First Assistant Secretary of the Department of the Interior approved such application. As hereinafter noted, the Telluride Power Company, successor to L. L. Nunn, began the construction of this project, and the same was

In addition to the above cited, applicant is entitled to and does hereby claim the use of Bear River for power purposes under authority of the State of Idaho, as set out in Exhibit "E" of this application.

This application is made to acquire rights of way for the continued operation and maintenance of this project under the said Act of June 10, 1920.

This statement is a part of the application for license made by the undersigned the [redacted] day of August, 1922.

UTAH POWER & LIGHT COMPANY

By _____
Vice President & General Manager

EXHIBIT "F"

STATEMENT REGARDING RIGHTS OF WAY OVER GOVERNMENT LANDS.

To accompany Application for License
Under Act of June 10, 1920.

See amended Ex. P.

Oneida Power Plant

EXHIBIT "F"

Responding to Regulation 6, Section 5.

APPLICATION FOR LICENSE - UTAH POWER & LIGHT COMPANY

STATEMENT REGARDING RIGHTS OF WAY OVER GOVERNMENT LANDS.

No formal rights of way have been acquired from the United States Government for public lands occupied by reservoir, flow line or structures comprising this development.

This application is made to acquire such rights under the Act of June 10, 1920. Applicant claims only such rights as accrue from prior appropriations, occupations and uses, originally claimed and asserted under various acts of Congress prior to the decision of the United States Supreme Court in the case of United States v. Utah Power & Light Company.

This statement is a part of the application for license made by the undersigned this 22nd day of May, 1923.

UTAH POWER & LIGHT COMPANY

By R. A. Thick

Vice-President & General Manager

EXHIBIT "C"

STATEMENT SETTING FORTH BRIEF HISTORY OF PROJECT WORKS ALREADY CONSTRUCTED AND METHOD OF FINANCING

To Accompany Application for License Under Act of June 10, 1920.

Ogden Power Plant
UTAH POWER & LIGHT COMPANY

[redacted]

EXHIBIT "F"

Responding to Regulation 6, Section 4.

APPLICATION FOR LICENSE - UTAH POWER & LIGHT COMPANY

STATEMENT SETTING FORTH BRIEF HISTORY OF THE PROJECT WORKS ALREADY CONSTRUCTED AND METHOD OF FINANCING.

HISTORY:

Utah Power & Light Company was incorporated under the laws of the State of Maine on September 6, 1912, and was immediately thereafter qualified to do business in the states of Utah and Idaho. The purpose of its incorporation was to take title to, and to operate as a public service corporation furnishing primarily electrical service, the properties of several theretofore independent and unrelated power companies serving Utah, southeastern Idaho and western Colorado. The most important nuclei of the consolidation were the Telluride Power Company, which (in addition to an independent system in the Telluride Mining District of Western Colorado) operated an interconnected system of plants, transmission lines and distribution systems extending from Grace, Idaho, on the north to Provo, Utah, on the south, a territory having its industrial and commercial center in Salt Lake City; the Knight Consolidated Power Company serving various towns and mining districts in Utah County, Utah; the Utah Light and Railway Company serving primarily the important centers of Salt Lake City and Ogden, Utah; and the Idaho Power & Transportation Company serving the Idaho Falls District in Idaho. Also other some thirty-five separate, though in some cases related, companies have been brought into the consolidation.

Of these companies the only one that had initiated a comprehensive system of development, adequate to supply reliable central station service in any large measure, was the Telluride Power Company, which had acquired reservoir rights in Bear Lake in Idaho-Utah for the storage of flood waters of Bear River, had developed an 11,000-kw hydroelectric plant at Grace, Idaho, and had acquired other power rights on Bear River including the site of the present Oneida plant.

Construction work on this development was begun in [illegible]. The first unit of 10,000 kw was completed and put in

[redacted]

Operation August 13, 1913; the second August 27, 1914; and the third July 25, 1920.

As the different units were completed and put into operation they began immediately to deliver power to applicant's interconnected system hereinbefore described. (See Exhibit "F").

METHOD OF FINANCING:

Funds for construction work were originally obtained from borrowings, which were subsequently refunded from sale of Utah Power & Light Company bonds and stocks, the proceeds of which were used to extinguish such borrowings.

This statement is a part of the application for license made by the undersigned this 20th day of August, 1923.

UTAH POWER & LIGHT COMPANY

By [signature]
Vice-President & General Manager

EXHIBIT "F"

STATEMENT PERTAINING TO THE FAIR VALUE OF PROJECT WORKS ALREADY CONSTRUCTED.

To Accompany Application for License Under Act of June 10, 1920.

Oneida Power Plant
[illegible] POWER & LIGHT CORP.

[redacted]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Statement of the amount claimed by applicant as a fair value of the project works already constructed with such inventory and detail as may be appropriate and required in support of such statement, will be furnished at a later date on demand of the Commission.

This statement is a part of the application for license [illegible] filed this 20th day of August, 1923.

[illegible]

By S K Finch

Vice-President & General Manager

State of Maine

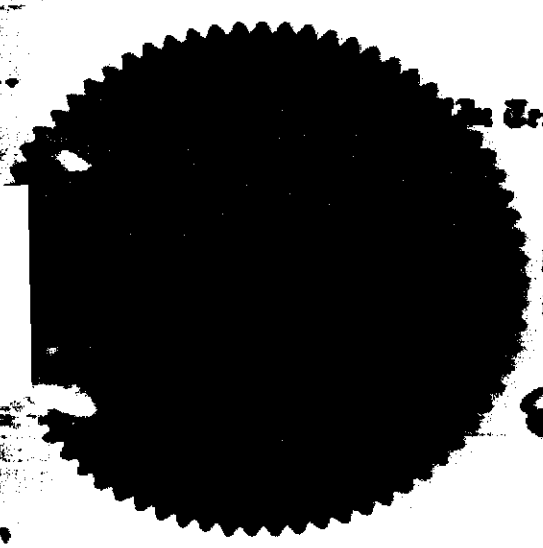
Department of State

FEDERAL POWER COMMISSION
RECEIVED
JAN 17 1924
WASHINGTON

I, Edgar C. Smith, Deputy Secretary of State, certify, that by the Constitution and Laws of this State; I am custodian of the records of the organization and incorporation of all corporations formed under the laws of this State.

I further certify that the papers to which this certificate is affixed are true copies of the certificate of organization of the UTAH POWER & LIGHT COMPANY filed in this office September 6, 1912 and also of all amendments to said certificate of organization.

I further certify that said UTAH POWER & LIGHT COMPANY has filed all returns and paid all taxes due the State and is in good standing at the present time.



In Testimony Whereof, I have caused the Great Seal of the State to be hereunto affixed. GIVEN under my hand at Augusta, this fifteenth day of May in the year of our Lord one thousand nine hundred and twenty-three and in the one hundred and forty-seventh year of the Independence of the United States of America.

Edgar C. Smith Deputy Secretary of State.

TRIPLICATE COPY

[redacted] POWER & LIGHT COMPANY

EXHIBIT R

OF

APPLICATION FOR LICENSE NO. 472
(Act of June 10, 1920, 41 Stat. 1063)

OXBOW HYDROELECTRIC PLANT

SNAKE RIVER, IDAHO

[redacted]

of "Fair Value" is subsequent determination of "Fair Value" or "Net Investment" of the project works

15th April 1965

[redacted]

[redacted]

Exhibit [illegible]

Plant Investment [illegible]

Inventory and Appraisal Cost as of January 1, 1924

of

[illegible] HYDROELECTRIC PLANT

Account Number	Title	Amount
312	Hydraulic Power Plant Land	$ 7,699.90
313	Hydraulic Power Plant Structures	518,722.39
314	Reservoirs, Dams and Intakes	904,450.08
316 & 317	Waterways, Forebays, Penstocks and Tailraces	700,897.39
319	Water Turbines and Water Wheels	516,535.37
320	Electric Equipment - Hydro	463,089.53
323	Miscellaneous Power Plant Equipment - Hydro	5,491.24
353	Transmission Substation Equipment	129,514.68
382	Communication System Equipment	1,769.88
	Total	$3,057,169.48

[redacted]

[redacted] of the Final [redacted] February 1, 1924

[redacted]

Account number 311 Title: Hydraulic Power Plant Land

1. General description: NE 1/4 of SE 1/4 Sec. 25, NE 1/4 of NW 1/4 and part of NW 1/4 of NE 1/4 Sec. 26, T. 23 S., R. 40 E., Boise Meridian
2. From whom acquired: Telluride Power Company
3. Deed dated January 28, 1913 recorded in Book 25 page 96 records of Bannock County, State of Idaho
4. Term of title: Perpetual
5. Purpose for which used: Power house, surge tank, part of pipe line, road and incidental structures and grounds
6. Location shown on Exhibit K
7. [redacted] acres

Items of Cost	Amount Actual	Amount Estimated	Total
8. Amount paid for land		$1,821.87	

Inventory and Appraisal ... as of January 1 1924

...

Account number 312 Title: Hydraulic Power Plant Land

1. General description: Part of NE 1/4 of SW 1/4 of Sec. 26, T. 13 S., R. 40 E., Boise Meridian
2. From whom acquired: Telluride Power Company
3. Deed dated January 28, 1913 recorded in Book 25 page 96 records of Bannock County, State of Idaho
4. Term of title: Perpetual
5. Purpose for which used: Grounds adjacent to operators cottages, used for general purposes
6. Location shown on Exhibit K
7. Area 50 acres

Items of Cost	Amount		
	Actual	Estimated	Total
8. Amount paid for land		$ 50.00	

[redacted]

Part of [redacted] Power Company

Inventory and Original Cost as of January 1, 1924
of
PROPERTY LANDS AND RIGHTS OF WAY

Account number 311 Title: Hydraulic Power Plant Land

1. General description: Part of the NW 1/4 of NW 1/4 of Sec. 6, T. 13 S., R. 41 E., Boise Meridian
2. From whom acquired: Clara Dalton Forman
3. Deed dated January 21, 1918 recorded in Book 39 page 270 records of Bannock County, State of Idaho
4. Term of title: Perpetual
5. Purpose for which used: Flowage
6. Location shown on Exhibit K
7. Area 3.45 acres

Items of Cost	Amount		
	Actual	Estimated	Total
8. Amount paid for land	$500.00		

[redacted]

[redacted] January 1 1924

[redacted] RIGHTS OF WAY

Account number 312 Title: Hydraulic Power Plant Land

1. General description: Parts of NE 1/4 of SW 1/4, NW 1/4 of NE 1/4, SW 1/4 of NE 1/4, Sec. 7 T. 15 S., R. 41 E., Boise Meridian
2. From whom acquired: Charles L. Hopkins
3. Deed dated November 19 1915 recorded in Book 29 page 522 records of Bannock County State of Idaho
4. Form of title: Perpetual
5. Purpose for which used: Flowage
6. Location shown on Exhibit K
7. Area 48 acres

Items of Cost	Amount		
	Actual	Estimated	Total
8. Amount paid for land	$1 560.00		

Form [illegible]-5 Sheet 2 of 3 Project No. 472 Idaho

Name of Applicant: Utah Power & Light Company

Inventory and Original Cost as of January 1, 1934
of
PROJECT LANDS AND RIGHTS OF WAY

Account number 331. Title: Hydraulic Power Plant Land

1. General description: Part of S 1/2 of SW 1/4 of Sec. 31, T. 12 S., R. 41 E., Boise Meridian
2. From whom acquired: Arron K. Pierson
3. Deed dated January 21, 1918 recorded in Book 34 page 292 records of Bannock County, State of Idaho
4. Form of title: Perpetual
5. Purpose for which used: Flowage
6. Location shown on Exhibit K
7. Area 2.28 acres

	Items of Cost	Amount		
		Actual	Estimated	Total
8	Amount paid for land	$225.00		

[illegible] original cost as of January 1, 1944

[illegible]

Account number [illegible] Water Power Rights

Items

1. General description: Water rights granted by State of Idaho for 1000 and 1500 second feet of water, covered by certificates 6308 and 7256 respectively. For complete statement of the nature, extent and ownership of water rights see Exhibit K.
2. Conveyances dated: No. 6308 dated January 5, 1917, No. 7255 dated February 18, 1916. Rights continue during beneficial use.
3. Purpose: To operate hydroelectric plant at location shown on Exhibit K.

Items of Cost	Amount		
	Actual	Estimated	Total
Direct Costs -			
4. Two applications to State of Idaho	$[illegible]1.00		
5. Premiums on two bonds	[illegible]0.00		
6. Cost of two certificates	750.00		
7. Cost of two examinations, beneficial use	10.00		

[redacted]

[illegible]

[illegible]

[illegible]

Account number 312 Title: Hydraulic Power Plant Land

Items of Cost	Amount		
	Actual	Estimated	Total
1. Amount paid for land or right of way	$3,616.80	$2,221.24	$5,838.04
2. Engineering and superintendence (A/C 390)	816.76	-	816.76
3. Law expenditures (included in A/C 395a)	-	-	-
4. Taxes (A/C 393)	37.84	-	37.84
5. Interest (A/C 394)	750.14	-	750.14
6. Miscellaneous expenditures (a) General officers and clerks (A/C 395a)	137.12	-	137.12
Total Cost			$7,699.90

[redacted]

[illegible] January 1, 1924

[illegible]

Account Number 311. Title Hydraulic Power Plant Structures

1 General description:

(a) Power plant building. Built in 1914-16 and 1919-20. Substructure of massive reinforced concrete, south portion of which is supported on piles. Integral with substructure are the draft tubes and machine foundations. Superstructure of steel frame, metal lath and plaster construction and has concrete roof, supported on steel trusses. Floors are concrete, marbleoid and tile. Stairways doors and windows are steel. Length above floor line 150 ft; width 52 ft; height to eaves 46 ft, and to ridge 59 ft. Building equipped with 80-ton electric crane, lighting and ventilating systems and necessary plumbing.

(b) Operators' cottages A & B. Built in 1920 and 21. Twin frame houses, each with five rooms and basement; concrete foundations, wood floors, walls with rustic exterior and lath and plaster interior, shingle roof; painted two coats inside and outside; bath, toilet, lavatory and sink; electric lighting; furnace heating; length overall 46'10"; width overall 31'8"; height from bottom of foundations to roof 14'1"; capacity each 20,094 cu ft.

(c) Operators' cottages C & D. Built in 1922. Twin frame houses, each four rooms and basement; concrete foundations, wood floors, shingle roof; walls exterior rustic and interior lath and plaster; painting exterior and interior two coats; plumbing, bath, toilet, lavatory and sink; electric lighting; length 39'10"; width 26'4"; height from top of foundations to eaves 9'8"; capacity each 12,774 cu ft.

(d) Operators' cottages; E, F, G, H, I and one quarters building. These buildings were first constructed for housing the construction forces. The cost figures given below cover only the cost of remodeling for permanent use. The balance of the cost is included in Account No. 340 - General Construction Equipment. Operators' cottage E: Frame structure, 6 rooms and basement; concrete foundation, wood floors, shingle roof; walls exterior rustic, interior lath and plaster; painting exterior two coats interior two coats; plumbing, bath, toilet, lavatory and sink; electric lighting; length 44'0"; width 30'6", height from bottom of foundation to eaves 15'6". Capacity 18,708 cu ft. Operators' cottages F, G, H, I; each of frame construction, five

[illegible] Interior [illegible] lath and plaster painting two coats interior and exterior, plumbing bath toilet lavatory and sink; electric lighting; length [illegible], width 28'5", height from bottom of foundations to eaves 13'5", capacity 12,228 cu ft each. Operators cottage I: frame house, five rooms and basement; foundations concrete wood floor, shingle roof; walls exterior wood interior lath and plaster and beaver board. Painting exterior and interior two coats, plumbing, bath, toilet, lavatory and sink; electric lighting, length 30'5"; width 28'5"; height from bottom of foundation to eaves 13'5". Capacity each 12,228 cu ft.

Quarters building: Frame, nine rooms and basement; concrete foundations, wood floors, shingle roof; walls exterior rustic, interior wood and lath and plaster; painting exterior and interior two coats; plumbing, two baths, two toilets two lavatories and sink; electric lighting; length 50'8"; width 48'6"; height from bottom of foundations to eaves 14'0", capacity 32,324 cu ft

(e) School house at plant: Frame, with wood foundations, floors and walls; roof corrugated iron; painting exterior and interior two coats; electric lighting; length 24'0", width 12'0", height from sills to eaves 9'6"; capacity 2,736 cu ft. Constructed prior to 1916.

(f) School teacher's cottage: five room corrugated iron structure with wood foundation and floors walls and roof corrugated iron with walls lined with wood; plumbing, toilet and lavatory; electric lighting; length 44'0"; width 20'0"; height from bottom of foundation to eaves 10'6". Capacity 9,240 cu ft. Constructed prior to 1916.

(g) Machine shop at plant: Corrugated iron walls and roof, wood foundations, earth and wood floors; electric lighting; painted two coats on exterior; length 70'8"; width 30'0"; height from ground to eaves (average 15'6"); capacity 32,580 cu ft. Constructed prior to 1916.

(h) Warehouse at plant: Corrugated iron walls and roof; foundation and floor wood; electric lighting; painting exterior two coats; length 40'0"; width 20'0"; height from sills to eaves 8'0", capacity 6 400 cu ft Constructed prior to 1916

(i) Two garages A & B; Corrugated iron walls and roof; concrete foundations and earth floor; length 24'0"; width 17'8"; height 7'4" each; capacity 3,456 cu ft each. Built in 1923.

(j) Multiple garage at plant: 6 four stalls, corrugated iron walls and roof; concrete foundations with earth floor; length 36'10"; width 17'8"; height 7'4"; capacity 4,641 cu ft. Built in 1922.

(k) Barn 1: Frame structure with wood walls and floors and shingle Dunnard roof; painting exterior two coats; electric lighting, length 32'3"; width 27'0"; height from sills to eaves 16'0"; capacity 13 824 cu ft. Constructed 1920-25

[illegible] and walls of wood and roof of corrugated iron, lighted by skylights; length 42'-7", width 11'-0"; height walls to eaves 9'-8"; capacity 3 050 cu ft. Constructed in 1911

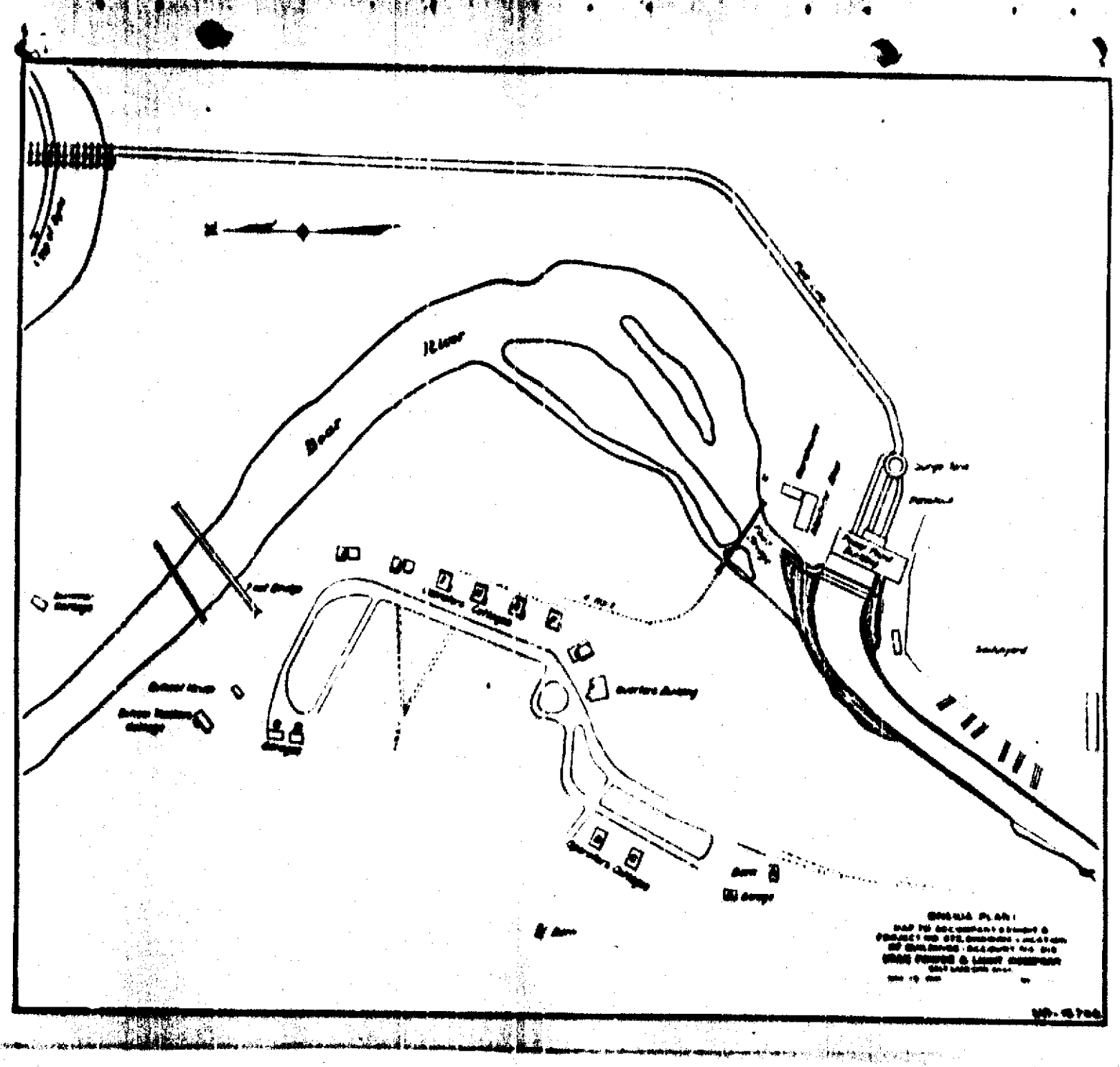
(l) Corner cottage, frame structure with foundations, walls, floors, roof of wood and tar paper; length 14'-8"; width 13'-6"; height 8'-6"; capacity 1 175 cu ft. Constructed in 1916.

(m) Improvements to grounds and installation of utilities, such as grading and planting roads, walks and fences, yard lighting, water supply, sewerage, foot bridge, etc., all constructed in 1913-15 - 1920-23.

All of the foregoing structures are shown as to location on accompanying sketch map.

Items of Cost	Actual	Amount Estimated	Total
2 Power plant building			
Direct costs			
Substructure			
(a) Dewatering, excavation and backfill	$25,361 28		
(b) Piling, 112 piles, material & labor	1,324.77		
(c) Concrete, reinforced, material & labor, 2945 cu yd	78,612.00		
(d) Floors materials, labor, freight and hauling	4,374.44		
(e) Grouting machinery	1,430.00		
(f) Doors, windows, hardware and miscellaneous material & labor	6,194.31		
Superstructure			
(g) Structural steel-material & erection	19,349 68		
(g-1) Freight and hauling	7,315.22		
(h) Concrete, materials and labor	3,629.29		
(i) Surface lath materials labor, freight and hauling	5,486.07		
(j) Plastering - material and labor	14,412.19		
(j-1) Credit on plastering material	(213.97)		
(k) Roofing - materials and labor	2,658.45		
(k-1) Freight and hauling	1,572.18		
(l) Doors, windows, hardware, etc., materials and labor	6,691.09		
(l-1) Freight, hauling & handling	1,204.16		
(m) Floors, material and labor	7,197.06		
(m-1) Freight hauling & handling	681.09		
(n) Lighting - Materials Labor & Freight	1,986.41		
(o) Plumbing [illegible]	1,858.67		
(p) Fire protection - materials labor & freight	224.26		
(q) Painting [illegible]	4 463.00		

(c) Electrical installation - materials, labor and freight	$ 1 995 99		
(d) Steam, materials and labor	3 039 13		
(d-1) Freight, handling & handling	1 644 10		
(f) Miscellaneous	429.19		
Indirect costs			
(a) Camp operation	8,157.54		
(e) General construction equipment (A/C 389) (See Form 11-51)	51,251.63		
3. Operators' cottages, A & B	11,941.77		
4. Operators' cottages, C & D	7,677.98		
5. Operators' cottages, E, F, G, H, I and quarters building - alterations	22 967.16		
6. School house at plant		$ 273.60	
7. School teacher's cottage		646.80	
8. Machine Shop		2.278.80	
9. Warehouse		448.08	
10. Two garages, A & B	528.56		
11. One garage, C	368.31		
12. Barn A	1 729 84		
13. Barn B		215 60	
14. Summer cottage		95 28	
15. Fixtures and grounds			
Direct costs			
(a) Grading and planting	1,678.18		
(b) Roads, walks and fences	33,388.73		
(c) Yard lighting	1 817.76		
(d) Water supply	8 851.04		
(e) Sewerage	[illegible]		
(f) Foot bridge	1.607.28		
Indirect costs			
(a) Camp operation	3 826.51		
(h) Changes in camp lighting (credit)	(476.00)		
(i) General construction equipment (A/C 389)	11,976.28		
Overhead Costs			
16. Engineering and superintendence (A/C 390)	51,817.62		
17. Law expenditures (included in A/C 396a)			
18. Injuries and damages (A/C 392)	3,[illegible]5.18		
19. Taxes (A/C 393)	2,[illegible]0.82		
20. Interest (A/C 394)	48,[illegible]6.76		
21. Miscellaneous expenditures			
(a) General officers and clerks (A/C 396a)	11,871.29		
(b) Other miscellaneous construction expenditures (A/C 396b)	19.765.96		
Total Cost			$616,728.28



[redacted] 1914

[redacted]

Statement number 19 Title, Water Turbines and Water Wheels

Items

1. General description: 3 I.P. Morris vertical turbines, 15 000 H.P., 150 R.P.M., 140' head, also 3 I.P. Morris governors, oil pressure, with pumps, oil filters, motors and sump tanks; also one electric air compressor, American Steam Pump Co., pressure, 5" x 1-1/2" x 3", and return mains to each unit; also accessories as below specified.
2. Names of manufacturers given above or in items below.
3. Manufacturer's number given in items below
4. Location of units: in power house.
5. Year purchased and year installed given in items below.
6. How when installed

Items of Cost	Amount Actual
Direct Costs	
7. Two I.P. Morris turbines, mfr's. Nos. not available, purchased in 1914 and installed 1914-15, and one same, mfr's. No. not available, purchased in 1918 and installed 1919-21.	
(a) Materials and erection	$120,680.60
(b) Freight, hauling and handling	17,000.40
8. Two I.P. Morris governors with air compressor and appurtenances mfr's Nos. not available, purchased in 1914 and installed 1914-15, and one same mfr's No. not available, purchased in 1918 and installed 1919-21	
(a) Materials and erection	33,167.66
(b) Freight, hauling and handling	3,500.40
9. Gages and indicating devices viz: 2 electric tachometers; 1 Bristol gauge model 55; 2 Bristol gages model 10 P; 1 Bristol gauge model 10; 2 Bristol time recorders model 710 P; 1 Stevens water storage recorder Type A; 1 Ekstrom water level indicator; 1 Westinghouse graphic recording wattmeter A circuit 3-phase	
(a) Materials and erection	4,000.72
(b) Freight and hauling	129.76
10. Miscellaneous material and labor	49.51
11. Testing and experimenting	500.00
Indirect Costs	
[redacted]	2,696.00

Items of Cost	Total
[illegible]	$ 13,369.11
Overhead Costs	
14. Engineering and superintendence (A/C 390)	21,762.62
15. Law expenditures (included in A/C 390)	
16. Injuries and damages (A/C 392)	5,792.06
17. Taxes (A/C 393)	1,471.18
18. Interest (A/C 394)	29,551.62
19. Miscellaneous expenditures	
(a) General officers and clerks (A/C 395a)	7,274.44
(b) Other miscellaneous construction expenditures (A/C 395b)	11,499.36
Total Cost	**$116,635.37**

[redacted]

[illegible] Unit number [illegible] Main electrical equipment - Hydro

Items

1. General description: This equipment consists of three generators, direct connected to exciters, a switchboard made up of an a-c bench board and wattmeter board, station service board, exciter board, two regulator pedestals, 7-HK oil switches, copper bus 6600-V bus, 1-60-cell 125-V 300-amp. storage battery, 3-Type H 20-kva 6600/2300-V 1-ph transformers; plant wiring, conduit system, station auxiliary power equipment; cooling water system and lubricating oil system.
2. Names of manufacturers - General Electric Company; other manufacturers named in items below.
3. Manufacturers' numbers given in items below.
4. Location of units - in power house.
5. Year purchased 1913 to 1923 installed 1915-16 and 1919-23.
6. New when installed.

Items of Cost	Amount Actual
Direct Costs	
6600-volt equipment	
7. Generators and exciters	
(a) 3 vertical generators, A-C, Type ATB, Form 7, [illegible], 375-amp, 1000-kw, 150-rpm, Nos. [illegible] & 117979 direct connected to compound exciters, G.E., Type KPC, Form L, 250-v, 400-amp, 100-kw, 150-rpm, Nos. 401203-4, 446085	$137,504.47
(b) One motor-generator set, G.E., Type MC, 250-v, 400-amp, 100-kw, 900-rpm, No. 402110	1,787.00
(c) One Kingsbury thrust bearing, 32"	4,750.00
(d) Spare parts	3,260.40
(e) Miscellaneous installation material	1,974.25
(f) Installation labor	15,672.98
(g) Freight, hauling and handling	17,808.65
8. Oil switch equipment and cells	
(a) One G.E. switch, Type HK, 1200-amp, 15000-v	1,261.00
(b) Installation material and labor	5,489.36
9. Station bus, material and labor	[illegible]
10. Lightning arrester, 3 G.E., 6600-v	154.62
11. Miscellaneous material and labor	126.40
12. Switchboard, G.E., made up of an a-c bench board and wattmeter board, station service board	

exciter board two regulator pedestals 7-#3 oil switches [illegible] for a 3600-v bus one 60-cell, 1.15-v 1200-amp storage battery Three 3 , type H 10-kva 3600/3300-v 1-ph transformers also a pro-panel extension to bench board and voltmeter board 1 exciter panel and 1 regulator pedestal

(a) Equipment and installation material	$21,201.91
(b) Freight, hauling and handling	2,179.56
(c) Labor	3,735.62
General equipment, electric	
13. Conduit system - material labor and freight	12,187.57
14. Remote switch control system	
(a) Storage battery equipment - materials, labor, freight and hauling	504.58
(b) Motor generator set, 3 H., 9.65-kv, 220-v a-c, 115-v d-c, 1800-rpm, material, labor and freight	584.60
15. Instrument relay and control wiring material, labor and freight	3 328.46
16. Cooling water system	
(a) One pump, Deming #50 triplex, 100-gpm, with motor 3 H 10-hp, 220-v 1150-rpm	460.60
(b) One pump, Worthington, horizontal, single stage, volute, centrifugal, Class B, 100-gpm	170.00
(c) Miscellaneous installation material, labor and freight	2.869.81
17. Lubricating oil system	
(a) 3 pumps, Kinney, rotating plunger, duplex type, 30-gpm, with motors, 3 H., 3-hp, 220-v, 1200-rpm	647.15
(b) 1 pump, Gould, horizontal, single stage, #0, 3-gpm, with motor 3 H., 1/8 hp, 220-v	45.00
(c) 7 plate steel tanks viz; 1 accumulator tank 4' x 20'; 2 sump tanks 5'9" x 9'9" x 3'3"; 2 head tanks 5'11" x 10' x 5'6"; 2 small tanks	2,391.36
(d) 2 oil filters, Peterson, Type S, 24" x 24" x 30"	258.24
(e) Miscellaneous installation material and labor	8,842.69
(f) Freight and hauling	1,708.98
18. Station auxiliary power	
(a) 4 transformers, 3 H., 150-kva, 4800-110/220-v	2,388.00
(b) Miscellaneous installation material and labor	3,697.84
(c) Freight and hauling	279.48
19. Wire protecting	438.78
20. Additional shunt on exciters	194.78
21. Relay system for generators	1 949.00

Items of Cost	Amount Actual
22. Additional emergency water pumps	$ 517.69
23. Miscellaneous material and labor	778.35
24. Testing and experimenting	595.00
Indirect Costs	
25. Camp operation	4,956.00
26. General construction equipment (A/C 389)	68,707.80
Overhead Costs	
27. Engineering and superintendence (A/C 390)	46,489.58
28. Law expenditures (Included in A/C 398a)	
29. Injuries and damages (A/C 392)	8,480.22
30. Taxes (A/C 395)	2,155.96
31. Interest (A/C 396)	45,286.87
32. Miscellaneous expenditures	
(a) General officers and clerks (A/C 398a)	10,650.69
(b) Other miscellaneous construction expenditures (A/C 398b)	16,836.31
Total Cost	$465,589.89

[redacted]

[illegible] of [illegible] Cost as of January 1, 1919

of

[illegible]

[illegible] number [illegible] Title: Miscellaneous Power Plant Equipment - Power

Items

1. General description: (a) Utility equipment - 1 wagon, 1 Dodge Bros. business car, 2 horses, 1 light bob sled and 2 saddles; (b) machine shop equipment - air compressor, hoist, vacuum cleaner, lathe, forge, drill, motor, shafting, etc.
2. Manufacturers' names given below in items.
3. Manufacturers' numbers given below in items.
4. Location: in machine shop.
5. Years purchased and installed: 1915-16 & 1919

Items of Cost	Amount Actual	Amount Estimated	Total
Direct Costs			
7. Utility equipment	$1,227.57	$ 541.16	$1,768.73
8. Air compressor, Chicago Type T 39 cfm, with motor 3 x 7-1/2-hp 220-v, 1200-rpm	505.00		505.00
9. Pearless hoist & traveler, 3000# for 8" I-beam	68.07		68.07
10. Equipment material, labor, freight and hauling	707.98	1,098.49	1,806.47
Indirect Costs			
11. Camp operation	11.08		11.08
Overhead Costs			
12. Engineering and superintendence (A/C 390)		126.06	126.06
13. Law expenditures (included in A/C 395a)			
14. Injuries and damages (A/C 392)		10.52	10.52
15. Interest (A/C 394)		68.98	68.98
16. Miscellaneous expenditures (a) General officers and clerks (A/C 388a)		48.00	48.00
Total Cost			$4,453.11

Statement of Inventory and Original Cost as of January 1, 1924

of

PROJECT 5 UNLESS?

Account number 333 Title: Transmission Substation Equipment

Items

1. General description: This equipment consists of two banks of 130-kv outdoor type transformers and one spare with the fittings and equipment material pertaining thereto.
2. Name of manufacturer: General Electric Company
3. Manufacturer's number or mark: Transformers - G.E., outdoor type, W.C., 1 ph, 5000-kva, 130000-66000-V Nos. 1197327, 28, 29, 30, 31, 32 and 33.
4. Location: adjoining power house
5. Year purchased and installed: 1913-14 & 1919
6. How when purchased

Items of Cost		Amount Actual
Direct Costs		
7. Seven transformers		$ 87,350.51
8. Fittings, equipment material and labor		11,878.85
9. Freight, hauling and handling		10,900.08
10. Testing and experimenting		241.08
Indirect Costs		
11. Camp operation		338.00
12. General construction equipment (A/C 389)		20,296.84
Overhead Costs		
13. Engineering and superintendence (A/C 386)		13,988.72
14. Law expenditures (Included in A/C 386a)		
15. Injuries and damages	(A/C 387)	2,888.07
16. Taxes	(A/C 388)	648.82
17. Interest	(A/C 396)	12,080.88
18. Miscellaneous expenditures		
(a) General officers and clerks (A/C 398a)		3,208.28
(b) Other miscellaneous construction expenditures (A/C 398b)		8,888.88
Total Cost		$188,888.88

Statement of Inventory and Original Cost as of January 1 1924
of
PROJECT EQUIPMENT

Account number 713 Mile Communication System Equipment

Items

1 General description: This equipment includes telephone and telegraph instruments and accessories.
2 Located in power house
3. Purchased and installed: 1913-1916
4 New when purchased

Items of Cost		Amount Actual
Direct Costs		
5. Equipment and labor		$2,097.49
Indirect Costs		
6. Camp operation		24.00
7. General construction equipment (A/C 389)		297.23
Overhead Costs		
8. Engineering and superintendence (A/C 390)		196.49
9. Law expenditures (included in A/C 390a)		
10. Injuries and damages	(A/C 392)	35.00
11. Taxes	(A/C 393)	9.30
12. Interest	(A/C 394)	182.87
13. Miscellaneous expenditures		
(a) General officers and clerks (A/C 396a)		45.01
(b) Other miscellaneous construction expenditures (A/C 396b)		72.18
Total Cost		$2,959.36

[redacted]

[illegible] 14

[illegible]

[illegible] 17 [illegible] 336 [illegible] 338, 339 and 340

[illegible] Dams, Reservoirs, Weirs and Intakes

Items

1. General descriptions: (a) Clearing reservoir site and rebuilding 8.9 miles of county road; this is included in Account No. 392, and cannot be segregated. It is approximately $13,000.00
(b) Dams concrete gravity section; width at base 87'; at crest 10'; length at crest 420'; height to sluices 111'; main spillway controlled by 5 hoist-operated gates; auxiliary spillway at fixed crest; 2 ice-chute gates and 2 sluice gates for reservoir drainage; north half built first, unwatering having been accomplished by crib dam and wooden flume; temporary sluice gate in north half subsequently permitted unwatering for south half.
2. When built or installed: 1912-16 1917 & 1920-21.
3. Map or maps on which location of property is shown: Exhibit L.

Items of Cost	Amount Actual
Direct Costs	
4. Engineering	$ 5,088.16
5. Excavation, 16,397 cu yds	24,918.84
6. Concrete, material & labor, 42,865 cu yds	243,388.32
7. Painter gates, 5 - 15' long	
(a) Material and labor	9,108.62
(b) Freight, hauling and handling	1,209.62
8. Discharge apparatus	
(a) Headgates, 2 - rectangular C I 5'x6' with 10" diameter sluice gate, butterfly valves 2 @ 6" diameter; hoist structural steel and piping	6,881.38
(b) Erection material labor and inspection	1,708.78
(c) Gate alterations, material and labor	297.62
(d) Freight, hauling and handling	2,069.78
9. Ice chute gates, materials and labor	3,721.38
(a) Freight, hauling and handling	287.62
10. Ice deflectors, flood damage and miscellaneous	14,988.38
11. Ice gate heater	188.38
Indirect Costs	
12. Camp operation	8,988.62
13. General construction equipment (A/C 389)	84,202.18
Overhead Costs	
14. [illegible] and superintendence (A/C 390)	19,873.46
15. Law [illegible] (A/C 395a)	
[illegible] (A/C 392)	14,775.70

Items of Cost	Actual
17. Taxes (A/C 393)	$ 2,757.02
18. Interest (A/C 394)	54,978.65
19. Miscellaneous expenditures	
(a) General officers and clerks (A/C 395a)	13,535.56
(b) Other miscellaneous construction expenditures (A/C 395b)	21,393.68
Total Cost	**$689,077.27**

[redacted]

[redacted] Company

[redacted] as of January 1, 1924

of

PROPERTY OTHER CLASSIFIABLE OTHER ACCOUNTS

314, 315, 316, 317, 318, 324, 325, 326, 327, 328, 329 and 340

Account number 311. Title: Reservoirs Dams and Intakes

Items

1. General description: (a) Dike: located on saddle, southeast of dam, approximately 240' wide at base and 16' on top; height 60'; length 1100'; constructed by compacting sand and clay in alternating 6" layers. (b) Intake: reinforced concrete structure built in reservoir just off dike, as shown on exhibits K & L.
2. Year built or installed: 1913-15 & 1920-21.
3. Map or maps on which location of property is shown: Exhibit K

Items of Cost	Amount Actual
Direct Costs	
4. Dike, labor and material 79,725 cu yds	$ 79,807.98
5. Intake	
(a) Excavation, 7405 cu yds	3,518.30
(b) Concrete, reinforced 2920 cu yds	47,819.34
(c) Gates, seats and stems, material and labor	5,358.48
(d) Gate hoists, material and labor	9,441.88
(e) Screens, material and labor	12,988.00
(f) Floor, operating platform, ventilators and bridge	2,589.09
(g) Derrick, material and labor	3,815.29
(h) Freight, handling and hauling	1,827.11
(i) Miscellaneous material and labor	1,778.10
Indirect Costs	
6. Camp operation	8,771.00
7. General construction equipment (A/C 309)	44,250.33
Overhead Costs	
8. Engineering and superintendence (A/C 310)	21,646.97
9. Law expenditures (Included in A/C 330a)	
10. Injuries and damages (A/C 302)	8,772.78
11. Taxes (A/C 303)	1,486.38
12. Interest (A/C 304)	29,428.38
13. Miscellaneous expenditures	
(a) General officers and clerks (A/C 330a)	7,[illegible]
(b) Other miscellaneous construction expenditures (A/C 330b)	11,461.69
Total Cost	$[illegible]

[redacted]

[illegible] 1913

[illegible]

[illegible] January 1, 1914

[illegible]

[illegible] POWER [illegible]
14 [illegible] 39 and 40

[illegible] Nos. 215 and 217 Title: Waterways, Headways, Penstocks and Railroads

Items

1 General description. (a) Waterway, 18' plate steel pipe, intake to surge tank 2250' long; also stub through dike 220' long for future duplicate installation. (b) Surge tank: steel, diameter 40', height 117'; (c) Penstocks: Three 12' diameter, see Exhibit L. (d) Railroad: Excavated space 118 x 100' with reinforced concrete bottom, apron and retaining walls, also river channel excavated for 1000'.
2 Year built or installed. 1913-14 & 1919-20
3 Map or maps on which location of property is shown: Exhibits K & L.

Items of Cost	Amount Actual
Direct Costs	
4 Waterway	
(a) Excavation, backfill, drains, labor & misc	$30,627.80
(b) Concrete, material & labor, 4157 cu yd	33,407.98
(c) Steel, material and erection	80,876.88
(d) Freight, hauling and handling	38,307.88
5. Surge tank	
(a) Excavation and backfill	1,944.16
(b) Concrete, material & labor, 1300 cu yd	9,421.49
(c) Steel, material and erection	[illegible]
(d) Freight, hauling and handling	9,868.10
6. Penstocks	
(a) Excavation and backfill	16,652.08
(b) Concrete, material & labor, 1443 cu yd	11,238.16
(c) Steel, material and erection	33,121.14
(d) Valves, 5 Johnson, 12" diam, 8'8" long material and erection	49,091.88
(e) Gates, piping and housing	2,558.99
(f) Unclassified material and labor	2,109.08
(g) Freight, hauling and handling	17,440.76
7. Railroad	
(a) Clearing, excavation, backfill and riprap	17,886.38
(b) Concrete, material and labor, 3140 cu yd	28,111.97
(c) Screens	2,609.88
(d) Unclassified material and labor	658.81
Indirect Costs	
8 Camp operation	12,388.00
9 General [illegible] (1.5 %)	39 870.65
[illegible]	
[illegible]	72 [illegible]

12. Law expenditures (Included in A/C 395a)		
13. Injuries and damages	(A/C 393)	$ 12,821.13
14. Taxes	(A/C 393)	1,256.57
15. Interest	(A/C 396)	55,414.88
16. Miscellaneous expenditures		
(a) General officers and clerks (A/C 398a)		16,102.55
(b) Other miscellaneous construction expenditures (A/C 398b)		25,454.70
Total Cost		**$709,367.89**

[redacted]

Project No. 72 [illegible]

[illegible]

[illegible]

of

[illegible]

Account number 390 Miscellaneous

Item

1. Detail analysis of costs charged to the above designated overhead accounts that have been distributed to other fixed capital accounts

		Actual
Account number	390. Engineering and superintendence	$506,071.00
"	391 Low expenditures (included in A/C 395a)	
"	392. Injuries and damages	55,682.00
"	393. Taxes during construction	14,181.00
"	394 Interest during construction	786,855.00
"	395a. General officers and clerks	70,120.00
"	395b. Miscellaneous	110,549.00
	(1) Securing labor	(51,152.00)
	(2) Construction Co's fee	(79,417.00)

2. Statement showing the distribution to accounts and to items of property of the total overhead costs appearing under item above, and the basis for such distribution

Item	Account Number and Distribution of Overhead Costs					
	390	392	393	394	395a	395b
	$506,071.00	$55,682.00	$14,181.00	$786,855.00	$70,120.00	$110,549.00
Project lands & rights of way-$5,230.04	816.76	-	57.94	760.14	157.12	-
Project structures - $374,188.81	51 519.62	9 452.15	2 400.55	48,225.76	11,571.37	18,768.98
Water turbines- $229,294.12	31,752.62	5 732.06	1 471.18	29,581.62	7,276.44	11,490.88
Electric equipment-Hydro $256,712.20	46,489.38	8 480.22	2.155.96	48,266.67	10 486.89	16,888.32
Trans. Substa. equipment $101,090.70	18,990.72	2 502.07	649.22	12,880.98	3.208.32	5,088.88
Communication system equipment $1,418.31	126.42	38.86	9.10	188.87	46.82	72.62
Dam-$126,586.20	59,072.46	10 778.70	2,737.68	84,998.48	18,888.88	21,888.88
Dike and intake $208 551.20	51,646.97	6 772.78	1.666.28	29,488.29	7.188.32	11,481.88
Waterways, surge tank, penstocks						
[illegible]		[illegible]	3 456.37	55,474.58	15 132.56	28 456.78

Form 11-61 Project No. 472. Idaho

[redacted] of Applicant: Utah Power & Light Company

Statement of Distribution as of January 1 1924
of
ACCOUNT 389

Cost of General Construction Equipment
to other capital Accounts

1 Cost of General Construction Equipment $424,620.00

DISTRIBUTION

Name of Account	No. of Account	Direct Cost	% of Total	Distributed amount of Account 389
2. Project structures	313			
(a) Power plant building		$ 202,847.08	12.07	$ 51,251.45
(b) Fixtures and grounds		47,426.47	2.88	11,976.30
3. Water turbines	319	180,910.01	10.76	45,689.11
4. Electric equipment-hydro	320	264,048.40	15.71	66,707.80
5. Transmission substation equipment	353	80,575.85	4.78	20,296.84
6. Communication system equipment	382	1,097.68	0.07	297.23
7. Dam	314	333,400.05	19.83	84,202.18
8. Dike and intake	314	175,429.87	10.44	44,330.35
9. Waterway	316	176,619.80	10.49	46,137.11
10. Surge tank, penstocks and tailraces	317	216,712.69	12.89	54,729.89
Totals		$1,680,068.08	100.00	$424,620.00

Copy of
Exhibit "A"
which accompanied application of
the Utah Power & Light Company
for license covering project No.
472, Idaho. (Swan Falls)

EXHIBIT "A"

Responding to Regulation 6, Section 4.

APPLICATION FOR LICENSE - UTAH POWER & LIGHT COMPANY

STATEMENT SHOWING POWER DEVELOPMENT OF THE PROJECT WORKS ALREADY CONSTRUCTED AND MEANS OF FINANCING.

GENERAL

Utah Power & Light Company was incorporated under the laws of the State of Maine on September 6, 1912, and was immediately thereafter qualified to do business in the states of Utah and Idaho. The purpose of its incorporation was to take title to, and to operate as a public service corporation furnishing primarily electrical service, the properties of several theretofore independent and unrelated power companies serving Utah, southeastern Idaho and western Colorado. The most important units of the consolidation were the Telluride Power Company which (in addition to an independent system in the Telluride mining district of Western Colorado) operated an interconnected system of plants, transmission lines and distribution systems extending from Ogden, Idaho, on the north to Provo, Utah, on the south, a territory having its industrial and commercial center in Salt Lake City; the Light Consolidated Power Company serving various towns and mining districts in Utah County, Utah; the Utah Light and Railway Company serving primarily the important centers of Salt Lake City and Ogden, Utah; and the Idaho Power & Transportation Company serving the Lower Bear River District in Idaho. Altogether some thirty-five companies, though in most cases related, companies have been brought into the consolidation.

Of these companies the only one that had initiated a comprehensive system of development, adequate to supply reliable central station service in any large measure, was the Telluride Power Company, which had acquired reservoir rights in Bear Lake in Idaho-Utah for the storage of flood waters of Bear River, had developed an 11,000-kw hydroelectric plant at Grace, Idaho, and had acquired other power rights on Bear River including the site of the present Swan Falls. — Grace

Construction work on this development was begun in 1910. The first unit of 14,000 kw was completed and put in operation August 13, 1912;

the amount August 27, 1914; and the third July 26, 1918.

As the different units were completed and put into operation they began immediately to deliver power to applicants interconnected system hereinbefore described. (See Exhibit "J").

[redacted] OF FUNDS:

Funds for construction work were originally obtained from borrowings, which were subsequently refunded from sale of Utah Power & Light Company bonds and stocks, the proceeds of which were used to extinguish such borrowings.

This statement is a part of the application for license made by the undersigned this 20th day of August, 1923.

[redacted]

By [redacted]

Copy of
Amended Exhibit "F"
which accompanied application of
the Utah Power & Light Company
for license covering project No.
472, Idaho. (Smiths Plant)

AMENDED EXHIBIT "F"

DESCRIPTION OF PROJECTS 6, UNDER 3-

APPLICATION FOR LICENSE - UTAH POWER & LIGHT COMPANY

STATEMENT REGARDING RIGHTS OF WAY STATUS OF APPLICANT

(SMITHS PLANT)

The construction of the plant covered by this application was commenced by the Telluride Power Company, successor in interest to L. L. Nunn. The partially constructed plant, together with other plants and holdings of said Telluride Company was acquired by Utah Power & Light Company, applicant herein, about January 1, 1913. The construction of this plant was completed and the project developed by said applicant and ever since has been operated as a part of its inter-connected hydro-electric system. (See Exhibit "A" of this application for complete historical information.)

The land upon which is located the power house, penstocks, a part of the flow line, and a part of the reservoir site, is owned by the applicant as set out in Exhibit "F" of this application. The diversion dam and works and remainder of the flow line and reservoir site are located upon Government land as shown in detail on map designated Exhibit "G", filed with and made a part of this application.

On or about August 22, 1905, L. L. Nunn, applicant's predecessor in interest, made application, to the Department of the Interior under the Act of February 15, 1901, for a permit for a right of way for the Smiths power project and reservoir. Under date of May 9, 1906, the First Assistant Secretary of the Department of the Interior approved said

application. As hereinafter noted, the Tuscarora Power Company, successor to I. L. Ross, began the construction of this project, and the same was continued to completion by the applicant herein, it being necessary in interest to said Tuscarora Power Company.

In addition to the foregoing, applicant is entitled to and does divert and use the waters of Deep River for power purposes under authority of the State of Idaho, as set out in Exhibit "B" of this application.

This application is made to acquire rights of way for the continued operation and maintenance of this project under the said Act of June 10, 1920.

This statement is a part of the application for license filed by the undersigned the 20th day of August, 1923.

[redacted]

FEDERAL POWER COMMISSION

INSTRUMENT FOLDER

FORMAL ORIG. COPY

VAULT COPY

B. & F. COPY

PROJECT NO. 2420

UTAH POWER & LIGHT COMPANY

LICENSE (MAJOR)

EFFECTIVE: 5/1/65 TERMINATING: 12/31/93

FEDERAL POWER COMMISSION
DOCKETED
Mar. 24 1969
DOCKET SECTION

THIS IS AN EXECUTED LICENSED PROJECT INSTRUMENT

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

OFFICE OF THE SECRETARY
FILED
MAR 24 3 43 PM '69
FEDERAL POWER COMMISSION

License (Major) - Constructed Projects - Fish and Wildlife

Before Commissioners: **Lee C. White, Chairman; L. J. O'Connor, Jr., Carl E. Bagge, and Albert B. Brooke, Jr.**

Utah Power & Light Company) Project No. 2420

ORDER ISSUING LICENSE (MAJOR) AND DISMISSING REQUEST FOR DISCLAIMER OF JURISDICTION

FEDERAL POWER COMMISSION
DOCKETED
MAR 24 1969
DOCKET SECTION

(Issued December 23, 1968)

Application was filed on October 25, 1963 by Utah Power & Light Company (Applicant) of Salt Lake City, Utah, for a license under Section 4(e) of the Federal Power Act (Act) for constructed Project No. 2420, known as the Cutler Plant, located on Bear River in Cache and Box Elder Counties, Utah, near Newton. Bear River has its source in Eastern Utah, and flows through Wyoming, Idaho, and Utah into the Great Salt Lake. No lands of the United States are affected by the project.

The Cutler Plant was completed in 1927. There has been no project construction since the 1935 amendment to the Act.

The Secretary of the Army and the Chief of Engineers have reported that the plans of the project structures affecting navigation are satisfactory insofar as the interest of navigation is concerned.

The Department of the Interior, in reporting on the application, recommended for inclusion in any license for the project terms and conditions in the interests of fish, wildlife and recreation, as are set forth in attached Form L-10; a condition permitting the Utah Department of Fish and Game to use such of the project facilities as may reasonably be required for the construction of fish and wildlife facilities or to improve existing facilities, as set forth in Article 27; and

conditions providing that Applicant recognize the existing water rights of the Department's downstream Bear River Migratory Bird Refuge and assuring the economic development of the Bear River Basin by irrigation diversions and other beneficial consumptive uses both above and below the Cutler Plant and Applicant's four other hydroelectric plants on Bear River under the Bureau of Reclamation's potential Bear River Reclamation Project. A copy of the Department's report on the application was furnished Applicant for comments and in response thereto Applicant stated it had no objection to the Department's recommended license conditions in the interests of fish and wildlife but expressed concern over the Department's recommended license article respecting diversions of waters of the Bear River for irrigation and other consumptive uses. In this connection, Applicant pointed out that while Applicant owns water rights on the Bear River, it has always conducted its power operations in such manner that irrigation and other water-use developments on the Bear River have been permitted first call upon the river, and Applicant has assured irrigators of a full water supply in every year, including years of serious water shortage. Article 29 herein will provide adequate future irrigation development. Article 28 herein provides that Applicant shall not interfere with valid existing water rights of the Department's downstream Bear River Migratory Bird Refuge. The Department has advised that there are no historic properties listed in the National Register established under the provisions of Public Law 89-665 (80 Stat. 915) in the vicinity of the Cutler Project.

The Department of Health, Education, and Welfare has advised (now a function of the Federal Water Pollution Control Administration, Department of the Interior) that the project will have no adverse affect on water supply or water quality in the area and that the granting of a license for the project will not affect existing vector problems in the area.

Applicant filed a statement with its application designated as Exhibit R which shows areas within the project boundary used for public waterfowl shooting, but describes no plans for future recreational development at the project. The marshy nature of much of the reservoir area makes it undesirable for water-associated recreation except for fishing and waterfowl hunting. For the reasons stated in

our October 29, 1968 order amending license orders for Central Maine Power Company's constructed Project Nos. 2519 and 2531 (FPC), under somewhat similar recreational conditions, we think it appropriate to include in the license a special condition (Article 30) requiring Applicant to consult and cooperate with interested agencies respecting access areas and roads and other recreational facilities and **provide subject to further order of the Commission for the filing for Commission approval of a revised Exhibit R, conforming to Section 4.41 of the Regulations under the Federal Power Act. The articles of the attached form provide for further Commission actions as may be appropriate in the circumstances.**

While Applicant filed as part of its application an Exhibit K, the exhibit does not adequately indicate the project boundary, and our approval of the exhibit is limited to the extent stated in paragraph (B) below, and Article 31 provides for the filing of a revised Exhibit K. The Article also provides for the filing of an Exhibit F which was not filed as part of the application. Commission approval of this exhibit is not required.

Power generated by the Cutler power plant is transmitted to the Wheelon substation, a part of Applicant's interconnected transmission system, which transmits power both into Idaho from Utah and in the opposite direction.

On January 9, 1964, Mr. Orville Gray of Route 2, P. O. Box 291, Brigham City, Utah, directed a letter to this Commission in which he referred to the Cutler Project and expressed his general opposition to the construction of dams on any river by utility companies, citing as the basis for his position the needs of farmers for irrigation water. The Commission action in this matter is directed to bringing under license and regulatory control an existing constructed project. Under the provisions of Article 14 of this license, the licensee, upon application therefor, shall permit the reasonable use of its project properties, including water rights, in the interest of the conservation of water resources of the region for, among other purposes, irrigation. We believe the interests expressed by Mr. Gray will be protected by our action here.

In view of the basis upon which we are asserting jurisdiction herein, we find it unnecessary to resolve the issues raised by Applicant's request for disclaimer of jurisdiction over this project based upon alleged lack of navigablility. Therefore, we are dismissing Applicant's request for such a disclaimer. In the absence in the record in this proceeding of any project construction after the 1935 amendment of the Federal Power Act, the license herein granted shall have an effective date of May 1, 1965, the first day of the month in which the Supreme Court of the United States affirmed the Commission's findings and order asserting licensing authority over Taum Sauk Project No. 2277 (381 U.S. 90), and a termination date of December 31, 1993.

The Commission finds:

(1) Cutler Plant Project No. 2420 affects the interests of interstate commerce.

(2) Applicant is a corporation organized under the laws of the State of Maine, and has submitted satisfactory evidence of compliance with the requirements of all applicable State laws insofar as necessary to effectuate the purposes of a license for the project.

(3) Public notice of the filing of the application has been given. Except for the above-mentioned letter, no protests or petitions to intervene have been received. No conflicting application is before the Commission.

(4) The project does not affect a Government dam, nor will the issuance of a license therefor, as hereinafter provided, affect the development of any water resources for public purposes which should be undertaken by the United States.

(5) Subject to the terms and conditions hereinafter imposed, the project will be best adapted to a comprehensive plan for improving or developing a waterway or waterways for the use or benefit of interstate or foreign commerce, for the improvement and utilization of water-power development, and for other beneficial public uses, including recreational purposes.

(6) The installed horsepower capacity of the project hereinafter authorized for the purpose of computing the capacity component of the administrative annual charge is 40,000 horsepower, and the amount of annual charges, based on such capacity, to be paid under the license for the project, for the costs of administration of Part I of the Act is reasonable.

(7) The afore-mentioned Exhibit R and the exhibits designated and described in paragraph (B) below conform to the Commission's rules and regulations and should be approved as part of this license to the extent therein indicated.

The Commission orders:

(A) This license is hereby issued to Utah Power & Light Company (Licensee) of Salt Lake City, Utah, under Section 4 (e) of the Federal Power Act (Act) for a period effective as of May 1, 1965 and terminating December 31, 1993, for the continued operation and maintenance of Cutler Plant Project No. 2420, located on the Bear River in Cache and Box Elder Counties, Utah, and affecting the interests of interstate commerce, subject to the terms and conditions of the Act, which is incorporated herein by reference as a part of this license, and subject to such rules and regulations as the Commission has issued or prescribed under the provisions of the Act.

(B) Cutler Plant Project No. 2420 consists of:

(i) all lands constituting the project area and enclosed by the project boundary or the licensee's interest in such lands, the limits of which are otherwise defined, the use and occupancy of which are necessary for the purposes of the project; such project area and project boundary being shown and described by certain exhibits which form part of the application for license and which are designated and described as follows:

Exhibit J: (FPC No. 2420-1) General Map of Project Area; and

Exhibit K: (FPC No. 2420-2) Detail Map of Project Area, except to the extent that it shows the project boundary;

(ii) project works are as follows: (1) a concrete arch dam; (2) a separate concrete tower type intake; (3) a controlled spillway; (4) a gate controlled intake on each end of the dam to irrigation canals; (5) a reservoir with a surface area of about 6,000 acres at an elevation of about 4,407 feet and a capacity of about 15,300 acre-feet; (6) a riveted steel pipe extending about 1,100 feet to a surge tank; (7) two penstocks; (8) a powerhouse containing two 21,500 horsepower turbines each connected to a 15,000 kilowatt generator; (9) step-up transformers; (10) and appurtenant electrical and mechanical facilities; the location, nature and character of which are more specifically shown and described by the exhibits hereinbefore cited and by certain other exhibits which also form a part of the application for license and which are designated and described as follows:

Exhibit L, Sheet	FPC No. 2420	Showing
1 of 5	-3	Cross Section and Elevation of Powerhouse
2 of 5	-4	Plan of Powerhouse
3 of 5	-5	Plan, Elevation and Section of Dam
4 of 5	-6	Plan and Section of Intake
5 of 5	-7	Plan and Profile of Flow Line

Exhibit M: Consisting of a single typewritten sheet entitled, "General Description of Mechanical, Electrical, and Transmission Equipment," filed in the Commission October 25, 1963.

(iii) all other structures, fixtures, equipment or facilities used or useful in the maintenance and operation of the project and located on the project area, including such portable property as may be used or useful in connection with the project or any part thereof, whether located on or off the project area, if and to the extent that the inclusion of such property as part of the project is approved or acquiesced in by the Commission; also, all riparian or other rights, the use or possession of which is necessary or appropriate in the maintenance or operation of the project.

(C) This license is also subject to the terms and conditions set forth in Form L-10 entitled "Terms and Conditions of License for Constructed Major Project Affecting the Interests of Interstate or Foreign Commerce" (Revised September 1, 1968) (FPC), which terms and conditions designated as Articles 1 through 25, are attached hereto and made a part hereof, and subject to the following special conditions set forth herein as additional articles:

Article 26. The Licensee shall pay to the United States the following annual charge, effective as of May 1, 1965:

> For the purpose of reimbursing the United States for the costs of administration of Part I of the Act, a reasonable annual charge as determined by the Commission in accordance with the provisions of its regulations in effect from time to time. The authorized installed capacity for such purposes is 40,000 horsepower.

Article 27. The Licensee shall permit the Utah State Department of Fish and Game free use of such of Licensee's lands and interests in lands, reservoir, waterways, and project works as may be reasonably required to construct fish and wildlife facilities or to improve existing facilities consistent with the provisions of the Act.

Article 28. The Licensee shall operate the project in such manner as not to interfere with any valid existing water rights of the Department of the Interior for the downstream Bear River Migratory Bird Refuge.

Article 29. The Licensee shall not make any claims under the authority of this license against the United States or other parties claiming through the United States for any damage resulting from any future depletion in flow of the waters of the Bear River and its tributaries for the irrigation of lands and other beneficial consumptive uses.

Article 30. On further order of the Commission the Licensee shall file for Commission approval **a revised Exhibit R** conforming to Section 4.41 of the Regulations under the Federal Power Act. Licensee shall cooperate with State and local agencies in the development and maintenance of access area and roads and such other facilities necessary for full recreational utilization by the public of project lands and waters, consistent with the terms of the license and the operation of the project.

Article 31. The Licensee shall, within one year from the date of issuance of this license, file for Commission approval a revised Exhibit K. The Licensee shall, within the same time, file an Exhibit F. Both exhibits should be in conformance with the Commission's Regulations.

(D) The Commission reserves the right to determine at a later date what additional transmission facilities, if any, shall be included in this license as part of the project works.

(E) The afore-mentioned Exhibit R is hereby approved as part of this license.

(F) The exhibits designated and described in paragraph (B) above are hereby approved as part of this license to the extent indicated therein.

(G) The Licensee shall within 90 days from the date of acceptance of this license, file in accordance with the provisions of Section 11.20 (a) (4) of the Commission's Regulations a statement under oath showing the gross amount of power generation for the project in kilowatt-hours commencing May 1, 1965 through December 31, 1965, and for each calendar year thereafter for the period of the license.

(H) Applicant's afore-mentioned request that we disclaim Commission jurisdiction over the Cutler Plant Project is hereby dismissed.

(I) This order shall become final 30 days from the date of its issuance unless application for rehearing shall be filed as provided in Section 313 (a) of the Act, and failure to file such an application shall constitute acceptance of this license. In acknowledgment of the acceptance of this license, it shall be signed for the Licensee and returned to the Commission within 60 days from the date of issuance of this order.

By the Commission.

(S E A L)

Kenneth F. Plumb

for Gordon M. Grant,
Secretary.

IN TESTIMONY of its acknowledgment of acceptance of all of the provisions, terms and conditions of this license Utah Power & Light Company, this 20th day of March, 1969, has caused its corporate name to be signed hereto by John S. Anderson its Vice President, and its corporate seal to be affixed hereto and attested by Fred L. Mickelsen, its Assistant Secretary, pursuant to a resolution of its Board of Directors duly adopted on the 16th day of March, 1960, a certified copy of the record of which is attached hereto.

UTAH POWER & LIGHT COMPANY

By John S. Anderson
President

Attest:

Fred L. Mickelsen
Asst. Secretary

APPROVED
H. Boehmer
CHIEF ENGINEER

(Executed in quadruplicate)

Form L-10
(Revised September 1, 1968)

FEDERAL POWER COMMISSION

TERMS AND CONDITIONS OF LICENSE FOR CONSTRUCTED MAJOR PROJECT AFFECTING THE INTERESTS OF INTERSTATE OR FOREIGN COMMERCE

Article 1. The entire project, as described in the order of the Commission, shall be subject to all the provisions, terms, and conditions of the license.

Article 2. No substantial change shall be made in the maps, plans, specifications, and statements described and designated as exhibits and approved by the Commission in its order as part of the license, until such change shall have been approved by the Commission: Provided, however, that if the Licensee or the Commission deems it necessary or desirable that said approved exhibits, or any of them, be changed, there shall be submitted to the Commission for approval amended, supplemental, or additional exhibit or exhibits covering the proposed change which, upon approval by the Commission, shall become a part of the license and shall supersede, in whole or in part, such exhibit or exhibits theretofore made a part of the license as may be specified by the Commission.

Article 3. The project area and project works shall be in conformity with the approved exhibits referred to in Article 2 hereof. If the Licensee shall contemplate any substantial alteration in or addition to the project area or project works shown and described by the approved exhibits referred to in Article 2 herein, the Licensee shall submit to

the Commission for approval amended, supplemental, or additional exhibits under the provisions of said article covering such alteration or addition, together with a statement in writing setting forth the reasons which necessitate or justify such alteration or addition. Except when emergency shall require for the protection of navigation, life, health, or property, no substantial alteration or addition not in conformity with the approved plans shall be made to any dam or other project works under the license without the prior approval of the Commission; and any emergency alteration or addition so made shall thereafter be subject to such modification and change as the Commission may direct. Minor changes in the project works or divergence from such approved exhibits may be made if such changes will not result in decrease in efficiency, in material increase in cost, or in impairment of the general scheme of development; but any of such minor changes made without the prior approval of the Commission, which in its judgment have produced or will produce any of such results, shall be subject to such alteration as the Commission may direct.

Article 4. The project, including its operation and maintenance and any work incident to additions or alterations authorized by the Commission, shall be subject to the inspection and supervision of the Regional Engineer, Federal Power Commission, in the region wherein the project is located, or of such other officer or agent as the Commission

may designate, who shall be the authorized representative of the Commission for such purposes. The Licensee shall cooperate fully with said representative and shall furnish him such information as he may require concerning the operation and maintenance of the project, and of any such alteration thereof, and shall notify him of the date upon which work with respect to any alteration will begin, and as far in advance thereof as said representative may reasonably specify, and shall notify him promptly in writing of any suspension of work for a period of more than one week, and of its resumption and completion. Licensee shall submit to said representative a detailed program of inspection by the Licensee that will provide for an adequate and qualified inspection force for construction of any such alterations to the project. Construction of said alterations or any feature thereof shall not be initiated until the program of inspection for the alterations or any feature thereof has been approved by said representative. The Licensee shall allow said representative and other officers or employees of the United States, showing proper credentials, free and unrestricted access to, through, and across the project lands and project works in the performance of their official duties. The Licensee shall comply with such rules and regulations of general or special applicability as the Commission may from time to time prescribe for the protection of life, health or property.

Article 5. In the absence of specific Commission exemption, the Licensee within five years from date of issuance of the license shall acquire title in fee or the right to use in perpetuity all lands, other than lands of the United States, necessary or appropriate for the maintenance and operation of the project. The Licensee, its successors and assigns shall, during the period of the license, retain the possession of all project property covered by the license as issued or as later amended, including the project area, the project works, and all franchises, easements, water rights, and rights of occupancy and use; and none of such properties shall be volumtarily sold, leased, transferred, abandoned, or otherwise disposed of without the prior written approval of the Commission, except that the Licensee may lease or otherwise dispose of interests in project lands or property without specific written approval of the Commission pursuant to the then current regulations of the Commission. The provisions of this article are not intended to prevent the abandonment or the retirement from service of structures, equipment, or other project works in connection with replacements thereof when they become obsolete, inadequate, or inefficient for further service due to wear and tear; and mortgage or trust deed or judicial sales made thereunder, or tax sales, shall not be deemed voluntary transfers within the meaning of this article.

Article 6. In the event the project is taken over by the United States upon the termination of the license, as provided in Section 14

of the Act, or is transferred to a new licensee under the provisions of Section 15 of the Act, the Licensee, its successors and assigns will be responsible for and will make good any defect of title to or of right of occupancy and use in any of such project property which is necessary or appropriate or valuable and serviceable in the maintenance and operation of the project, and will pay and discharge, or will assume responsibility for payment and discharge, of all liens or incumbrances upon the project or project property created by the Licensee or created or incurred after the issuance of the license: Provided, That the provisions of this article are not intended to require the Licensee, for the purpose of transferring the project to the United States or to a new Licensee, to acquire any different title to or right of occupancy and use in any of such project property than was necessary to acquire for its own purposes as Licensee.

Article 7. The actual legitimate original cost, estimated where not known and the accrued depreciation of the project as of the effective date of the license shall be determined by the Commission in accordance with the Act and the rules and regulations of the Commission, and such cost less such accrued depreciation, so determined, shall be the net investment in the project as of such effective date.

Article 8. After the first 20 years of operation of the project under the license, six percent per annum shall be the specified rate of return on the net investment in the project for determining surplus earnings of the project for the establishment and maintenance of amortization reserves, pursuant to Section 10 (d) of the Act; one-half of the

project surplus earnings, if any, accumulated after the first 20 years of operation under the license, in excess of six percent per annum on the net investment, shall be set aside in a project amortization reserve account as of the end of each fiscal year: Provided, that, if and to the extent that there is a deficiency of project earnings below six percent per annum for any fiscal year or years after the first 20 years of operation under the license, the amount of such deficiency shall be deducted from the amount of any surplus earnings accumulated thereafter until absorbed, and one-half of the remaining surplus earnings, if any thus cumulatively computed, shall be set aside in the project amortization reserve account; and the amounts thus established in the project amortization reserve account shall be maintained therein until further order of the Commission.

Article 9. For the purpose of determining the stage and flow of the stream or streams from which water is diverted for the operation of the project works, the amount of water held in and withdrawn from storage, and the effective head on the turbines, the Licensee shall install and thereafter maintain such gages and stream-gaging stations as the Commission may deem necessary and best adapted to the requirements; and shall provide for the required readings of such gages and for the adequate rating of such stations. The Licensee shall also install and maintain standard meters adequate for the determination of the amount of electric energy generated by said project works. The number, character, and location of gages, meters, or other measuring devices, and the method of operation thereof, shall at all times be satisfactory to the Commission and may be

altered from time to time if necessary to secure adequate determinations, but such alteration shall not be made except with the approval of the Commission or upon the specific direction of the Commission. The installation of gages, the ratings of said stream or streams, and the determination of the flow thereof, shall be under the supervision of, or in cooperation with, the District Engineer of the United States Geological Survey having charge of stream-gaging operations in the region of said project, and the Licensee shall advance to the United States Geological Survey the amount of funds estimated to be necessary for such supervision or cooperation for such periods as may be mutually agreed upon. The Licensee shall keep accurate and sufficient record of the foregoing determinations to the satisfaction of the Commission, and shall make return of such records annually at such time and in such form as the Commission may prescribed.

Article 10. The Licensee shall install additional capacity or make other changes in the project as directed by the Commission, to the extent that it is economically sound and in the public interest to do so, after notice and opportunity for hearing.

Article 11. The Licensee shall, after notice and opportunity for hearing, coordinate the operation of the project, electrically and hydraulically, with such other projects or power systems and in such manner as the Commission may direct in the interest of power and other beneficial public uses of water resources, and on such conditions concerning the equitable sharing of benefits by the Licensee as the Commission may order.

Article 12. Whenever the Licensee is directly benefited by the construction work of another licensee, a permittee, or of the United States of a storage reservoir or other headwater improvement, the Licensee shall reimburse the owner of the headwater improvement for such part of the annual charges for interest, maintenance, and depreciation thereon as the Commission shall determine to be equitable, and shall pay to the United States the cost of making such determination as fixed by the Commission. For benefits provided by a storage reservoir or other headwater improvement of the United States the Licensee shall pay to the Commission the amounts for which it is billed from time to time for such headwater benefits and for the costs of making the determinations pursuant to the then current Commission Regulations under the Federal Power Act within 60 days from the date of rendition of a bill therefore and, upon failure to do so, shall thereafter be subject to the payment of the penalties specified in the then current Regulations. The Licensee shall have the right to pay such amounts under protest within the 60-day period and to reconsideration of the determination of the amounts billed or a hearing as provided by the then current Regulations under the Act.

Article 13. The United States specifically retains and safeguards the right to use water in such amount, to be determined by the Secretary of the Army, as may be necessary for the purposes of navigation on the navigable waterway affected; and the operations of the Licensee, so far as they affect the use, storage and discharge from storage of waters affected by the license, shall at all times be controlled by such

reasonable rules and regulations as the Secretary of the Army may prescribe in the interest of navigation, and as the Commission may prescribe for the protection of life, health, and property, and in the interest of the fullest practicable conservation and utilization of such waters for power purposes and for other beneficial public uses, including recreational purposes; and the Licensee shall release water from the project reservoir at such rate in cubic feet per second, or such volume in acre-feet per specified period of time, as the Secretary of the Army may prescribe in the interest of navigation, or as the Commission may prescribe for the other purposes hereinbefore mentioned.

Article 14. On the application of any person, association, corporation, Federal agency, State or municipality, the Licensee shall, after notice and opportunity for hearing, permit such reasonable use of its reservoirs or other project properties, including works, lands and water rights, or parts thereof, as may be ordered by the Commission in the interest of comprehensive development of the waterway or waterways involved and the conservation and utilization of water resources of the region, for water supply for the purpose of steam-electric, irrigation, industrial, municipal or similar uses. The Licensee shall receive reasonable compensation, at least full reimbursement for any damages or expenses which the joint use causes him to incur, for use of its reservoirs or other project properties or parts thereof for such purposes, any such compensation to be fixed by the Commission either by approval of an agreement between the Licensee and the party or parties benefiting or after notice and opportunity for hearing. Applications shall contain

information in sufficient detail to afford a full understanding of the proposed use, including satisfactory evidence that the applicant possesses necessary water rights pursuant to applicable State law, or a showing of cause why such evidence cannot be concurrently submitted, and a statement as to the relationship of the proposed use to any State or municipal plans or orders which may have been adopted with respect to the use of such waters.

Article 15. In the construction or maintenance of the project works, the Licensee shall place and maintain suitable structures and devices to reduce to a reasonable degree the liability of contact between its transmission lines and telegraph, telephone and other signal wires or power transmission lines contructed prior to its transmission lines and not owned by the Licensee, and shall also place and maintain suitable structures and devices to reduce to a reasonable degree the liability of any structures or wires falling or obstructing traffic or endangering life. None of the provisions of this article are intended to relieve the Licensee from any responsibility or requirement which may be imposed by other lawful authority for avoiding or eliminating inductive interference.

Article 16. The Licensee shall, for the conservation and development of fish and wildlife resources, construct, maintain, and operate, or arrange for the construction, maintenance and operation of such facilities and comply with such reasonable modifications of the project structures and operation as may be ordered by the Commission upon its own motion or upon the recommendation of the Secretary of the Interior or the fish and wildlife agency or agencies of any State in which the project or a part thereof is located, after notice and opportunity for hearing

and upon findings based on substantial evidence that such facilities and modifications are necessary and desirable, reasonably consistent with the primary purpose of the project, and consistent with the provisions of the Act.

Article 17. Whenever the United States shall desire, in connection with the project, to construct fish and wildlife facilities or to improve the existing fish and wildlife facilities at its own expense, the Licensee shall permit the United States or its designated agency to use, free of cost, such of Licensee's lands and interest in lands, reservoirs, waterways and project works as may be reasonably required to complete such facilities or such improvements thereof. In addition, after notice and opportunity for hearing, the Licensee shall modify the project operation as may be prescribed by the Commission, reasonably consistent with the primary purpose of the project, in order to permit the maintenance and operation of the fish and wildlife facilities constructed or improved by the United States under the provisions of this article. This article shall not be interpreted to place any obligation on the United States to construct or improve fish and wildlife facilities or to relieve the Licensee of any obligation under this license.

Article 18. The Licensee shall construct, maintain and operate or shall arrange for the construction, maintenance and operation of such recreational facilities including modifications thereto, such as access roads, wharves, launching ramps, beaches, picnic and camping

areas, sanitary facilities and utilities, and shall comply with such reasonable modifications of the project structures and operations as may be prescribed hereafter by the Commission during the term of this license upon its own motion or upon the recommendation of the Secretary of the Interior or other interested Federal and State agencies, after notice and opportunity for hearing and upon findings based upon substantial evidence that such facilities and modifications are necessary and desirable, and reasonably consistent with the primary purpose of the project.

Article 19. So far as is consistent with proper operation of the project, the Licensee shall allow the public free access, to a reasonable extent, to project waters and adjacent project lands owned by the Licensee for the purpose of full public utilization of such lands and waters for navigation and recreational purposes, including fishing and hunting, and shall allow to a reasonable extent for such purposes the construction of access roads, wharves, landings, and other facilities on its lands the occupancy of which may in appropriate circumstances be subject to payment of rent to the Licensee in a reasonable amount: Provided, that the Licensee may reserve from public access, such portions of the project waters, adjacent lands, and project facilities as may be necessary for the protection of life, health, and property and Provided, further, that the Licensee's consent to the construction of access roads, wharves, landings, and other facilities shall not, without its express agreement, place upon the Licensee any obligation to construct

or maintain such facilities. These facilities are in addition to the facilities that the Licensee may construct and maintain as required by the license.

Article 20. The Licensee shall be responsible for and shall take reasonable measures to prevent soil erosion on lands adjacent to the stream and to prevent stream siltation or pollution resulting from construction, operation or maintenance of the project. The Commission upon request, or upon its own motion, may order the Licensee to construct and maintain such preventive works to accomplish these purposes and to revegetate exposed soil surface as the Commission may find to be necessary after notice and opportunity for hearing.

Article 21. The Licensee shall clear and keep clear to an adequate width lands along open conduits and shall dispose of all temporary structures, unused timber, brush, refuse, or inflammable material resulting from the clearing of lands or from the maintenance or alteration of the project works. In addition, all trees located along the margins of reservoirs within the project boundaries which may die during operations of the project shall be removed. The clearing of the lands and the disposal of the material shall be done with due diligence and to the satisfaction of the authorized representative of the Commission.

Article 22. If the Licensee shall cause or suffer essential project property to be removed or destroyed or to become unfit for use, without adequate replacement, or shall abandon or discontinue good faith operation of the project for a period of three years, or refuse or neglect to comply with the terms of the license and the lawful orders of the Commission mailed to the record address of the Licensee or its agent, the Commission will deem it to be the intent of the Licensee to surrender the license, and not less than 90 days after public notice may in its discretion terminate the license.

Article 23. Upon abandonment of the project the Licensee shall remove all structures, equipment and power lines from the stream and restore said stream to a condition satisfactory to the Commission's authorized representative and shall fulfill such other obligations under the license as the Commission may prescribe.

Article 24. The right of the Licensee and of its transferees and successors to use or occupy waters, over which the United States has jurisdiction, under the license, for the purpose of maintaining the project works or otherwise, shall absolutely cease at the end of the license period, unless Licensee has obtained a new license pursuant to the then existing laws and regulations or an annual license under the terms and conditions of this license.

Article 25. The terms and conditions expressly set forth in the license shall not be construed as impairing any terms and conditions of the Federal Power Act which are not expressly set forth herein.

R E S O L U T I O N

Upon motion made and duly seconded it was unanimously

RESOLVED, that the Resolution of June 19, 1940, authorizing the officers of the Company to apply for and to accept, for and on behalf of this Company, Preliminary Permits and Licenses tendered by the Federal Power Commission be, and hereby is, amended, so as, when amended, it will read as follows:

RESOLVED, that the President or any Vice President of this Company be, and hereby is, authorized and empowered to make application for and to accept, for and on behalf of this Company, subject to the terms and conditions of the Federal Water Power Act of June 10, 1920, and the modifications thereof, Preliminary Permits and Licenses tendered by the Federal Power Commission pertaining to the construction, operation, and maintenance of project works necessary or convenient for the development, transmission and utilization of electrical power and such other applications relating to amendment, withdrawal, retirement, or surrender of part or all of any project or project works, which said President or Vice President may deem proper and for the best interests of this Company; further, said President or Vice President is likewise authorized and empowered to execute an endorsement upon such Preliminary Permits or Licenses, indicating the acceptance of the same for and on behalf of this Company.

RESOLVED FURTHER: That the President or any Vice President of this Company be, and hereby is, authorized and empowered to execute any and all contracts, affidavits, certificates or other instruments in writing necessary or required in connection with the issuance or acceptance of such Permits or Licenses, and/or the construction, maintenance, or operation of the project works thereunder, and to make and enter into agreements with the Federal Power

Commission or its representative pertaining to the adjustment, establishment, and keeping of project accounts thereunder, which said President or Vice President may deem proper and for the best interests of this Company.

RESOLVED FURTHER: That the Secretary or an Assistant Secretary of this Company be, and hereby is, authorized and empowered to affix and attest the Company's corporate seal to such Application, Permits, Licenses, or other documents, and is hereby authorized and empowered to certify the foregoing resolutions to the Secretary of the Federal Power Commission or other officer of the United States having authority in the premises.

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I, FRED L. MICKELSEN, an Assistant Secretary of Utah Power & Light Company, do hereby certify that the foregoing resolutions were duly presented and adopted at a regular meeting of the Board of Directors of this Company held in Salt Lake City, Utah, March 16, 1960, and are in full force and effect as of this date.

Assistant Secretary

(S E A L)

Dated at Salt Lake City, Utah

this 20th day of March, 1969.

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

FILED
OFFICE OF THE SECRETARY
MAR 24 3 43 PM '69
FEDERAL POWER COMMISSION

(Water Rights)

Before Commissioners: Lee C. White, Chairman; L. J. O'Connor, Jr., Carl E. Bagge, John A. Carver, Jr., and Albert B. Brooke, Jr.

Utah Power & Light Company) Project No. 2420

ORDER MODIFYING LICENSE ORDER ON REHEARING

(Issued February 20, 1969)

On January 22, 1969, Utah Power & Light Company (Applicant) filed an application for rehearing of the Commission's Order of December 23, 1968, issuing license under Section 4(e) of the Federal Power Act for the constructed Cutler Project No. 2420, located on the Bear River in Cache and Box Elder Counties, Utah.

Applicant contends that as presently constituted, Article 29 of the license order is ambiguous, in that it is capable of being construed to impair Applicant's water rights under state law. This was of course not the intention of the article which was adopted only to negate any claim that the license, as such, afforded Utah greater rights than it might otherwise have in the event of the various specified types of depletion in stream flow as a result of actions by the United States or parties claiming through the United States. To remove any arguable basis for interpreting the order of December 23, 1968, other than as intended, we shall modify Article 29.

The Commission finds:

It is appropriate and consistent with the public interest that Article 29 of the order issuing license in Project No. 2420 be modified as hereinafter provided.

The Commission orders:

Article 29 of the license order issued December 23, 1968, is hereby modified to read as follows:

> Article 29: This license shall not be construed as affecting in any way any claim the licensee may have concerning its water rights acquired pursuant to State law. Those rights, not this license, shall govern any claim the licensee may advance against the United States or other parties claiming through the United States for any damages resulting from any future depletion in the flow of the waters of the Bear River and its tributaries for the irrigation of lands or other beneficial consumptive uses.

By the Commission.

(S E A L)

Kenneth F. Plumb

Kenneth F. Plumb,
Acting Secretary.

IN TESTIMONY of its acknowledgment of acceptance of all of the provisions, terms and conditions of the order issued December 23, 1968, as modified by this order, Utah Power & Light Company, this 20th day of March, 1969, has caused its corporate name to be signed hereto by John S. Anderson, its Vice President, and its corporate seal to be affixed hereto and attested by Fred L. Mickelsen, its Assistant Secretary, pursuant to a resolution of its Board of Directors duly adopted on the 16th day of March, 1960, a certified copy of the record of which is attached hereto.

UTAH POWER & LIGHT COMPANY

By John S. Anderson
Vice President

Attest:

Asst. Secretary

APPROVED
CHIEF ENGINEER

(Executed in quadruplicate)

UNITED STATES OF AMERICA INSTRUMENT NO. 2
FEDERAL POWER COMMISSION

Before Commissioners: John N. Nassikas, Chairman;
Lawrence J. O'Connor, Jr., Carl E. Bagge,
John A. Carver, Jr., and Albert B. Brooke, Jr.

Utah Power & Light Company) Project No. 2420

ORDER APPROVING REVISED EXHIBIT K
MAP FOR PROJECT

(Issued October 13, 1970)

On March 16, 1970, and supplemented August 14, 1970, Utah Power & Light Company, Licensee for Cutler Project No. 2420, located on Bear River in Cache and Box Elder Counties, Utah, filed Exhibit F and a new and revised Exhibit K map in accordance with Article 31 of the license. There are no U.S. lands within the project boundary.

Article 31 of the license provides that the Licensee shall within one year from the date of issuance of the license (December 23, 1968) file an Exhibit F 1/ and revised Exhibit K. However, by letter dated January 6, 1970, the Secretary extended the time for filing the exhibits through March 23, 1970. The revised Exhibit K shows the project boundary as well as the detail of the project area. The original Exhibit K did not indicate the project boundary.

The Commission finds:

The revised Exhibit K (FPC Nos. 2420 - 8 through - 11) conforms to the Commission's rules and regulations and should be approved and made part of the license for Project No. 2420 and license Exhibit K (FPC No. 2420-2) which has been superseded should be deleted from the license.

1/ Exhibit F does not require Commission approval.

The Commission orders:

The revised Exhibit K map (FPC Nos. 2420 - 8 through - 11) is hereby approved as part of the license for the Project No. 2420 and superseded Exhibit K (FPC No. 2420-2) is hereby deleted from the license.

By the Commission.

(S E A L)

Kenneth F. Plumb

for Gordon M. Grant,
Secretary.

R E S O L U T I O N

Upon motion made and duly seconded it was unanimously

RESOLVED, that the Resolution of June 19, 1940, authorizing the officers of the Company to apply for and to accept, for and on behalf of this Company, Preliminary Permits and Licenses tendered by the Federal Power Commission be, and hereby is, amended, so as, when amended, it will read as follows:

RESOLVED, that the President or any Vice President of this Company be, and hereby is, authorized and empowered to make application for and to accept, for and on behalf of this Company, subject to the terms and conditions of the Federal Water Power Act of June 10, 1920, and the modifications thereof, Preliminary Permits and Licenses tendered by the Federal Power Commission pertaining to the construction, operation, and maintenance of project works necessary or convenient for the development, transmission and utilization of electrical power and such other applications relating to amendment, withdrawal, retirement, or surrender of part or all of any project or project works, which said President or Vice President may deem proper and for the best interests of this Company; further, said President or Vice President is likewise authorized and empowered to execute an endorsement upon such Preliminary Permits or Licenses, indicating the acceptance of the same for and on behalf of this Company.

RESOLVED FURTHER: That the President or any Vice President of this Company be, and hereby is, authorized and empowered to execute any and all contracts, affidavits, certificates or other instruments in writing necessary or required in connection with the issuance or acceptance of such Permits or Licenses, and/or the construction, maintenance, or operation of the project works thereunder, and to make and enter into agreements with the Federal Power

Commission or its representative pertaining to the adjustment, establishment, and keeping of project accounts thereunder, which said President or Vice President may deem proper and for the best interests of this Company.

RESOLVED FURTHER: That the Secretary or an Assistant Secretary of this Company be, and hereby is, authorized and empowered to affix and attest the Company's corporate seal to such Application, Permits, Licenses, or other documents, and is hereby authorized and empowered to certify the foregoing resolutions to the Secretary of the Federal Power Commission or other officer of the United States having authority in the premises.

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I, FRED L. MICKELSEN, an Assistant Secretary of Utah Power & Light Company, do hereby certify that the foregoing resolutions were duly presented and adopted at a regular meeting of the Board of Directors of this Company held in Salt Lake City, Utah, March 16, 1960, and are in full force and effect as of this date.

Assistant Secretary

(S E A L)

Dated at Salt Lake City, Utah

this 20th day of March, 1969.

FEDERAL POWER COMMISSION
WASHINGTON, D.C. 20426

INSTRUMENT NO. 3

IN REPLY REFER TO:

PWR-LP
Project No. 2420-Utah
Utah Power & Light Company

Mr. K. J. Stott
Vice President
Utah Power & Light Company
P.O. Box 899
Salt Lake City, Utah 84110

FEB 4 1977

Subject: Amendment of License Article No. 8
and Addition of Article No. 32
to the License for Project No. 2420.

Dear Mr. Stott:

Pursuant to the authority vested in me by Commission Order No. 550, issued June 24, 1976, and your Application for Amendment of License filed December 30, 1976, you are hereby advised that your license for Project No. 2420 is amended to the following extent.

1. License Article No. 8 is amended by adding the following sentence to the end of the Article.

   This Article is effective through December 29, 1976.

2. The following new Article is added to your license effective December 30, 1976, through the remaining term of the license.

Article No. 32. Pursuant to Section 10(d) of the Act, after the first 20 years of operation of the project under license, a specified reasonable rate of return upon the net investment in the project shall be used for determining surplus earnings of the project for the establishment and maintenance of amortization reserves. One half of the project surplus earnings, if any, accumulated after the first 20 years of operation under the license, in excess of the specified rate of return per annum on the net investment, shall be set aside in a project amortization reserve account as of

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the end of each fiscal year: Provided, that, if and to the extent that there is a deficiency of project earnings below the specified rate of return per annum for any fiscal year or years after the first 20 years of operation under the license, the amount of such deficiency shall be deducted from the amount of any surplus earnings accumulated thereafter until absorbed, and one-half of the remaining surplus earnings, if any, thus cumulatively computed, shall be set aside in the project amortization reserve account; and the amounts thus established in the project amortization reserve account shall be maintained until further order of the Commission.

The annual specified reasonable rate of return shall be the sum of the weighted cost components of long-term debt, preferred stock, and the cost of common equity, as defined herein. The weighted cost component for each element of the reasonable rate of return is the product of its capital ratios and cost rate. The current capital ratios for each of the above elements of the rate of return shall be calculated annually based on an average of 13 monthly balances of amounts properly includable in the Licensee's long-term debt and proprietary capital accounts as listed in the Commission's Uniform System of Accounts. The cost rates for such ratios shall be the weighted average cost of long-term debt and preferred stock for the year, and the cost of common equity shall be the interest rate on 10-year government bonds (reported as the Treasury Department's 10 year constant maturity series) computed on the monthly average for the year in question plus four percentage points (400 basis points).

This document should be regarded as an official license instrument and be filed accordingly.

Very truly yours,

Kenneth F. Plumb

Secretary

FPC Form 510
(1-65)

OPERATION REPORT

TO FEDERAL POWER COMMISSION

For the period May, 1976, to April, 1977

Supervising Agency Federal Power Commission

Office of San Francisco Regional Engineer

Licensee Utah Power & Light Company Project No. 2420

Name of plant Cutler (2 @ 15 MW ea. = 30 MW)

Location Bear River (Waterway or reservation) Utah (State)

License ~~Issued~~ effective May 1, 1965 (Date) to December 31, 1993 for _____ years.

Inspected by Charles E. Madsen Date April 20, 1977

Parts of project inspected All

Memorandum report (attach additional sheets if necessary):

The project consists of Cutler Dam (concrete arch, 110 feet high), Cutler Reservoir (15,300 acre-feet), and the powerhouse.

Inspection made in company of:

Name Carly Burton Representing Licensee
Title Civil Engineer

Name _____ Representing _____
Title _____

Name _____ Representing _____
Title _____

Name _____ Representing _____
Title _____

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Submitted June 3, 1977

Charles E. Madsen
Civil Engineer
(Reporting officer)

6/24/77:el

(Replaces FPC Form 10 which may be used until supply is exhausted)

1. Compliance With the Act and Regulations Thereunder

Section 10(c) Yes X No ____ (explained below)

Part 8 of Regulations

Required? No ____ Yes X : Due to issuance of new license.

Date December 23, 1968

Has Licensee complied? Yes X No ____ (explained below)

2. Project reservoir adequately cleared?

Yes X No additional clearing required.

No ____ (explained below)

3. Compliance With Other License Provisions

Yes X No ____ (explained below)

4. Operation of Reservoir (explained below)

5. Safety and Permanence of Project Works

Hydraulic Control Equipment:

Equipment well maintained? Yes X No ____ (explained below)

Last operation of gates: Letter received indicating gates were operated May 1976.

Part 12:

Last report received October 16, 1975

Accepted? Yes X : By letter of November 23, 1976

No ____ (explained below)

Recommendations: None ____ Yes X (explained below)

6. Efficiency of Operation

Adequate? Yes X No ____ (explained below)

7. Shutdowns and Suspensions

None X Yes ____ (explained below)

8. Additions, Betterments, Retirements

None X Yes ____ (explained below)

9. Needed Extension of Project Works

None X Yes ____ (explained below)

10. Nonproject Extensions or Additions

None X Yes ____ (explained below)

11. Lease or Nonproject Use of Project Property

None X Yes ____ (explained below)

12. Matters Requiring Commission Action

None X Yes ____ (explained below)

13. Recreation, Fish and Wildlife (explained below)

14. Other Matters of Interest to the Commission

None X Yes ____ (explained below)

Explanations and Other Remarks

4. Operation of Reservoir

Power is generated at the project only when water in excess of irrigation requirements is available. Irrigation water is drawn from the reservoir through two canals, one at each abutment of the dam.

The reservoir surface was free of debris.

5. Safety and Permanence of Project Works

The consultant, in the second safety inspection report, recommended that (1) cracks in the spillway piers be photographed for future reference, (2) skin plates of the spillway gates be repaired, and (3) the penstock be unwatered and inspected from the inside sometime before mid 1980. With regard to the respective recommendations Mr. Burton said (1) he was not aware of the recommendation to photograph the piers (however, during the 1976 inspection Mr. Haight said photos were taken), (2) new skin plates were welded over the existing plates during the fall of 1976, and (3) the penstock will be inspected sometime in 1977. It appeared to me that the job of adding the new skin plates was well done.

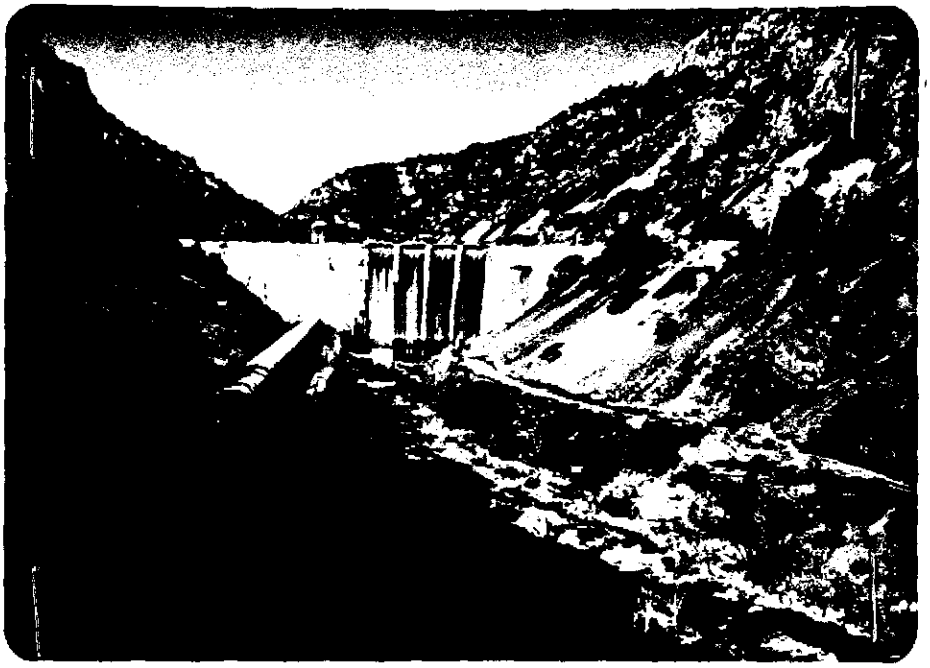
All project structures appeared to be in good condition.

13. Recreation, Fish and Wildlife

There is no provision in the license which pertains to fish or wildlife.

No recreation facility is provided and no recreationist was observed.

Project No. 2420-Utah
Utah Power & Light Company, Licensee



1. Cutler Dam and Penstock.

C. E. Madsen
April 20, 1977

13-4129

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

PacifiCorp

Project No. 472-013
Idaho

ORDER APPROVING REVISED EXHIBITS K AND L

(Issued December 27, 1994)

On August 9, 1994, PacifiCorp, licensee for the Oneida Project, FERC No. 472, filed revised exhibits K and L showing the location of the emergency generator and new butterfly valves at the Oneida powerhouse.

In accordance with the plan and schedule for the 1993 Part 12 Independent Consultant Safety Inspection Report, exhibit K shows the location of the emergency generator and exhibit L shows the new butterfly valves. The revised exhibits K and L conforms to the Commission's rules and regulations.

The Director orders:

(A) The revised exhibit K and L drawings filed on August 9, 1994 are approved. The drawings are made part of the license and numbered as follows:

EXHIBIT	FERC NO.	TITLE	SUPERSEDED/ DELETED
K (Sheet 2 of 2)	472-33	Detail Map of Project Area	472-31
L (Sheet 2 of 4)	472-34	Powerhouse Section and Surge Tank Elevation and Section	472-24

(B) The superseded exhibit K and L drawings are eliminated from the license.

(C) Within 90 days of the date of issuance of this order, the licensee shall file an original and three duplicate aperture cards of approved drawings. The original should be reproduced on silver or gelatin 35mm microfilm. The duplicates are copies of the original made on Diazo-type microfilm. All microfilm should be mounted on Type D (3 1/4" x 7 3/8") aperture cards.

Prior to microfilming, the FERC Drawing Number (472-33 and 472-34) shall be shown in the margin below the title block of the approved drawings. After mounting, the FERC Drawing Number should be typed on the upper right corner of each aperture card.

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Additionally, the Project Number, FERC exhibit (i.e., K and L), Drawing Title, and date of this order should be typed on the upper left corner of each aperture card.

The original and one duplicate set of aperture cards should be filed with the Secretary of the Commission. One duplicate set of aperture cards should be filed with the Commission's San Francisco Regional Office. The remaining duplicate set of aperture cards should be filed with the Bureau of Land Management's Idaho State Office.[1]

(D) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the issuance date of this order, pursuant to 18 C.F.R. §385.713.

J. Mark Robinson
Director, Division of Project
Compliance and Administration

[1] The address for the Bureau of Land Management's Idaho State Office is as follows:

State Director
Idaho State Office
Bureau of Land Management
Land Services Section (ID-943A)
Attn: FERC Withdrawal Recordation
3380 Americana Terrace
Boise, ID 83706-2500

FPC Form 847

LICENSED PROJECT PROCEEDING

FP #1627

PROJECT NO. 2420

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Department of Water Resources

In the matter of: Utah Power & Light Company

Effective: 5/1/65

Period:

Permit:

License:

Expires: 12/31/93

Construction completed: In operation

Hearings

Project Location:

cutler

Licensee-Tre [redacted]

Effective Date:

Amendments:

Instrument No. 2

Issued: 10/13/70

Cost Determination:

Cost $ as of determined

Date	Docket Entries
1963	
Oct. 25	Filed Apolication for license (Major) for, or disclaimer of jurisdiction over, operation and maintenance of constructed Cutler Project on Bear River in Cache and Box Elder Counties, Utah, with Exhibits E, G, H, I, M, N, O, P, Q and R.
Oct. 31	Filed letter from applicant submitting tracing Exhibits J, K, and L as part of application last above.
Nov. 27	Letters (3) sent to following enclosing copy of application filed 10/25/63 for report within 90 days: Chief of Engineers Secretary of Interior Secretary of Health, Education and Welfare
Dec. 5	Notice of Application filed 10/25/63 issued. (Due Date: 1/17/64) (Pub: 12/12/63; 12/19/63; 12/26/63)
Dec. 17	Amended Notice of Application filed 10/25/63 issued. (Due Date: 2/13/63) (Pub: 12/31/63-1/7/64; 1/14/64)
Dec. 18	Advertising order sent to Box Elder Journal, Brigham City, Utah, and Herald-Journal, Logan, Utah, for publication of Notice of Application filed 10/25/63.
1964	
Jan. 9	Filed letter from Orville Gray in protest to application filed 10/25/63.
Jan. 16	Filed comment of State of Utah department of Fish and Game, pursuant to notice sent 12/5/64.
Feb. 20	Filed Report of Chief of Engineers, pursuant to letter sent 11/27/63.
Mar. 2	Filed Report of Secretary of Health, Education and Welfare, pursuant to letter sent 11/27/63.
1964	
Feb. 27	Filed proof of publication of notice of application filed 10/25/63 in Box Elder Journal, Brigham City, Utah, and Herald-Journal, Logan, Utah, pursuant to advertising order sent 12/18/63.
Mar. 26	Filed letter on behalf of Secretary of Interior, reporting views on application, pursuant to letter sent 11/27/63.
1968	
Dec. 23	Order issued issuing license (Major) and dismissing request for disclaimer of jurisdiction filed in application on 10/25/63.
1969	
Jan. 22	Filed applicant's application for rehearing of order issued last above.
Feb. 20	Order issued modifying Article 29 of order issued 12/23/68.
~~Mar. 24~~	~~Letter sent to Licensee advising that License has been properly executed and~~
Mar. 24	License executed and accepted on 3/20/69 and filed together with a certified copy of resolution of Board of Directors authorizing such acceptance and accepting order modifying license last above. (OGC)
Mar. 24	Filed Licensee's Statement showing the amount of kilo-hours generated during the period 5/1/65 to 12/31/68.

(Continued)

FPC Form No. 659

Proj. DOCKET NO. 2420

In the matter of: UTAH POWER & LIGHT COMPANY

Sheet No. 2

Date	DOCKET ENTRIES
1969	
Apr. 14	Letter sent to Licensee advising that license issued 12/23/68, as modified by order issued 2/20/69 has been properly executed and accepted.
May 29	**Filed Licensee's motion for extension of time to file initial cost statement.**
June 16	Letter sent to License granting an extension of time of six months to 12/23/69, pursuant to request last above.
Dec. 23	Filed Licensee's initial statement showing actual legitimate original cost of project.
Dec. 31	**Filed Licensee's Motion requesting an extension of time of an additional 90 days within which to file Revised Exhibits K and F.**
1970	
Jan. 6	Letter sent to Licensee extending time to and including 3/23/70, pursuant to request last above.
Jan. 15	Filed Licensee's Statement showing the gross amount of kilowatt hours generated during the year 1969.
Mar. 16	Filed Licensee's letter submitting Exhibit F and revised Exhibit K for approval (tracings received)
Mar. 31	Filed Licensee's FPC Form 80, Licensed Projects Recreation Report.
Aug. 14	Filed letter from Licensee submitting Corrected Revised Exhibit K. (Tracing and Prints received) (Licensed Project).
Oct. 13	Order issued approving revised Exhibit K map for project. (Designated Instrument No. 2)
Nov. 2	Filed Licensee's Safety Inspection Report, pursuant to Commission Order No. 315.
1971	
Jan. 19	Filed Licensee's Statement showing the gross amount of kilowatt hours generated during the calendar year 1970.
Sept. 23	**Filed Licensee's FPC Form 80 Recreation Report No. 2.**
1972	
Jan. 17	Filed Licensee's Statement showing the gross amount of kilowatt hours generated during the calendar year 1971.
1973	
Jan. 22	**Filed Licensee's statement showing the gross amoung of kilowatt hours generated during the calendar year 1972.**
Feb. 16	Filed Licensee's revised initial statement showing actual legitimate original cost and estimated accrued depreciation of project.
Sept. 24	Filed Licensee's FPC Form 80, Licensed Projects Recreation Report No. 3.
1974	
Jan. 22	**Filed Licensee's statement showing the gross amount of kilowatt hours generated during the calendar year 1973.**
May 6	**Filed Licensee's statement of actual legitimate original cost of construction of Cutler Hydroelectric Project.**
1975	
Jan. 23	Filed Licensee's statement showing the gross amount of kilowatt hours generated during the calendar year 1974.

(over)

DOCKET NO.

Date	DOCKET ENTRIES
1975 Oct. 20	Filed Licensee's FPC Form 80, Licensed Projects Recreation Report No. 4.
1976 Feb. 13	Filed Licensee's statement showing the gross amount of kilowatt-hours generated during the calendar year 1975.
Dec. 30	Filed Licensee's letter requesting the new specified reasonable rate of return as provided in Order 550.
1977 Jan. 21	Filed Licensee's statement showing the gross amount of kilowatt-hours generated during the calendar year 1976.
Feb. 4	Letter sent to Licensee amending Article No. 8 and adding new Article No. 32.
Feb. 4	Commission Letter sent last above issued and served on parties of record. (Designated Instrument No. 3)
1978 Jan. 20	Filed Licensee's statement showing the gross amount of kilowatt-hours generated during the calendar year 1977.
1979 Jan. 22	Filed Licensee's statement showing the gross amount of kilowatt hours generated during the calendar year 1978.
1980 Jan. 24	Filed Licensee's statement showing the gross amount of kilowatt hours generated during the calendar year 1979.
Sept. 3	Filed Licensee's Part 12 Safety Inspection Report.
1981 Jan. 26	Filed Licensee's statement showing the gross amount of kilowatt hours generated during the calendar year 1980.
1982 Feb. 1	Filed Licensee's statement showing the gross amount of kilowatt hours generated during the year 1981.
1980 *Dec. 31	Filed Licensee's FERC Form 80 Licensed Hydropower Development Recreation Report.
1983 Jan. 20	Filed Licensee's statement of gross generation for the calendar year 1982.
July 27	Filed Licensee's FERC Form 80 Report.
1984 Jan. 31	Filed Licensee's conveyance report for the calendar year of 1983.
1985 Jan. 18	Filed Licensee's statement of gross generation for the calendar year ended 12/31/84.
Jan. 28	Filed Licensee's conveyance report of project lands pursuant to Article 5 of FERC License for Utah Power & Light Company's Cutler Project during 1984.
1986 Jan. 24	Filed Licensee's conveyance report for the calender year of 1985.
Feb. 13	Filed Licensee's statement of gross generation for calendar year ended 12/31/85.
Apr. 21	Filed Licensee's Safety Inspection Report.