

PUBLISHER'S AFFIDAVIT

COUNTY OF GOODING, }
STATE OF IDAHO } ss.

F. F. Swan, being first
duly sworn, deposes and says that he is
Publisher of The Good-
ing Leader, a weekly newspaper published at
the City of Gooding, in said County and State;
that a notice, of which the annexed is a true
copy, was published in the said newspaper for
at least four consecutive
issues, commencing with the issue dated
January 12, 1922 and ending with
the issue dated Feb. 2, 1922
in the regular and entire issue of said paper
and not in any supplement thereof.

F. F. Swan

Affiant's Signature.

Subscribed and sworn to before me this
7th day of February, 1922

E. L. Hilson

Notary Public.

Residing at Gooding, Idaho.

NOTICE FOR PUBLICATION

Notice of Proof Application of Water
to Beneficial Use

Notice is hereby given that at 10
a.m. on the 11th day of February,
1922, at Boise, county of Ada, state
of Idaho, before E. C. Kiersted, no-
tary public, proof will be submitted
of the application to beneficial use of
600 cubic feet per second of the wa-
ters of Thousand Springs and Snow
Bank Springs in accordance with the
terms and conditions of Permit No.
9066 heretofore issued by the state
engineer of the state of Idaho.

The name and postoffice address of
the person or corporation holding
said permit are Idaho Power Com-
pany, Boise, Idaho.

The use to which said water has
been applied is generating electric
energy.

The amount applied to beneficial
use is 600 cubic feet per second.

The place where said water is used
(if for irrigation, give full and accu-
rate description of the lands irrigated,)
Thousand Springs Power station in
Gooding county, Idaho.

The date of the priority which said
user is prepared to establish is No-
vember 20, 1912

W. G. SWENDSEN,
4-7. Commissioner of Reclamation.

9066

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 10:00 a. m. on the 11th day of February, 1922,
at Boise, County of Ada, State of Idaho,
before E. C. Kiersted, Notary Public, proof will be submitted
of the application to beneficial use of -892- 600 cubic feet per second of the
waters of Thousand Springs & Snow Bank Springs in accordance with the terms and conditions of
Permit No. 9066 heretofore issued by the State Engineer
of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are

Idaho Power Company, Boise, Idaho,

The use to which said water has been applied is generating electric energy

The amount applied to beneficial use is 892 cubic feet per second

The place where said water is used (if for irrigation, give full and accurate description of the
lands irrigated) Thousand Springs Power Station in Gooding County, Idaho

The name of the canal or ditch or other works by which said water is conducted to such place of use
is

The right to take water from such works is based upon Permit No. 9066

The source of supply from which such water is diverted is Thousand Springs & Snow Bank
Springs

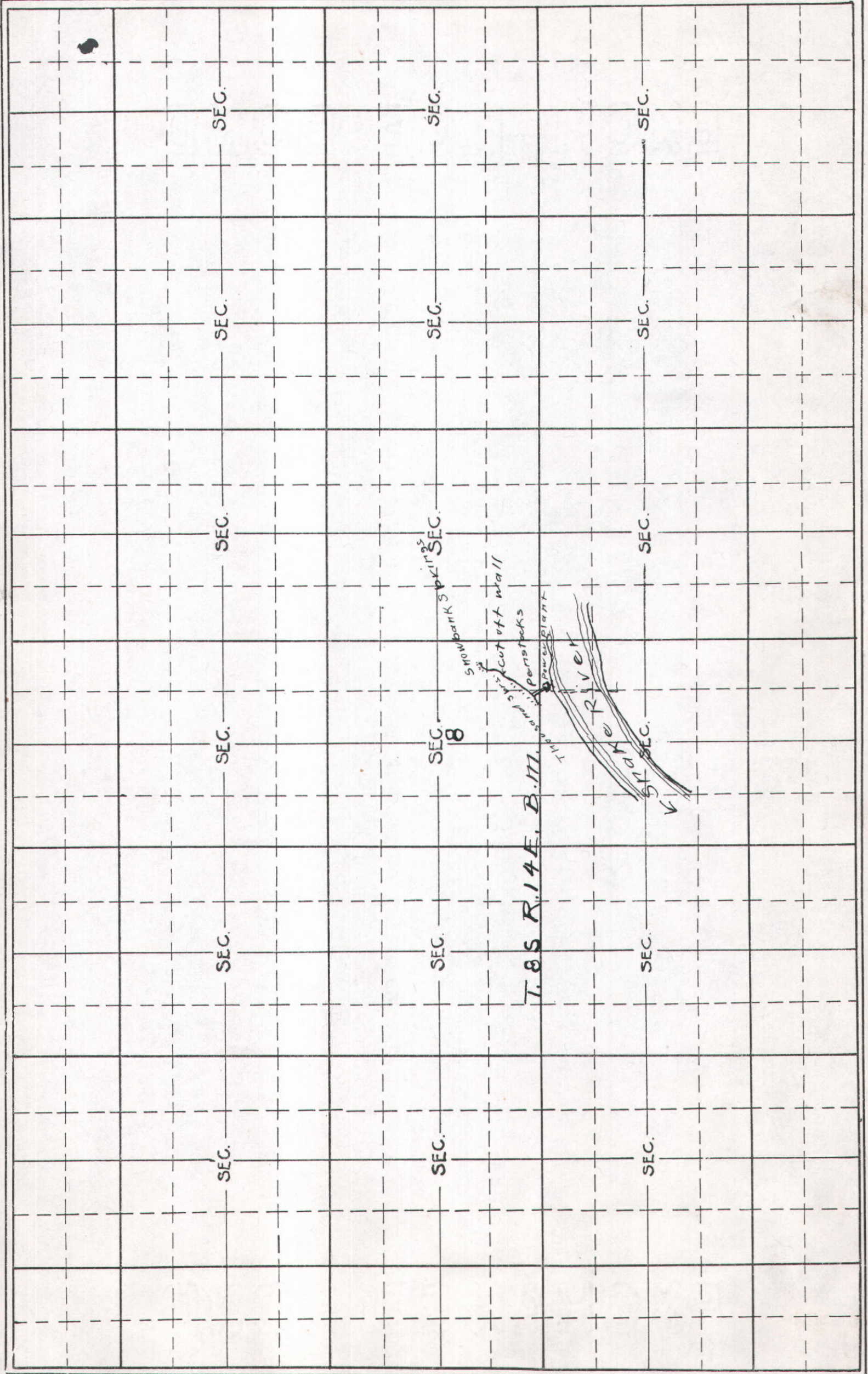
The date of the priority which said user is prepared to establish is November 20, 1912.

W. G. Swendsen,
Commissioner of Reclamation.

9066

SW 8E 10
NW 8E - 8-88-14E B, 24,
- 63 -

Name of Applicant - Idaho Power Co. -----



Notice of Publication.

Notice is hereby given that at 2 o'clock p. m. on the 11th day of February, 1918, at the office of the State Engineer of Idaho, in Boise, County of Ada, State of Idaho, before J. H. Smith, State Engineer, proof will be submitted of the completion of works for the diversion of 892 cubic feet per second of the waters of Thousand Springs and Snow Bank Springs in accordance with the terms and conditions of a certain permit heretofore issued by the State Engineer of the State of Idaho.

1. The name of the person or corporation holding said permit is Idaho Power Company.

2. The postoffice address of such person or principal place of business of such corporation is Boise, County of Ada, State of Idaho.

3. The number of such Permit is 9066, and the date set for the completion of such work is February 11, 1918.

4. Said water to be used for power purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place intended for use, in accordance with the plans accompanying the application for such permit is 892 cubic feet per second.

The place of use of said water is at power house, from the east corner of which the S. E. corner of Sec. 3, T. 8 S., R. 14 E., B. M., bears S. 60° O. E. 3060 feet.

J. H. SMITH,
State Engineer.

Affidavit of Publication

RECEIVED

FEB 18 1918

OFFICE OF STATE ENGINEER

State of Idaho, Gooding County, ss.

Wm A. Bure being duly sworn, says that he is of lawful age and is the Publisher of *The Wendell Irrigationist*, a weekly newspaper published at Wendell, in said County and State; that the printed copy of *Notice of Publication* hereto annexed, was published in said newspaper once each week for *4* weeks, commencing on the *10th* day of *January* 191*8*, and ending on the *31st* day of *January* 191*8*; and that no publication was made in a supplement.

Wm A. Bure
Subscribed and sworn to before me this *15th* day of *Jan*

191*8*

Hubbard
Notary Public in and for said County and State, residing at Wendell, Idaho.

RECEIVED

JAN 11 1918

(Place) *Wendell, Idaho*

(Date) *Jan 9 - 1918*

State Engineer, Boise, Idaho.

Dear Sir:

I have your letter of *Jan 8* enclosing Notice of Proof of Completion of Works and ~~Beneficial Use of Water~~ under Permit No. which will be published as you request, beginning with our issue of *Jan 10-*

9066

THE WENDELL IRRIGATIONIST,

Wendell
PUBLISHER.

STATE OF IDAHO

License and Certificate of Water Right

Water License No. 9066

Amount 600 sec. ft.

Water District No. 63

Priority 11-20-1912

THIS IS TO CERTIFY that The Thousand Springs Power Company, of Salt Lake City, Utah, made application for a permit to appropriate the public waters of the State of Idaho, dated November 20, 1912; that Permit No. 9066 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 600 second feet, was issued thereunder on May 10, 1918, showing that said works were completed on the 11th day of February, 1918; that on the 21st day of March, 1917, The Thousand Springs Power Company transferred all its right, title and interest in and to said permit to The Idaho Power Company; and that on the 11th day of February, 1922, The Idaho Power Company of Boise, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of a right to the use of the waters of Thousand Springs and Snow Bank Springs, for power purposes, under Use Permit No. 9066 of the State Engineer, 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 6 of Licenses, at page 3056, on the 5th day of July, 1923;

The right hereby confirmed dates from November 20, 1912;

The Points of Diversion are located in the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ and NW $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 8, Tp. 8 S., R. 14 E., B. M. County of Gooding.

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 600 cubic feet per second.

That the place of use of said water is at the Thousand Springs Power Station, in Gooding County, Idaho.

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 5th day of July, 1923.

(SEAL)

W. G. SWENDSEN,
Commissioner of Reclamation

No. 1 3385.

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: **The Thousand Springs Power Company.**Postoffice address: **Salt Lake City,** County: **Salt Lake State:** **Utah.**

I. If applicant is a corporation, give

(a) Date and place of incorporation: **Arizona - November 13th, 1911.**(b) The amount of capital stock: **\$3,000,000.00** (c) The amount paid in: **\$2,406,900.00**(d) Names and addresses of directors: **John Dern, W. W. Armstrong, David Keith, W. V. Rice, George Dern, Lafayette Hanchett, Salt Lake City, Utah and F. P. Dewey, Georgetown, Colorado; L. A. Newell & J. J. Crippen, Denver, Colorado.**II. The financial resources of the applicant are: (a) Cash on hand: **\$2000.00**(b) Treasury stock: **\$593,100.00** (c) Bonds to be issued: **\$1,250,000.00**(d) Other resources: **\$350,000.00 consisting of real estate & Personal property.**2. The quantity of water claimed is **892** cubic feet per second.3. Source of water supply: **Thousand Springs and Snow Bank Springs (See Remarks #1)**4. Location of point of diversion: **(See Remarks No. 1.)**County of **Lincoln.**5. To be used for: **Power purposes.**I. Irrigation and domestic use: (a) Amount of land to be irrigated: _____ acres.
(b) In the following legal subdivisions:

II. Mining, milling, power, manufacturing, transportation or other purposes:

[a] At what point: **Power House from the East corner of which the SE cor. of Sec. 8, T. 8 S. R. 14 E. B. M. bears South 60° 0' E. 3060 feet.**[b] Amount of power to be generated: **12,000** H. P. under **185** ft. head[c] Is water to be returned to any stream? **Yes** (d) If so, name stream and locate point of return: **Thousand Springs Creek at a point from which the SE Cor. Sec. 8 Twp. 8 S. R. 14 E. B. M. bears S. 62° 35' E. 3140 feet.**6. Estimated cost of works: **\$100,000.00**

7. Description of works for diversion:

I. Kind of works: **Concrete wall (and steel pipe lines leading from same to Power House.**

II. Dimensions of works:

[a] Height of dam **Av. 8** feet, length of dam at top **1942** feet,length of dam at bottom **1942** feet. Material used in construction: **Concrete.**[b] Capacity of reservoir **2** acre feet. [c] Size of headgate, width **6** feet,**There will be four headgates in number**Height **4½** feet. [d] Conduit **steel pipes** width at bottom _____ feet,width at water line _____ feet, depth of water _____ feet, diameter of pipe **each 270 feet****a part of each** inches, average grade per mile is _____ feet. Length of conduit is **approx. 2700 feet** and it crosses the following quarter sections: **NW¼ of SE¼ and NE¼ of SW¼ of Sec. 8, T. 8 S. R. 14 E., B. M., the conduits referred to and the only conduits in the system properly so called will be the pressure pipes from the concrete wall or dam (See Remarks #1) to the power house at point of use. These conduits will be four in number 2-42" steel pipes and 2 - 72" steel pipes (or concrete lined tunnel in place of the 72" steel pipes) from dam to Power House**8. The time required for the completion of the construction of such work is **five years.**9. Time required for the complete application of the water to the proposed use is **four** 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.

The Thousand Springs Power Company,
Applicant.By **Lafayette Hanchett**

Agent.

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Date of first receipt at office of State Engineer : 9.00 a.m. November 20, 1912.

Returned to applicant for correction November 25, 1912.

Corrected application received January 24, 1913.

APPROVAL OF STATE ENGINEER.

The number of this permit is 9066.

Recorded in Book 29 Page 9066

Approved

February 11, 1913.

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 approve the same, subject to the following limitations and conditions.

Bond in the sum of \$1,784.00 to be filed on or before April 12, 1913.

Work to begin on or before and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before August 11, 1915.

The whole of said work to be completed on or before February 11, 1918.

Beneficial use of water appropriated in accordance herewith, to be made on or before February 11, 1922.

Witness my hand this 11th day of February, 1913.

A. R. Robinson,
State Engineer.

Remarks.

#1. The water hereby appropriated issues from the face of a lava cliff in innumerable springs so close together as to form practically a continuous sheet of water rather than distinct and separate springs or streams. These springs are called the Thousand Springs and Snow Bank Springs but it is impossible to determine where the so called Thousand Springs merge into the Snow Bank Springs, wherefore the two are referred to in this application as designating one continuous body of springs situate in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, all in Sec. 8, T. 8 S., R. 14 E. B. M.

REMARKS #2. For the sake of convenience, consolidation and brevity it is intended that this application be and the same is in effect a refiling of applications numbers respectively 5556, 7127 and 7686, each of which is at the present time in good standing.

REMARKS #3. Title to the land upon which are situated all the springs by this application sought to be appropriated is in the applicant in fee simple.

THIS INDENTURE MADE this 21st day of March, A. D., 1917, by and between THE THOUSAND SPRINGS POWER COMPANY, a corporation organized and existing under the laws of the State of Arizona, party of the first part, and IDAHO POWER COMPANY, a corporation organized and existing under the laws of the State of Maine, party of the second part; WITNESSETH, THAT:

WHEREAS, it is the desire and intention of the party of the first part to abandon its corporate enterprise, surrender its charter and corporate name, and dissolve said corporation, dispose of all the property and corporate assets of said Company, wind up its affairs and after the payment of its corporate debts, distribute its assets then remaining, among those legally entitled thereto; and

WHEREAS, the party of the first part pursuant to this intent and purpose, hereinbefore stated, has by Resolutions of its stockholders and directors fully authorized the sale to the party of the second part of all its assets of every kind and character, except its franchise, cash on hand, bills and accounts receivable, but including the power plant, water rights, and property hereinafter particularly described.

NOW, THEREFORE, the party of the first part for and in consideration of the sum of TEN THOUSAND DOLLARS (\$10000.00) and other good and valuable considerations to it paid by the party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, sold, conveyed and confirmed, and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second part, and to its successors and assigns for ever,

Recorded by *eyb*
Checked by *eyb*

MICROFILMED

all the following described lots, pieces and parcels of land situate in Gooding County, State of Idaho, to-wit:

The West one-half of the Southeast Quarter ($W\frac{1}{2} SE\frac{1}{4}$) of Section Eight (8), Township Eight (8) South, Range Fourteen (14) East, Boise Meridian, containing Eighty acres, more or less.

That certain tract of land particularly described as follows, to-wit: Commencing at the quarter-corner on the south side of Section Eight (8), Township Eight (8) South, Range Fourteen (14) East, Boise Meridian, and running thence north 45° west two hundred forty (240) feet to the center of the channel of Big Slough that drains the Snow Bank Spring; thence in a northerly direction along the center of the slough to a point that is twelve hundred (1200) feet south and two hundred (200) feet west to the center of said section; thence north four hundred fifty (450) feet; thence north 28° west eight hundred thirty (830) feet, more or less, to a point on the north line of the southwest quarter of Section Eight aforesaid, that is five hundred eighty nine (589) feet west of the center of said Section Eight; thence east on said north line two hundred forty two (242) feet, more or less, to the top of the lava bluff (or rim rock); thence south 28° east seven hundred fifty (750) feet, more or less, to the intersection with the east line of the southwest one-fourth of said Section Eight and on top of lava cliff; thence south to the place of beginning, the quarter corner on the south side of Section Eight (8), Township Eight (8), South, Range Fourteen (14) East, Boise Meridian, containing twelve and thirty five hundredths (12.35) acres, more or less.

Also all water, water rights, water powers, easements, rights to flow lands, dams, raceways, canals, buildings, power plants, power stations, equipment, engines, Boilers, dynamos, electric machines, generators, meters, lines, transmission lines, poles, wires, cables, pipes, mains and all other electric equipment and apparatus, and all kinds of machinery and tools, and all materials and other supplies which are now held for use in operating, repairing or replacing the water power plants or the electric light and power system or systems of the party of the first part.

Also all franchises, licenses, easements, rights, privileges and immunities belonging to the party of the first part.

TOGETHER WITH all water and water rights, reservoirs, canals, reservoir and power sites in, under, over and upon the land and premises hereinabove described and any and every portion thereof, appurtenant or incidental to said premises, or any portion thereof, for power purposes, or any other purpose whatsoever, including all rights acquired by use, purchase or gift, and including both recorded rights and those based upon appropriation and use.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances belonging or in any wise appertaining to the aforesaid property, or any part thereof; and all the estate, right, title, interest, claim or demand whatsoever of said party of the first part, both in law and in equity, or otherwise, of, in and to or out of the above bargained premises, with the hereditaments and appurtenances; to have and to hold the said premises with the appurtenances thereunto belonging unto the said party of the second part, its successors and assigns, forever.

MICROFILMED

AND SAID THE THOUSAND SPRINGS POWER COMPANY, party of the first part, for itself and its successors, does covenant, promise, grant and agree, to and with said party of the second part, its successors and assigns, that at the time of the ensealing and delivery of these presents, it is well seized of the premises above conveyed, as of a good, sure, perfect, absolute and indefeasible estate of inheritance in law, in fee simple, and has good right, full power, and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, judgments, taxes, assessments, and incumbrances of every kind or nature whatsoever.

IN TESTIMONY WHEREOF said THE THOUSAND SPRINGS POWER COMPANY has hereunto caused its corporate seal to be affixed and these presents to be signed by its President and attested by its Secretary the day and year first hereinabove written.

THE THOUSAND SPRINGS POWER COMPANY,

By JOHN DERN,

PRESIDENT.

SIGNED, SEALED AND DELIVERED

IN PRESENCE OF

Geo. T. Petersen

A. Davies

A T T E S T:

Lafayette Hanchett

(SEAL) Secretary.

STATE OF UTAH :

(ss.
COUNTY OF SALT LAKE: ss.

On this 21st day of March A. D., 1917, personally appeared before me JOHN DERN, known to me to be the President of the corporation that executed the within instrument, and acknowledged to me that said corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)

My Commission Expires

Nov. 2, 1920.

Otto P. Hoebel

Notary Public residing at

Salt Lake City, Utah.

Received and filed for record in the office of the State Engineer at Boise, Idaho, at 11:30 A. M., December 10th, 1917.

J. H. Smith,

State Engineer.

MICROFILMED

Proof of Completion of Works made February 11, 1918
 Certificate of Completion of Works issued May 10, 1918.

PERMIT NO. 9066

+ CERTIFICATE OF COMPLETION OF WORKS

To All Whom It May Concern:

This is to certify that The Idaho Power Company of Boise, County of Ada, and State of Idaho, the holder of Permit No. 9066, issued upon Application No. 13385, bearing date of priority of November 20, 1912, authorizing the diversion of 892 second feet of the waters of Thousand Springs and Snow Bank Springs, County of Lincoln, 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 600 second feet of the waters of Thousand Springs and Snow Bank Springs; that the points of diversion of said waters are in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, T. 8 S., R. 14 E.B.M., and that the place of use of said water is at the Power House, from the East corner of which the SE cor. of Sec. 8, T. 8 S., R. 14 E. B. M. bears South 60° 0' E. 3060 feet.

WITNESS my hand this 10th day of May, A. D. 1918.

FRED A. WILKIE
 State Engineer of the State of Idaho

License issued for 600 second feet

Bk. 6 Page 3056

MICROFILMED

This
Right has been
Decreed in the
SRBA.

MICROFILMED
JUN 02 2004

FILED 4/75
P.M.

MAR 9 1990

JOHN EASTDA CLERK
BY *Martin Martinez* DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

* * * * *

IDAHO POWER COMPANY,	)	Case No. 62237
a corporation,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	<u>CONSENT JUDGMENT</u>
	)	
STATE OF IDAHO, IDAHO DEPARTMENT	)	
OF WATER RESOURCES, et al.	)	
	)	
Defendants.	)	

* * * * *

Upon stipulation of Plaintiff and the State
Defendants, and good cause appearing;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. Idaho Power Company's water rights shall be as
follows (bracketed names below refer to Company projects):

A. State Water License Numbers 36-2013
(Thousand Springs), 37-2128 & 37-2472 (Lower
Malad), 37-2471 (Upper Malad), 36-2018
(Clear Lake), 36-2026 (Sand Springs),
02-2057 (Upper Salmon), 02-2001A, 02-2001B,
02-2059, 02-2060 (Lower Salmon), 02-2064,
02-2065 (Bliss), 02-2056 (Twin Falls),
02-2036 (Shoshone Falls), 02-2032, 02-4000,
02-4001, and Decree Number 02-0100 (Swan

JUN 02 2004

1 Falls) entitle the Company to an
2 unsubordinated right of 3900 c.f.s. average
3 daily flow from April 1 to October 31, and
4 5600 c.f.s. average daily flow from November
5 1 to March 31, both to be measured at the
6 Murphy U.S.G.S. gauging station immediately
7 below Swan Falls. These flows are not
8 subject to depletion. The Murphy gauging
station is located at latitude 43°17'31",
Longitude 116°25'12", in NW1/4 NE1/4 SE1/4
of Section 35 in Township 1 South, Range 1
West, Boise Meridian, Ada County Hydrologic
Unit 17050103, on right bank 4.2 miles
downstream from Swan Falls Power Plant, 7.5
miles NE of Murphy, at river mile 453.5.

9 B. The Company is also entitled to use the
10 flow of the Snake River at its facilities to
11 the extent of its actual beneficial use, but
12 not to exceed those amounts stated in State
13 Water License Numbers 36-2013 (Thousand
14 Springs), 37-2128 & 37-2472 (Lower Malad),
15 37-2471 (Upper Malad), 36-2018 (Clear Lake),
16 36-2026 (Sand Springs), 02-2057 (Upper
17 Salmon), 02-2001A, 02-2001B, 02-2059,
18 02-2060 (Lower Salmon), 02-2064, 02-2065
19 (Bliss), 02-2056 (Twin Falls), 02-2036
20 (Shoshone Falls), 02-2032, 02-4000, 02-4001,
21 and Decree Number 02-0100 (Swan Falls), but
22 such rights in excess of the amounts stated
23 in 1(A) shall be subordinate to subsequent
24 beneficial upstream uses upon approval of
25 such uses by the State in accordance with
26 State law unless the depletion violates or
27 will violate paragraph 1(A). Company
28 retains its right to contest any
appropriation of water in accordance with
State law. Company further retains the
right to compel State to take reasonable
steps to insure the average daily flows
established by this Agreement at the Murphy
U.S.G.S. gauging station. Average daily
flow, as used herein, shall be based upon
actual flow conditions; thus, any
fluctuations resulting from the operation of
Company facilities shall not be considered
in the calculation of the minimum daily
stream flows set forth herein. This
paragraph shall constitute a subordination
condition.

C. The Company's rights listed in
paragraph 1(A) and 1(B) are also subordinate
to the uses of those persons dismissed from
Ada County Case No. 81375 pursuant to the

1 contract executed between the State and
2 Company implementing the terms of Idaho Code
3 §§61-539 and 61-540.

4 D. The Company's rights listed in
5 paragraph 1(A) and 1(B) are also subordinate
6 to those persons who have beneficially used
7 water prior to October 1, 1984, and who have
8 filed an application or claim for said use
9 by June 30, 1985.

10 E. Company's ability to purchase, lease,
11 own, or otherwise acquire water from sources
12 upstream of its power plants and convey it
13 to and past its power plants below Milner
14 Dam shall not be limited by this agreement.
15 Such flows shall be considered fluctuations
16 resulting from operation of Company
17 facilities.

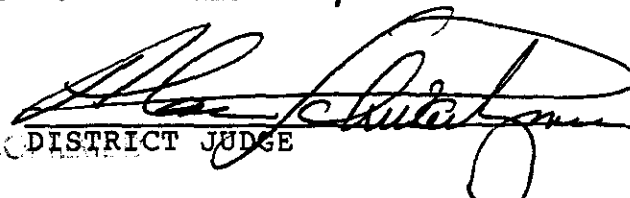
18 2. The above-captioned case is hereby dismissed
19 without prejudice as to all remaining defendants other than the
20 State Defendants.

21 3. The above-captioned case is hereby dismissed with
22 prejudice as against the State defendants as to all claims of
23 plaintiff not resolved by the decisions of the Idaho Supreme
24 Court reported as Idaho Power Company v. State of Idaho, 104
25 Idaho 570, 661 P.2d 736 and 104 Idaho 575, 661 P.2d 741 (1983)
26 or by the entry of this Judgment.

27 4. The Swan Falls Agreement, dated October 25, 1984,
28 shall not be merged into nor integrated with this Judgment, but
shall remain in full force and effect independent of this
Judgment.

5. Each and all parties shall bear their own costs.

DATED this 17th day of March, 1980


MICRODISTRICT JUDGE

JUN 02 2004



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

August 26, 1986

Senator Laird Noh
Rt. 1, Box 65
Kimberly, ID 83341

Re: Federal Energy Regulatory Commission (FERC) License
at Thousand Springs

Dear Senator Noh:

Per your request yesterday, I attempted to obtain a copy of Idaho Power Company's FERC license for their power plant at Thousand Springs. I contacted Richard Kindsvatter of the PUC (334-3424) who made a surprising discovery.

It appears that the Idaho Power Company (IPCO) hydropower plants at Thousand Springs and at Clear Lakes are the only two IPCO hydropower operations that do not currently have FERC licenses. He verified this fact through John Ferree of IPCO (383-2427).

According to Title 16, Section 797 (e), U.S. Code, FERC has jurisdiction over any hydropower project which:

- (1) utilizes "navigable water", or
- (2) utilizes a federal dam, or
- (3) is located on federal land.

In addition, pursuant to Title 16, Section 813, U.S. Code, FERC has jurisdiction over any hydropower project for which:

- (4) the electricity produced enters an interstate power grid.

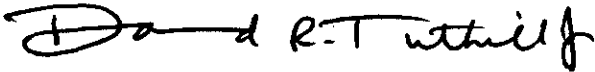
This fourth jurisdictional area would, at first review, include the Thousand Springs plant. However, according to Charles Brown of the Washington, D.C. FERC office, the fourth jurisdictional area pertains only to projects that have a construction date after August 26, 1935. He indicated that projects prior to that date were "grandfathered" by Section 816 of the same title to not require FERC licensing. The Thousand Springs plant was constructed prior to 1920 and, thus, is defined to not be within FERC jurisdiction.

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Senator Laird Noh
August 27, 1986
Page 2

For your information, I have enclosed a copy of the IPCO water right at
Thousand Springs. If you desire more detailed research, please advise.

Sincerely,



DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

ls

Enclosure

cc: Water Right File No. 36-2013 ✓

MICROFILMED

July 13, 1973

Department of Parks & Recreation
ATTN: Merle Dardall
Statehouse Mail

Dear Mr. Dardall:

Pursuant to your request of this date, please find enclosed copies of the following:

License No. 36-2013 - Idaho Power Company
Permit No. 36-7152 - Willis Ritter
Application for Permit No. 36-7149 - Willis Ritter

The abstract I was reviewing when talking with you on the phone indicated that the Department of Parks had an application for permit on Thousand Springs. However, in reviewing the application file I find that the source is instead Big Springs. Am enclosing a copy anyway for your review.

There is no fee for these copies. If we may be of further assistance, please advise.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:cd

Enclosures

36 2013

STATE OF IDAHO

License and Certificate of Water Right

Water License No. 9066

Amount 600 Sec. feet.

Water District No. 63

Priority 11-20-1912

THIS IS TO CERTIFY that The Thousand Springs Power Company of Salt Lake City, Utah, made application for a permit to appropriate the public waters of the State of Idaho, dated November 20, 1912; that Permit No. 9066 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 600 second feet, was issued thereunder on May 10, 1918, showing that said works were completed on the 11th day of February, 1918; that on the 21st day of March, 1917, The Thousand Springs Power Company transferred all its right, title and interest in and to said Permit to the Idaho Power Company; and that on the 11th day of February, 1922, The Idaho Power Company of Boise, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of a right to the use of the waters of Thousand Springs and Snow Bank Springs, for power purposes, under Use Permit No. 9066 of the State Engineer, 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 6 of Licenses, at page 3056, on the 5th day of July, 1923;

The right hereby confirmed dates from November 20, 1912;

The Points of Diversion are located in the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ and NW $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 8, Tp. 8 S., R. 14 E., B. M. County of Gooding.

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 600 cubic feet per second.

That the place of use of said water is at the Thousand Springs Power Station, in Gooding County, Idaho.

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 5th day of July, 1923.

Commissioner of Reclamation

9066

June 29, 1923.

Re: Permit No. 9066.

The Idaho Power Company,
Boise, Idaho.

Gentlemen:- Attention Mr. Kiersted.

The report for proof of beneficial use
of water under the above permit is now on file in
this office. Upon receipt of statutory fee of \$5.00
the license will be issued.

Very truly yours,
W. G. SWENDSEN,
Commissioner of Reclamation.

By
Chief Clerk.

9066

REPORT OF ENGINEER

This proof is for Beneficial UseIn Water District No. 63

1. State name of applicant and number of permit: Idaho Power Company-Permit 9066
2. State source of water supply: Thousand Springs and Snow Bank Springs
3. Location of point of diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$ ' NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec.8, T. 8 S., R. 14 E.B.M.

4. Describe works as they exist, giving dimensions and capacities of same: Concrete wall located to gather the discharge from the Thousand Springs and direct same to penstocks to power plant. Wall is approx 2000 feet long, varying height and width depending on topography of good substantial construction and ample to direct the entire flow of Thousand Springs and Snow bank Falls. Capacity 600 sec. ft.

5. State whether or not water has been turned into works of diversion: Yes

6. Give exact location of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): Thousand Springs Power Station, Gooding County.

7. Submit map on enclosed plat, showing location and details of above description.

8. How many parties conduct water in this system? One, the permit holder

9. Give names and amount of each right: _____

10. What large stream would the water here appropriated finally reach? Snake

11. Describe the various tributaries en route, from point of diversion to the principal drainage stream: _____

Remarks: _____

This examination was made on the 11th day of June, 1923

(Signed) Leo H. Carter

Examiner.

9066

(This report must be sworn to when not made by an attache of the office.)

STATE OF IDAHO,

County of.....

} ss.

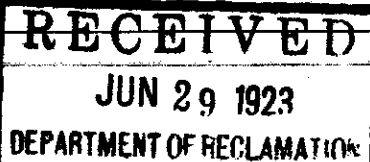
....., being first duly sworn, deposes and says that the

statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this..... day of..... 19.....

My commission expires.....

Notary Public.



Gooding Co.

Idaho Power Co.

Permit 9066

Instructions to Examiners

1. Examiners will not be permitted to examine any of the receipts in the office pertaining to this permit. They are to furnish a report of the facts and conditions as they exist, from their own observations and inquiries.
2. Always carefully note the location of the point of diversion, and accurately plat same.
3. Find out how many parties own right in the ditch or canal and give their names and amount of right.
4. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
5. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
6. If any unusual conditions are discovered, make a plain statement of them under remarks.
7. Always see the holder, if possible, and go over the whole ground with him, and make your report only upon actual existing facts and conditions.

February 14, 1922.

Re: Permit No. 9066.
Idaho Power Co.

Mr. E. C. Kiersted,
c/o Idaho Power Co.,
Boise, Idaho.

Dear Sir:-

Your letter of the 11th inst. received, with
depositions and affidavit of publication for proof of
beneficial use of water under the above numbered permit.
These are in acceptable form and will be placed on file
pending the examination by our engineer later in the spring.
When the report has been made, you will be further advised
in the matter.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By

Chief Clerk.

9066

PERMIT NO. 9066**Proof of Application of Water to Beneficial Use****Deposition of Holder**

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. W. R. Putnam; Boise, Idaho; Vice-President and General Manager of Idaho
Power Company; P. O. Box 910, Boise, Idaho.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Idaho Power Company; Augusta, Maine; (Clarence T. Ward, Statutory Agent,
P. O. Box 910, Boise, Idaho) Vice-President and General Manager; Vice-President.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. 9066, February 11, 1913; November 20, 1912.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Thousand Springs and Snow Bank Springs - in SW¹/₄ and NW¹/₄, Sec. 8,
in Twp. 8 S., of R. 14 E.B.M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Side hill canal with concrete retaining wall - about 1926 feet long, varying
width to 15 feet, varying depth to 8 feet; more than 600 second feet; Thousand
Springs Canal.

Ques. 6. State for what purport water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivate or natural meadow land and the nature of all improvement which have been made as a direct result of said use.

Ans. Development of power; Thousand Springs Power Station.

Ques. 7. If for other than for irrigation purposes, state how applied, amount of horse power generated, etc.

Ans. Through two Pelton-Francis horizontal turbines of 1500 hp each and one S.
Morgan-Smith vertical turbine of 8700 hp directly connected to two 1250 KVA and one
7500 KVA generators; 8500 hp on the switchboard.

Ques. 8. What is the minimum amount of water required for the specified above?

Ans. About 600 second feet

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. By deed from previous owner.

9066

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Constant since 1913 excepting for repair, etc., shutdown; in development
of electrical energy; 596 second feet; to full extent of flow.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and right claimed thereunder.

Ans. In May, 1921, and since, the waters of Sand Springs Creek have been
diverted and used according to terms of Water Permit No. 12,292 and the License
issued thereunder.

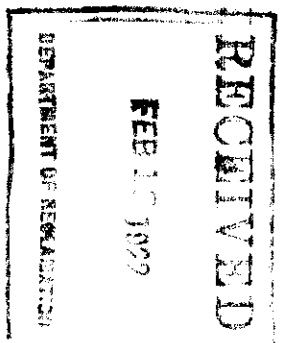
(Sign)

W. G. Venturian

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Boise County of Ada State of Idaho, on this 11th day of February A. D. 1922

Notary Public for the State of Idaho

9066



Permit No. 9066

Proof of Application of Water to Beneficial Use**DEPOSITION OF WITNESS**

Ques. 1. State your name, age, residence, occupation and postoffice address,

Ans. C. R. Burky, age 40 years, Jerome, Idaho, Civil Engineer.

P. O. address, Jerome, Idaho.

Ques. 2. Are you acquainted with Idaho Power Company, the holder of Permit No. 9066? How long have you known him and where does he reside?

Ans. Since Aug. 1, 1916, Boise, Idaho.

Ques. 3. Have you read or heard read said Permit No. 9066, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Thousand Springs and Snow Bank Springs, in West $\frac{1}{2}$ of SE $\frac{1}{4}$ Sec. 8, Tp. 8 S., R. 14 E. B. M.; works consist of concrete wall to collect water and conduct it to vicinity of plant where it is taken thru 2 - 42" and 1 - 7'-9" steel penstocks to Power Plant.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. About 670 sec. ft. capacity; I have seen 560 sec. ft. conveyed.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water used for Power Purposes at a point from which the SE corner of Sec. 8, Tp. 8 S., R. 14 E. B. M. bears south 60° 0' East, 3060 ft. - which is the Thousand Springs Power Plant.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. Water has been applied thru penstocks above described and thru Power Plant, consisting of 2 - 1250 KW A.C. generators each direct connected to a Pelton wheel, and 1 - 6000 KW A. C. generator direct connected to turbine. head 181 ft. On July 12, 1921 6950 KW were generated when one of the small units was not working.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Not for irrigation

9066

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No interest in the works.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. On July 12, 1921, I have seen 6950 KW, and on Feb. 5 and 6, 1922, I have
seen 5900 KW indicated on switch board, generated by Power Plant - using 560
second feet and 465 sec. ft. of these waters at these times.

(Sign) _____

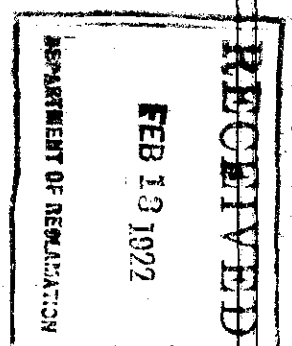
B. G. Burley

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Boise, County of Ada, State of Idaho, on this 11th day of February A. D. 1922.

B. K. Kington
Notary Public residing at Boise, Idaho

My commission expires April 22, 1924.

9066



Permit No. 9066**Proof of Application of Water to Beneficial Use**

DEPOSITION OF WITNESS

Ques. 1. State your name, age, residence, occupation and postoffice address,

Ans. Chas. B. Smith, 42 years of age, Civil Engineer,602 Idaho Bldg., Boise, Idaho.Ques. 2. Are you acquainted with Idaho Power Co., the holder of Permit No. 9066? How long have you known him and where does he reside?Ans. Since Aug. 1, 1916Ques. 3. Have you read or heard read said Permit No. 9066, and are you familiar with its provisions and conditions?Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Thousand Springs & Snow Bank Springs. Place of Diversion: the West $\frac{1}{4}$ of the Southeast Quarter, Sec. 8, T. 8 S., R. 14 E.B.M., Concrete wall along side of cliff. This wall forming a gathering basin collecting the water from these innumerable springs and conveying them to steel penstocks which lead to the turbines.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 675 second feet. 560 second feet.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Power development at Thousand Springs Power Plant.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. Entire flow of springs diverted by concrete wall and steel penstocks to power plant where 1 - 6000 KW Generator and 2 - 1250 KW Generators are installed, being operated by turbines, such portions of this equipment as will utilize the entire flow of these springs being operated.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. 90669066

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. July 12, 1921. Water collected by concrete wall, diverted through steel penstocks to turbines connected to Generators, 560 second feet of water (the entire flow of the springs) being used, developing 6950 KW, as indicated on the station switchboard.

(Sign)

Olus B. Smith

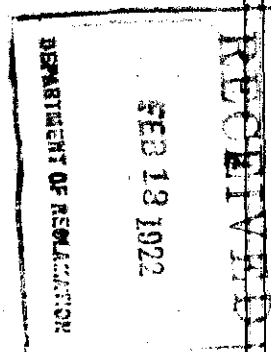
I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Boise, County of Ada, State of Idaho, on this 11th day of February, A. D. 1922.

Notary Public res. Boise Notary Public

My commission expires

April 1, 1924

9066



NOTICE FOR PUBLICATION

Notice of Proof Application of Water to Beneficial Use

Notice is hereby given that at 10 a.m. on the 11th day of February, 1922, at Boise, County of Ada, State of Idaho, before E. C. Stevens, notary public, there will be submitted of the application to beneficial use of 600 cubic feet per second of the waters of Gooding River and Gooding River Spring, a description of the terms and conditions of Permit No. 3022 heretofore issued by the state engineer of the state of Idaho.

The person and present address of the person or corporation holding said permit are Idaho Power Company, Boise, Idaho.

The use to which said water has been applied is generating electric energy.

The amount applied to beneficial use is the entire flow per second.

The place where said water is used (if not otherwise given full and accurate description of the lands irrigated.) The Gooding River power station in Gooding County, Idaho.

The date of the priority which said use is claimed to establish is November 24, 1920.

W. C. STEVENSON,
Notary Public at Gooding, Idaho.

PUBLISHER'S AFFIDAVIT

COUNTY OF GOODING, }
STATE OF IDAHO } ss.

F. F. Swan, being first duly sworn, deposes and says that he is Publisher of The Gooding Leader, a weekly newspaper published at the City of Gooding, in said County and State; that a notice, of which the annexed is a true copy, was published in the said newspaper for at least four consecutive issues, commencing with the issue dated January 12, 1922 and ending with the issue dated Feb. 2, 1922 in the regular and entire issue of said paper and not in any supplement thereof.

F. F. Swan

Affiant's Signature.

Subscribed and sworn to before me this 7th day of February, 1922

E. C. Stevens

Notary Public.

Residing at Gooding, Idaho.

IDAHO POWER COMPANY
BOISE, IDAHO

IN REPLY PLEASE REFER
TO FILE NO. _____

February 11, 1922.

Department of Reclamation,
B o i s e, Idaho.

Gentlemen:

Herewith please find Proof Papers in the matter of Beneficial
Use of Thousand Springs and Snow Bank Springs waters, under Water Per-
mit No. 9066, as follow:

Deposition of Holder - February 11, 1922 - W. R. Putnam;
Deposition of Witness - do - C. R. Burky;
do - do - Chas. B. Smith;
Affidavit of Publication of Notice - F. F. Swan, Gooding
Leader.

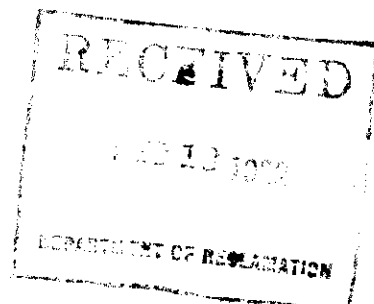
all of which I trust you will find in order.

Very truly,



ECK/H

9066



State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE

BOISE, IDAHO, Feb. 2, 1922.

Idaho Power Co.,
c/o E. C. Kiersted,
Boise, Idaho.

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of application of water to beneficial use under Permit No. 9066

DEPOSITION OF PERMIT HOLDER,
DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of the permit holder's rights:

1. On February 11, 1922, the date set for the proof of application of water to beneficial use, the enclosed deposition forms (one for permit holder and one each for two witnesses) should be filled out and sworn to at Boise, before E. C. Kiersted, notary public.

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice. When these have been received, together with report of examining engineer, you will be further advised as to fees due before issuing license.

Yours truly,

W. G. SWENDSEN,

Commissioner of Reclamation.

9066

Form No. 24,

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

The Gooding Leader,
Gooding, Idaho.

Boise, Idaho, Jan. 4, 1922.

Dear Sirs:

Enclosed find Notice for Publication under Permit no. **9066** which please publish once a week for four consecutive weeks in your paper. The expense of this publication will be paid by **Idaho Power Co., of Boise,** to whom you will please furnish proof of publication of this notice on or before date of proof.

Please promptly acknowledge receipt of this notice, and kindly mail me your first issue containing its publication that I may compare it with my records.

Yours truly,

W. G. SWENDSEN,

Commissioner of Reclamation

9066

(P. O.)

Gooding, Idaho

(Date)

Jan 9, 1922

Commissioner of Reclamation, Boise.

Dear Sir:

I have your letter of

Jan 4

enclosing notice of proof under

Permit No.

9066

which will be published as you request, beginning with our issue of

Jan 12

Gooding Leader

By F F Swann

November 14, 1921.

Re: Permit 9066- Idaho Power Co.

Mr. E. C. Kiersted,
Special Agent,
Boise, Idaho.

Dear Sir:-

Relative to notices for proof of use of water under the above permit would say that, inasmuch as the certificate of completion of works was issued for only 600 second feet of water instead of 892, the amount of water for which beneficial use may be made cannot exceed the 600 second feet. This correction has been made. A copy of the notice will be mailed to the Gooding Leader for the required four weeks publication prior to February 11, and deposition blanks will be mailed to you.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By _____
Chief Clerk.

9066

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 a. m. on the 11th day of February, 1922,
at Boise, County of Ada, State of Idaho,
before E. C. Kiersted, Notary Public, proof will be submitted
of the application to beneficial use of 892 600 cubic feet per second of the
waters of Thousand Springs & Snow Bank Springs in accordance with the terms and conditions of
Permit No. 9044 heretofore issued by the State Engineer
of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are.....

Idaho Power Company, Boise, Idaho,

The use to which said water has been applied is generating electric energy

The amount applied to beneficial use is 892 cubic feet per second

The place where said water is used (if for irrigation, give full and accurate description of the
lands irrigated) Thousand Springs Power Station in Ceeding County, Idaho

The name of the canal or ditch or other works by which said water is conducted to such place of use
is

The right to take water from such works is based upon Permit No. 9044

The source of supply from which such water is diverted is Thousand Springs & Snow Bank
Springs

The date of the priority which said user is prepared to establish is November 20, 1912

8W 8E 10
NW 8E - 8-88-14E B.M.

W. G. Swendsen,
Commissioner of Reclamation.

9066

IDAHO POWER COMPANY
BOISE, IDAHO

IN REPLY PLEASE REFER
TO FILE NO. 87-17-1

November 10, 1921

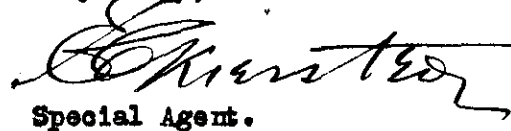
The Department of Reclamation,
Boise, Idaho.

Gentlemen:

Enclosed herewith please find Notice for Publication in duplicate covering the Notice of Proof of Beneficial Use under Water Permit No. 9066.

If it be agreeable to you, we should like this published in the Gooding Leader, of Gooding, Idaho.

Very truly,


Special Agent.

EGK/H
Enc.

9066

State of Idaho

DEPARTMENT OF RECLAMATION

Idaho Power Co.,
Attention Mr. Kiersted,
Boise, Idaho.

BOISE

November 1, 1921.

Dear Sir:

I enclose herewith blank notice of proof of Application of Water to Beneficial Use under your Permit No. 9066-----, which kindly fill out and return to me at least 60 days before the date upon which you wish to submit proof. The date of the proof is set out in your permit, and if proof is submitted subsequent to that your priority will be advanced a time equal to the difference of the time between the date proof should have been submitted and date it is submitted.

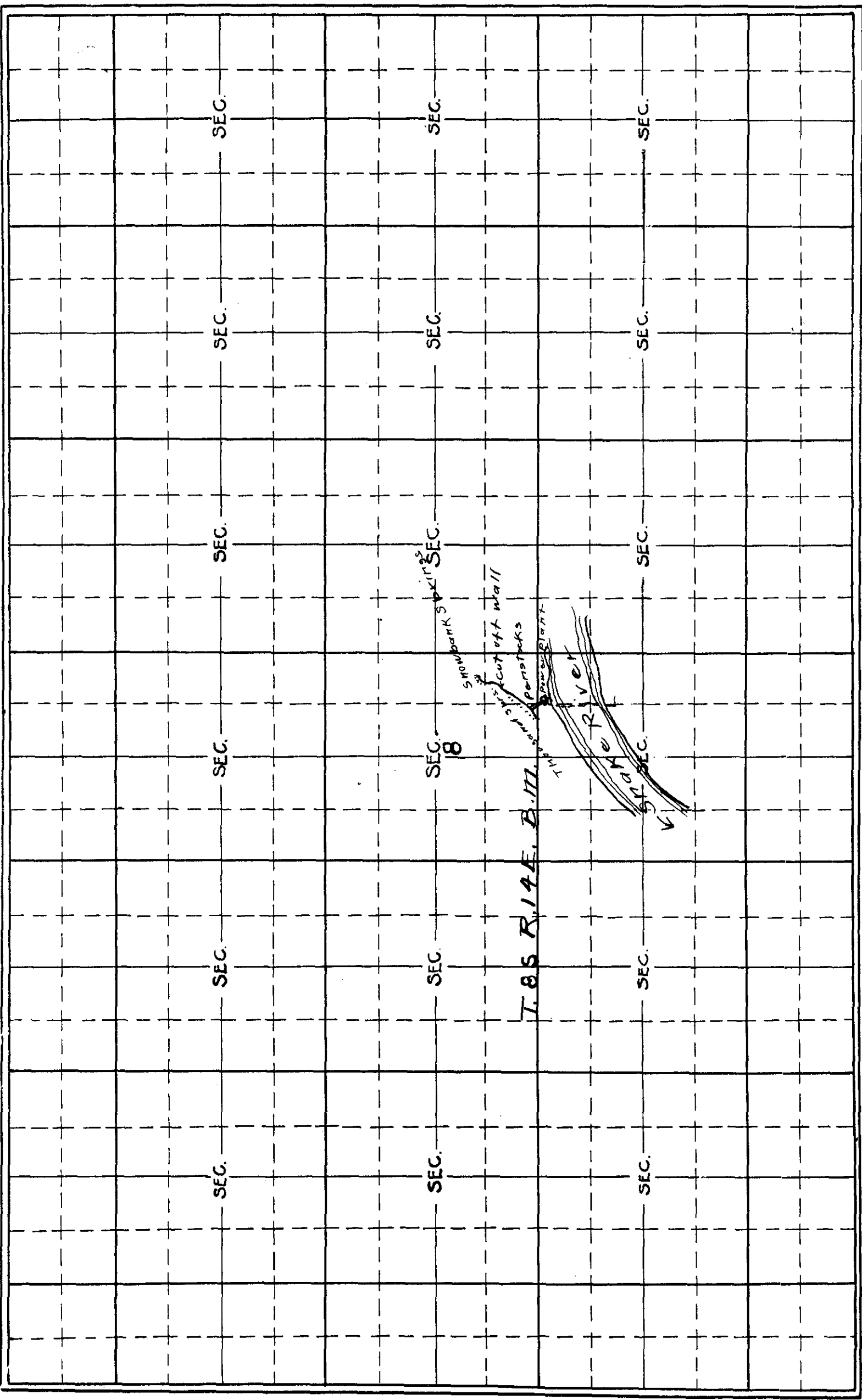
Yours truly,

W. G. SWENDSEN.

Commissioner of Reclamation.

9066

Name of Applicant - Idaho Power Co.



REPORT OF ENGINEER

COMPLETION OF WORKS .

1. State name of applicant and number of permit: Idaho Power Co. Permit 9066

2. State source of water supply: Thousand Springs and Snow Bank Springs

3. Location of point of diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$ & NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, T. 8 S., R. 14 E., B.M.

4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: _____

5. Describe works as they exist, giving dimensions and capacities of same: _____

The diversion is made by means of a concrete cut off wall 1,200 ft. long 15" top width, 6ft. average height, side slopes one-fourth to one; having 10 shear gates, 2 sluice gates, 3 waste gates at the Snow Bank Springs. The water is conducted to the power plant by two 42" penstocks having an effective head of 183 ft.

The power plant has a hydro-electric equipment of two Pelton Francis turbines connected to two Westinghouse generators; each unit was generating 1,350 electric horse-power at the time of my visit. The plant is equipped with the necessary accessories as switchboards, indicators &c.

6. State whether or not water has been turned into works of diversion: Yes.

7. ~~Give a description of lands to be irrigated, of the water to be used, and of the uses to which the water is put.~~ (Describe manner and place of use if for other than irrigation): _____

This plant is producing power which is transmitted to many points and is one unit of the Idaho Power Company's system.

8. Submit map on enclosed plat, showing location and details of above description.

Remarks: This plant is housed in a substantial building of pleasing appearance, and is adequately equipped.

This plant is utilizing 180 sec. ft. at this time.

There is a total of about 600 second feet of water available from this series of springs as developed.

This examination was made on the 5th. day of April 1918.

(Signed) H. H. Palmer Examiner.

(This report must be sworn to when not made by an attache of the State Engineer's office)

STATE OF IDAHO

County of _____

} ss.

_____, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this _____ day of _____ 191_____

Notary Public.

My Commission Expires _____

DIST. 63

Idaho Power Co- Boise

9066

8-14

Affidavit of Publication

State of Idaho, Gooding County, ss.

Wm A. Gere being duly sworn, says that he is of lawful age and is the Publisher of **The Wendell Irrigationist**, a weekly newspaper published at Wendell, in said County and State; that the printed copy of Notice of Publication hereto annexed, was published in said newspaper once each week for 4 weeks, commencing on the 10th day of January 1918, and ending on the 31st day of January 1918; and that no publication was made in a supplement.

Subscribed and sworn to before me this 5th day of Jan

1918

Wm A. Gere
Notary Public in and for said County and State, residing at Wendell, Idaho.

Notice is hereby given that at 2 o'clock p. m. on the 10th day of January 1918, at the office of the State Engineer of Idaho, in Boise, County of Ada, State of Idaho, before J. E. Smith, State Engineer, plans will be submitted of the completion of works for the diversion of 800 cubic feet per second of the waters of Tetonhead Springs and Snow Bank Springs in accordance with the terms and conditions of a certain permit heretofore issued by the State Engineer of the State of Idaho.

1. The name of the person or corporation holding said permit is Idaho Power Company.

2. The postoffice address of such person or principal place of business of such corporation is Boise, County of Ada, State of Idaho.

3. The number of such permit is 9066, and the date set for the completion of such work is February 11, 1918.

4. Said water taken used for power purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place intended for use, in accordance with the plans accompanying the application for such permit is 800 cubic feet per second.

The place of issue of said water is at power house, from the east corner of which the S. E. corner of Sec. 3, T. 8 S., R. 14 E., B. 41, bears S. 80° O. E. 800 feet.

J. E. SMITH
State Engineer.

PERMIT NO. 9066

Proof of Completion of Works

DEPOSITION OF WITNESS

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Henry L. Senger; 40 years; Boise, Idaho; hydraulic Engineer;
1705 Resseguie St., Boise, Idaho.

Ques. 2. Are you acquainted with Wm. T. Wallace, Vice Pres. of Idaho Power Co., the holder of Permit No. 9066, authorizing the diversion of 892 second-feet of the waters of Thousand Springs and Snow Bank Springs, at W¹ and 8-68-14E for power purposes? How long have you known him, and where does he reside?

Ans. Yes; 4 years; at Boise, Idaho.

Ques. 3. Have you read or heard read said Permit No. 9066, and are you familiar with its terms and conditions?

Ans. Yes.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. _____

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. The works are fully completed to carry about 600 second feet.

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. Gathering canal on side hill, with concrete retaining wall about 1926 feet long, provided with necessary waste-gates and waste-ways, and two headgates each 6x4 $\frac{1}{2}$; capacity about 600 cu. sec.

(Sign here.)

Henry L. Senger

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Boise, County

of Ada, State of Idaho, on this 11th day of

February A. D. 1918

9066

W. H. Kintner
Notary Public
Residing at Boise Idaho

The Depositions of two Witnesses, in this form, taken separately, required in each case.

PERMIT NO. 9066

Proof of Completion of Works

DEPOSITION OF WITNESS

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. W. H. Trenner; 38 years; Boise, Idaho; electrical Engineer;

1011 North 20th Street, Boise, Idaho.

Ques. 2. Are you acquainted with Wm. T. Wallace, Vice Pres. of Idaho Power Co., the holder of Permit No. 9066, authorizing the diversion of 692 second-feet of the waters of Thousand Springs and Snow Bank Springs, at W¹ S¹ 8-8S-14E for power purposes? How long have you known him, and where does he reside?

Ans. Yes; 4 years; at Boise, Idaho.

Ques. 3. Have you read or heard read said Permit No. 9066, and are you familiar with its terms and conditions?

Ans. Yes

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. _____

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. The works are fully completed to carry about 600 second feet.

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. Gathering canal on side hill, with concrete retaining wall about 1926 feet long, provided with necessary waste-gates and waste-ways, and two headgates each 6x4 $\frac{1}{2}$; capacity about 600 cu. sec.

(Sign here.)

W. H. Trenner

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Boise, County

of Ada, State of Idaho, on this 11th day of

January A. D. 1918

9066

E. W. Kinstedt
Notary Public
Residing at Boise, Idaho

PERMIT NO. 9066

Proof of Completion of Works

DEPOSITION OF HOLDER

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Wm. T. Wallace, of Boise, Idaho, Vice President & General Manager of Idaho Power Company, P. O. Box 1537, Boise.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. Idaho Power Company, a Maine corporation, of Boise, Idaho; General Manager, as Vice-President.

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. No. 9066, February 11, 1913, 892 second feet, Thousand Springs and Snow Bank Springs, at outlets in W¹/₂ Sec. 8-88-14E

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. Power

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. Water has been running into and through diversion works since June, 1913 and April, 1914 to extent of entire flow.

Ques. 6. State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans. The works are completed in substantial compliance with the terms of the permit.

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans. Only two headgates have been installed, these sufficient to pass entire flow.

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. Side hill canal with concrete retaining wall - about 1926 feet long, varying width up to 15 feet, varying depth up to 3 feet; capacity of about 600 second feet; exact cost unknown, probably about \$100,000.

(Sign here.)

Wm. T. Wallace

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, in Boise, County of

Ada, State of Idaho, on this 11th day of February A. D. 1918

My Commission expires

April 1920

E. K. Kinstetter
Notary Public.
Boise, Idaho

9066

RECEIVED

JAN 11 1918

State Engineer, Boise, Idaho.

(Place)

Wendell, Idaho

(Date)

Jan 8 - 1918

Dear Sir:

I have your letter of Jan 8 enclosing Notice of Proof of Completion of Works and ~~Beneficial Use of Water~~ under Permit No. which will be published as you request, beginning with our issue of Jan 10 -

THE WENDELL IRRIGATIONIST,

9066

December 14th, 1917.

Re Permit 9066.

Mr. J. L. Eberle,
Attorney Idaho Power Co.,
Boise, Idaho.

Dear Sir:--

Notice for publication for proof of completion of
works under the above permit will be mailed to the Wendell
Irrigationist in time for the required five publications prior
to February 11th.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

9066

December 13, 1917.

Re: Permit 9066.

Idaho Power Company,
Boise, Idaho.

Gentlemen:

Am herewith returning assignment of
above permit, the same having been placed
on record in this office.

Please to remit \$1.50 recording fee.

Very truly yours,

J. H. SMITH,

State Engineer.

By

CB/EB

Enc: Assn.
Duplicate Sheet.

3d

9066

NOTICE OF PUBLICATION

Notice is hereby given that at 2 o'clock P. M. on the 11th day of February, 1918, at the office of the State Engineer in Boise, County of Ada, State of Idaho, before J. H. Smith, State Engineer proof will be submitted of the completion of works for the diversion of 892 cubic feet per second of the waters of Thousand Springs and Snow Bank Springs in accordance with the terms and conditions of a certain permit heretofore issued by the State Engineer of the State of Idaho.

1. The name of the person or corporation holding said permit is Idaho Power Company
2. The postoffice address of such person or principal place of business of such corporation is Boise, County of Ada, State of Idaho.
3. The number of such Permit is 9066, and the date set for the completion of such work is February 11, 1918
4. Said water to be used for Power purposes.
5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place intended for use, in accordance with the plans accompanying the application for such permit is 892 cubic feet per second.
6. The amount of lands for which said water is available is _____ acres, particularly described as follows: The place of use of said water is at power house, from the east corner of which the S.E. corner of Sec. 8, T. 8 S., R. 14 E., B.M., bears S. 60° 0' E., 3060 feet.

9066

J. H. SMITH, State Engineer.

— 463

RECEIVED

DEC 10 1917

OFFICE OF STATE ENGINEER

OFFICE OF STATE ENGINEER

DEC 10 1917

OFFICE OF STATE ENGINEER

Ans - Sm St - 6 Nov St - 8 - 85 - 14 E

May 14, 1918.

Idaho Power Company,
Box 1537,
City.

In re Permit #9066

Gentlemen:

I enclose you herewith Certificate of
Completion of Works issued under Per-
mit Number 9066.

Very truly yours,

FRED A. WILKIE,
State Engineer.

By

9066

April 25, 1918.

Re Permit 9066.

Mr. Wm. T. Wallace, Vice-Pres.,
Idaho Power Company,
Boise, Idaho. P.O.Box 1537.

Dear Sir:—

The report of our examining engineer for proof of completion of works under above permit has just been filed. Upon receipt of fees in the sum of \$182.00, the certificate of completion of works will be issued.

Very truly yours,

FRED A. WILKIE,

State Engineer.

By _____

9066

Recd by

Fee Pd May 4/1918

State of Idaho

ENGINEERING DEPARTMENT

BOISE

A. E. ROBINSON Thousand Springs Power Co., Nov. 1, 1917.
STATE ENGINEER Salt Lake City, Utah.

Dear Sir:

I enclose herewith blank notice of proof of completion of Works under your permit No. 9066 ~~and blank Notice of Proof of Beneficial Application of Water under same permit,~~ which notice should be filled out and returned to me at least 60 days before the date upon which it is desired to submit proof, which proof should be on or before Feb. 11, 1917.

Yours truly,
J. H. SMITH. A. E. ROBINSON,
State Engineer.

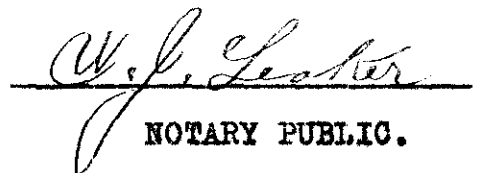
. 9066

STATE OF UTAH :
 : SS
COUNTY OF SALT LAKE :

Emil H. Selbach, being first duly sworn, on oath deposes and says: That he is Attorney-in-Fact of said BIFRLITY AND DEPOSIT COMPANY OF MARYLAND, and that he is duly authorized to execute and fulfill the foregoing obligation; that said Company is authorized to execute the same, and has complied in all respects with the laws of the State of Idaho, with reference to becoming sole surety upon bonds, undertakings, and obligations.



Subscribed and sworn to before me
this 29th day of March A.D. 19


NOTARY PUBLIC.

My commission expires
Nov. 5th, 1913
My commission expires _____

IDAHO POWER COMPANY

BOISE, IDAHO

IN REPLY PLEASE REFER
TO FILE NO. _____

December 8, 1917.

Mr. J. H. Smith, St. Engineer,
Boise, Idaho.

Dear Sir:

You are hereby notified that the Idaho Power Company, the holder of Permit No. 9066, is prepared to submit proof of the completion of works for the diversion and application of water under said Permit No. 9066.

There is attached hereto, in duplicate, a Notice of Publication in the form furnished by your office, and you are further advised that

1. The Idaho Power Company, a Maine corporation, is the owner and holder of said Permit No. 9066;
2. That its postoffice address and principal place of business is Boise, Idaho;
3. That the number of the permit under which said Idaho Power Company is prepared to submit proof of completion of work is 9066, and that the date set for the completion of such work under the terms of such permit is February 11, 1918;
4. That the water under said permit is intended to be used for power purposes;
5. The diversion work under said permit will be fully completed on the date set for such completion under said permit, and the amount of water which such diversion work is capable of conducting to the place of intended use in accordance with the plans of the same accompanying the application for said Permit No. 9066, is 892 cubic feet per second;
6. The diversion works under said Permit No. 9066 are situated and located in Gooding County, Idaho; and
7. That proof will be submitted of the completion of said works under said permit at 2 o'clock P. M., on the 11th day of February, 1918, at the office of the State Engineer of Idaho in Boise, Idaho, before J. H. Smith, State Engineer.

Will you kindly indicate on the duplicate hereof the date of receipt and filing of this notice and the Notice of Publication attached hereto.

Very truly yours,

9066

JLE/A

Received and filed the above and foregoing and Notice of Publication attached hereto, this 8th day of December, 1917.

J. H. Smith
State Engineer

L. W. McKie
Deputy

Fidelity and Deposit Company

OF MARYLAND.

HOME OFFICE: BALTIMORE, MARYLAND.

B O N D.

KNOW ALL MEN BY THESE PRESENTS: That The Thousand Springs Power Company, a corporation of the State of Arizona, as Principal, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation authorized to do a surety business in the State of Idaho, as Surety, are held and firmly bound unto the State of Idaho in the full and just sum of Seventeen Hundred and Eighty-four (\$1784.00) Dollars, lawful money of the United States, to the payment of which sum, well and truly to be made, said principal and surety bind themselves, their heirs, administrators, executors and assigns, jointly and severally, under the terms and conditions hereinafter set forth.

The terms of this obligation are such that, whereas, the above named principal on the 20th day of Nov 1912, filed in the office of the State Engineer in Boise, Idaho, a certain application being thereupon numbered No 13385, in accordance with which said application the State Engineer granted and issued to the said principal herein a certain permit numbered No. 9066, a full, true and complete copy of which application No 13385 and permit No 9066 is of record in the office of the State Engineer, in Book 29 of Permits, at page 9066

Now, if the above bounden principal shall faithfully carry to completion the said works of diversion as specified in said application No 13385, and permit No 9066, in the manner and form prescribed therein and within the time therein allowed, then the above obligation to be void, otherwise to remain in full force and effect.

IN WITNESS WHEREOF, The said principal and surety have hereunto set their hands and seals this 29th day of March 1913.

THE THOUSAND SPRINGS POWER COMPANY,
BY [Signature]

FIDELITY & DEPOSIT COMPANY OF MARYLAND,
BY [Signature]
Its Attorney-in-Fact.

Countersigned, at

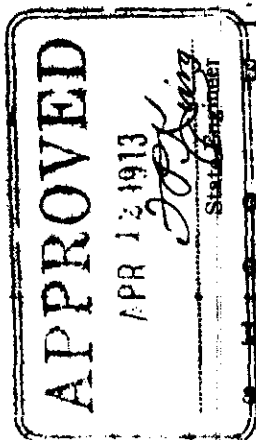
Boise, Idaho,

BRUCE & FULD LOAN & TRUST CO.

[Signature]
Sydney C. Fuld

9066

9066



Boise, Idaho, April 5, 1913.

Permit 9066.
Thousand Springs Power Co.

Parsons & Parsons, Lawyers,
Salt Lake City, Utah.

Gentlemen:--

We are in receipt of yours of the
3rd inst. accompanied by bond in the above.
Same will be duly approved and placed on file.

Very truly yours,

F. P. KING,

State Engineer.

By _____

W/G.

9066

CHARLES C. PARSONS
CHARLES C. PARSONS, JR.
CABLE ADDRESS
"CAVEAT"

PARSONS & PARSONS
ATTORNEYS AND COUNSELORS
SALT LAKE CITY, UTAH

April 3rd, 1913.

F. P. King, Esq.,
State Engineer,
Boise, Ida.

Dear Sir:-

In the matter of Permit No. 9066 you will find enclosed bond executed by the Thousand Springs Power Company as principal and the Fidelity and Deposit Company of Maryland as surety, in the amount, terms and conditions requested by you.

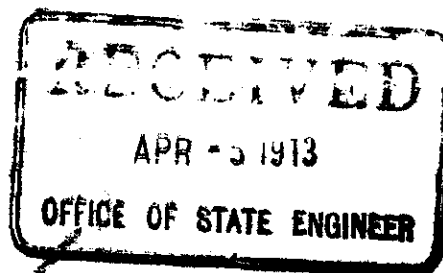
Will you kindly acknowledge receipt and oblige,

Very truly yours,

C. C. Parsons Jr

CCPJr
c

By Registered Mail.



99066

9066

Boise, Idaho, March 25, 1913.

Permit 9066.

Parsons & Parsons, Lawyers,
Salt Lake City, Utah.

Gentlemen:--

Per yours of the 24th inst., in the above, I enclose bond form. If personal sureties are offered, they must necessarily possess free holds within the State of Idaho. If a bond company is to furnish the bond, it can use its own particular form, so long as the obligation as given in our form is followed.

Very truly yours,

F. P. KING,

State Engineer.

By _____

Enc. BF.

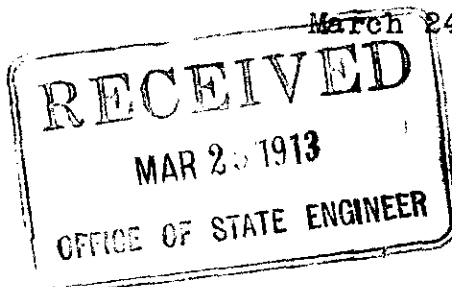
W/G.

9066

CHARLES C. PARSONS
CHARLES C. PARSONS, JR.
CABLE ADDRESS
"CAVEAT"

PARSONS & PARSONS
ATTORNEYS AND COUNSELORS
SALT LAKE CITY, UTAH

March 24 1913.



A. E. Robinson, Esq.,
State Engineer,
Boise, Ida.

Dear Sir:-

Your favor of February 15th, 1913, addressed to Mr. Lafayette Hanchett of this city in the matter of Permit No. 9066 has been referred to us for reply. If you have in your office for distribution form of bond required in the application for water for power purposes we would appreciate your mailing us a copy of such form. Also if your office has adopted any particular rules and regulations as to the execution of the bonds, their form, qualifications of personal sureties or whether or not personal sureties will at all be accepted, we will be glad to be advised of such rules and regulations before preparation and execution of a bond.

Very truly yours,

Parsons Parsons

CCPJr

99066

9066

FORM NO. 150

State of Idaho
ENGINEERING DEPARTMENT
BOISE

A. E. ROBINSON
STATE ENGINEER

Permit 9066.

NOTE

That in order to keep this permit in force a bond in the sum of \$1,784.00 must be filed in the office of the State Engineer on or before April 12, 1913 conditioned upon faithfully carrying to completion the works of diversion as specified in said permit and in the application therefor.

9066

A. E. ROBINSON,
State Engineer.

STATE OF IDAHO
ENGINEERING DEPARTMENT
BOISE

A. E. ROBINSON,

STATE ENGINEER

Permit 9066 - The T. S. P. Co.
Lafayette Hanchett,
Salt Lake City, Utah.

BOISE, IDAHO, February 15, 1913.

Dear Sir:

I enclose herewith above numbered permit. BE SURE TO NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of State Engineer on the third page.

A. E. ROBINSON,

State Engineer.

9066

July 6, 1923.

Re: Permit No. 9066

The Idaho Power Co.,
Boise, Idaho.

Gentlemen:

Attention Mr. Kiersted

We are enclosing herewith Water License,
issued under the above numbered Permit, together
with receipt for fees.

Very truly yours,

W. G. SWENDSEN,
Commissioner of Reclamation

Encls.

By

Chief Clerk.

9066

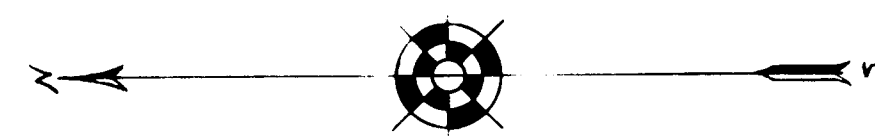
DRAWN BY *JD*
 CHECKED BY *JD*
 APPROVED BY *JD*



THOUSAND SPRINGS DEVELOPEMENT
WATER PERMIT N^o 9066
IDAHO POWER COMPANY
BOISE - IDAHO
 DATE - January 26, 1918
 SCALE - One inch = 100 feet
ZE-118

9066

N. W. 1/4 OF THE S. E. 1/4 OF SEC. 8, T. 3 B. S. R. 14 E. B.M.
40 ACRES



S. W. 1/4 OF THE S. E. 1/4 OF SEC. 8, T. 3 B. S. R. 14 E. B.M.
40 ACRES

LAVA MESA

I HEREBY CERTIFY THAT THIS MAP WAS PREPARED
FROM AN ACTUAL SURVEY MADE BY ME JAN. 6, 1912 AND
JUNE 6, 1912, AND CORRECTLY SHOWS POSITION OF POINTS
INDICATED THEREON

Owen H. Gray ENGINEER
SALT LAKE CITY

OCT. 22, 1912

MAP SHOWING
WATER POWER DEVELOPMENT
OF
THOUSAND SPRINGS POWER COMPANY

THOUSAND SPRINGS IDAHO

SCALE 1"=100'

OWEN H. GRAY, ENGR

JULY 1912

BARNUMS ISLAND

12.35 ACRES AS PER DEED FROM BARNUM
N 20° W
830'

THOUSAND SPRINGS CREEK

APPROX 600' TO SNAKE RIVER

S 1/2 COR. SEC. 8

BRIDGE

THOUSAND SPRINGS CREEK

APPROX 300' TO SNAKE RIVER

9066

Des. No. 158