

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. 32711

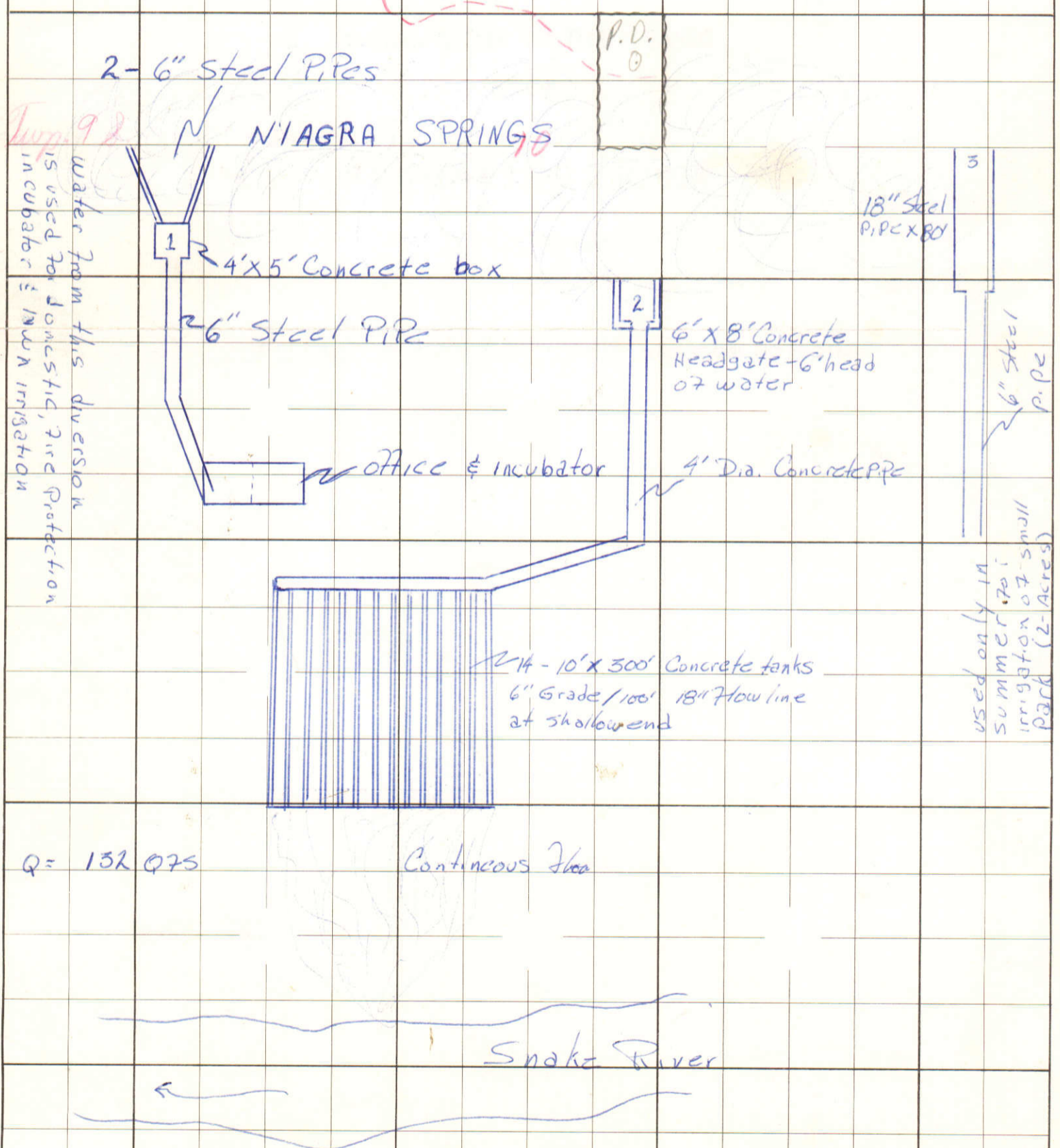
REPORT ON PROOF OF Completion of Works & Beneficial Use

Bob Baker - Attorney - Boise 342-8915

36 2704

To Wendell

Pge. 15E



Turn 92
 water from this diversion
 is used for domestic, fire protection
 & incubator & main irrigation

used only in
 summer for
 irrigation of small
 park (2-acres)

Q = 132 Q75

Continuous Flow

Snake River

AFFIDAVIT OF PUBLICATION

RECEIVED
MAR 6 1967

Department of Reclamation

NOTICE OF PROOF OF COMPLETION OF WORK and APPLICATION OF WATER TO BENEFICIAL USE

NOTICE is hereby given that on the 1st day of March 1967, at Boise, County of Ada, State of Idaho, before Gale C. Farley, Notary Public, at 1220 Idaho Street Boise, Idaho, proof will be submitted of the completion of works for the diversion of 110 cubic feet per second of the waters of Niagara Springs, and of the application to beneficial use of water, in accordance with the terms and conditions of Permit No. 32711, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is: Idaho Power Company, 1220 Idaho Street, Boise, Idaho.

2. 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 conveying to the place of use is 110 cubic feet per second.

3. The use of which said water has been applied is fish propagation, incidental domestic and irrigation purposes, and the amount applied to beneficial use is 110 cubic feet per second.

4. The point of diversion of said water is 108 cfs-approx 1000 2 cfs-approx 900 feet from NE Corner Section 10, T9S, R15E, BM; within Lot 1, Section 10, T9S, R15E, BM.

5. The place where said water is used is approximately 1500 feet from NE corner Section 10, T9S, R15E, BM, in Lots 1 and 9, Section 10, T9S, R15E, BM.

6. The date of priority which said user is prepared to establish is January 31, 1966.

R. Keith Higginson
State Reclamation Engineer

14-17

STATE OF IDAHO, }
COUNTY OF GOODING } SS.

I, *Thomas D. Miller*, do solemnly swear that I am the printer and publisher of THE GOODING COUNTY LEADER, a weekly newspaper of general circulation, published once each week at Gooding, Idaho; that the notice attached

hereto was published in said newspaper *four* consecutive weeks, the first publication having

been made on the *26th* day of *Jan.*,

196*7*, and the last publication having been

made on the *16th* day of *Feb.*, 196*7*.

that said notice was published in the regular and entire issue of every number of the paper during that period and time of publication, and that the said notice was published in the newspaper proper, and not in the supplement thereof.

That said newspaper has been printed and published continuously in *Gooding, Gooding County, Idaho*, for a period of more than 78 weeks prior to the first publication of the attached notice.

Thomas D. Miller

Subscribed and sworn to before me this

2 day of *February*, 196*7*.

Russ Bissel

Notary Public

32711

*Checked with
affidavit 3-8-67
mw*

R

JAN 16 1967

Department of Reclamation

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

NOTICE is hereby given that at ~~10~~ ~~A.M.~~, on the 1st day of March
1967, at Boise, County of Ada, State of Idaho, before
Gale C Farley, Notary Public, at (address) 1220 Idaho Street

110, proof will be submitted of the completion of works for the diversion of
110 cubic feet per second of the waters of Niagara Springs
, and of the application to beneficial use of said water, in accordance with
the terms and conditions of Permit No. 32711, heretofore issued by the Department of
Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit
is: Idaho Power Company, 1220 Idaho Street, Boise, Idaho

2. 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 conveying to the place of use is
110 cubic feet per second.

3. The use to which said water has been applied is fish propagation, incidental
domestic & irrigation purposes, and the amount applied to beneficial use is 110 cubic
feet per second.

4. The point of diversion of said water is 108 cfs - approx 1000)
2 cfs - approx 900) feet from NE Corner
Section 10, T9S, R15E, BM; within Lot 1, Section 10, T9S, R15E, BM.

5. The place where said water is used is approximately 1500 feet from NE corner Section 10,
T9S, R15E, BM, in Lots 1 & 9, Section 10, T9S, R15E, BM

Total _____ acres.

6. The date of priority which said user is prepared to establish is January 31, 1966

State Reclamation Engineer

32711

mw

AFFIDAVIT OF PUBLICATION

RECEIVED
SEP 14 1966

Department of Reclamation

STATE OF IDAHO,
COUNTY OF GOODING

SS.

NOTICE OF APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 42-203, IDAHO CODE

NOTICE IS HEREBY GIVEN, That Idaho Power Company, Boise, Ada County, Idaho, made Application No. 40874, dated January 31, 1966, to appropriate 152 cubic feet per second of the water of Niagara Springs, tributary to Snake River, for a fish hatchery, fish rearing, fire protection and domestic use purposes.

That the point of diversion is in Lot 1, Section 10, T. 9 S., R. 15 E., B. M.

The place of use of said water is in Lots 1 and 9, Section 10, T. 9 S., R. 15 E., B. M.

That any protests against the approval of this application must be filed in the Department of Reclamation, at Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant, and shall clearly set forth his objection to the approval of said application.

Dated this 16th day of August, 1966.

R. Keith Higginson

Date of first publication Aug. 25, 1966.

Date of last publication Sept. 8, 1966.

Last Date for protest: Sept. 26, 1966.

SERVICE OF THE FOREGOING, by copy, is hereby acknowledged this 17th day of August, 1966.

IDAHO POWER COMPANY
By Gale C. Farley, Agent

44-46

I, *Leland G. Burress*, do solemnly swear that I am the printer and publisher of THE GOODING LEADER, a weekly newspaper of general circulation, published once each week at Gooding, Idaho; that the notice attached hereto was

published in said newspaper *three* consecutive weeks, the first publication having been made on the *25th* day of *August*, 196*6*,

and the last publication having been made on the *8th* day of *September*, 196*6* that said notice was published in the regular and entire issue of every number of the paper during that period and time of publication, and that the said notice was published in the newspaper proper, and not in the supplement thereof.

That said newspaper has been printed and published continuously in *Gooding, Gooding County, Idaho*, for a period of more than 78 weeks prior to the first publication of the attached notice.

Leland G. Burress

Subscribed and sworn to before me this

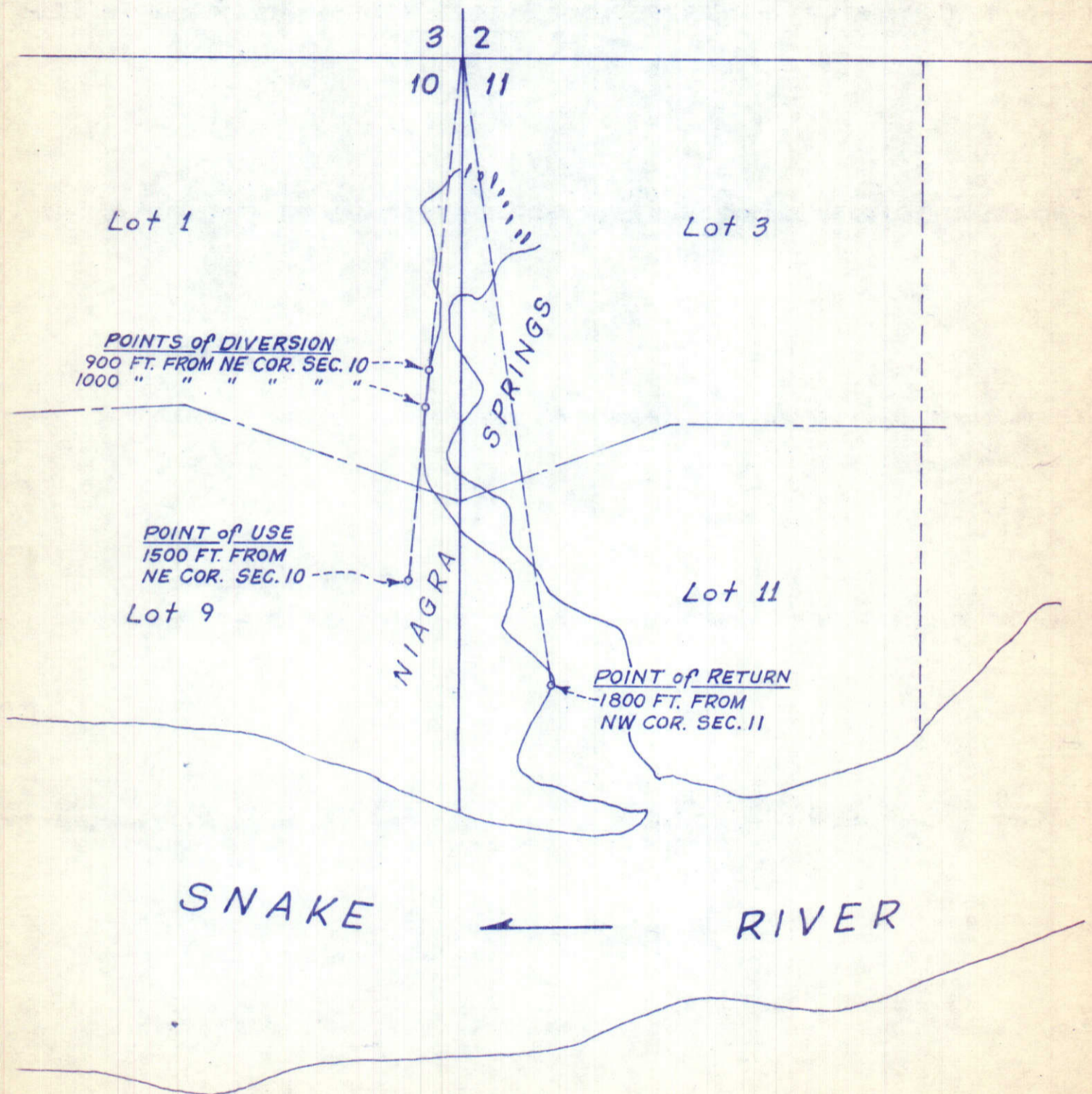
8th day of *September*, 196*6*

Paul G. Burress

Notary Public

32711

T. 9 S. - R. 15 E., B. M. I.D.A.



Permit Map No. 32711
As Approved
CARL E. TAPPAN FEB 4 1966
State Reclamation Engineer

32711

Scale - 1" = 400'

JAN 27 1966

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

In the Matter of Requiring)
Measuring Devices on Diversions)
of Water From Niagara Springs and) ORDER
Niagara Springs Creek)
_____)

The Director of IDWR makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. The public has demonstrated a concern as to the depletion of flows in Niagara Springs and Niagara Springs Creek. The department has been requested by concerned right holders and citizens to determine rates of diversion from the stream, and a petition has been received requesting the department to require measuring devices. Department staff has been unable to obtain accurate measurements of the rates of flow at all diversions.

2. There are six (6) existing diversions from Niagara Springs (the springs) and Niagara Springs Creek (the creek).

3. Not all of the diversions from the springs and creek presently have adequate measuring devices.

4. Diversion rights on the springs and creek consist of licenses and beneficial use claims.

5. The maximum permissible rates of diversion under the licensed rights are known and the uses under the claimed rights are well enough

defined to determine a maximum permissible rate of diversion.

CONCLUSIONS OF LAW

1. Section 42-602, Idaho Code, provides in relevant part:

It shall be the duty of the department of water resources to have immediate direction and control of the distribution of water from all of the streams to the canals and ditches diverting therefrom. The department must execute the laws relative to the distribution of water in accordance with rights of prior appropriation.

2. Section 42-701, Idaho Code, provides in relevant part:

The appropriators or users of any public waters of the state of Idaho shall ... construct and maintain, when required by the department, a rating flume or other measuring device at such point as is the most practical in such canal or ditch for the purpose of assisting the watermaster or department in determining the amount of water that may be diverted into said ditch from the stream.

3. The Director of IDWR has the authority and duty to order the installation and maintenance of measuring devices for diversions from Niagara Springs and Niagara Springs Creek. The Director has the authority on his own motion to initiate a proceeding to require measuring devices.

4. There is a need for installation of measuring devices to properly determine the amount of water diverted from Niagara Springs and Niagara Springs Creek, and to insure that water is diverted in accordance with rights of prior appropriation.

ORDER

THEREFORE, THE DIRECTOR ON HIS OWN MOTION PURSUANT TO SECTIONS 42-602 AND 42-701, IDAHO CODE, HEREBY ORDERS THAT:

1. Each holder of a water right for diversion of water from Niagara Springs or Niagara Springs Creek shall install and maintain at

the point(s) of diversion a measuring device with provision for continuously recording and monitoring the diverted flows in a manner acceptable to IDWR. The Director may waive this requirement upon written request and his determination that the diversion capacity has a significant effect on stream flow.

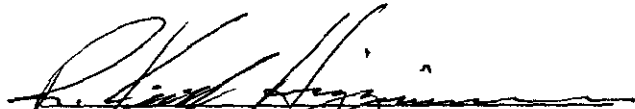
2. The installation shall also be readily accessible to IDWR personnel.

3. The water right holder shall provide to IDWR a description of the device to be installed and plans for its construction for review and approval prior to the start of construction.

4. All diversion rate data collected shall be submitted to the department within 30 days of collection or as otherwise requested by the Director.

IT IS FURTHER hereby ORDERED that the measuring devices be installed and operable by May 1, 1988.

Dated this 7th day of April, 1988.


R. KEITH HIGGINSON
Director


CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this the 7th day of April, 1988, a true and correct copy of the foregoing MEASURING DEVICE INSTALLATION ORDER was mailed, postage prepaid to:

Earl Hardy
Rim View Trout Co.
1301 Vista Avenue
Boise, ID 83705

Jerry Conley
Idaho Dept. of Fish and Game
600 S. Walnut
Boise, ID 83707

Robert O'Connor, Chairman
Idaho Power Co.
P. O. Box 70
Boise, ID 83707


ANITA WARNIJES
Idaho Department of Water Resources

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 32711/36-2704 Priority Jan. 31, 1966 Amount 132.0 cfs

THIS IS TO CERTIFY, that IDAHO POWER COMPANY
of Boise, Idaho, has complied with the terms and conditions of Permit
No. 32711/36-2704 issued pursuant to Application for Permit dated January 31, 1966,
and has submitted proof to the Department of Water Administration on March 1, 1967,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 132.0 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from Niagara Springs
tributary of the Snake River, is hereby confirmed in the following amounts:

Amount 132.0 cfs for fish propagation from Jan. 1 to Dec. 31 (both dates inclusive)
Amount 132.0 cfs for fire protection from Jan. 1 to Dec. 31 (both dates inclusive)
Amount 0.04 cfs for domestic from Jan. 1 to Dec. 31 (both dates inclusive)
Subject, however, to the condition that no more than 132.0 cfs of water be diverted at
any one time, said waters to be diverted within the

Lot #1, Sec. 10, Twp. 9 S, Rge. 15 E, B.M.

in the county of Gooding; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 8.0 acre feet per year or
4.0 acre feet per acre. for irrigation use; 0.6 af per domestic unit not to
exceed 1.8 af per year; 48,180 af for fire protection use; and 48,180 af for fish prop-
Description and location of place of use: agation use *

| TWP. | RANGE | SEC. | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | TOTALS |
|------------------------------|-------|------|--------|--------|--------|---------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| | | | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | |
| 9S | 15E | 10 | | | | 2 | | | | | | | | | | | | | 2 |
| | | | | | | (Lot 9) | | | | | | | | | | | | | |
| Domestic & Fish Propagation: | | | | | | | | | | | | | | | | | | | |
| 9S | 15E | 10 | X | | | X | | | | | | | | | | | | | |

Total number of acres irrigated 2

* with the total amount not to exceed 48,180 acre feet per year.
Use of water under this license is affected by an agreement and stipulation between Idaho
Power Company and Rim View Trout Company, Inc., dated October 5, 1966.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 11 day of
February, 19 72.



[Signature]
Director

36 2704

39239

BAI [Signature]

Application For Permit To Appropriate the Public Waters of the State of Idaho

36-2704

APPLICATION No. 40874
PERMIT No. 32711
DISTRICT No.

1. Name of Applicant: **Idaho Power Company**

Postoffice address: **Boise** County: **Ada** State: **Idaho**

I. If applicant is a corporation, give: **May 6, 1915 - Maine**

(a) Date and place of incorporation:

(b) Amount of authorized capital stock: **\$120,000,000.00**

(c) Amount paid in: **\$103,176,051.00**

(d) Names and addresses of directors: **R.F. Ball, Boise, Idaho; P. G. Batt, Caldwell, Idaho; L.W. Brainard, Pocatello, Idaho; Albert Carlson, Blackfoot, Idaho; J.F. Emery, Boise, Idaho; W.J. Lloyd, Nampa, Idaho; C.E. Palmer, Ontario, Oregon; T.E. Roach, Boise, Idaho; J.H. Rogers, Boise, Idaho; J.R. Simplot, Boise, Idaho; H.B. Soulen, Weiser, Idaho;**

II. The financial resources of the applicant are: **See Balance Sheet attached (in folder)**

(a) Cash on hand:

(c) Bond to be issued:

(b) Treasury stock:

(d) Other resources:

2. Quantity of water claimed: **152** cubic feet per second.

3. Source of water supply: **Niagara Springs** which is a tributary of **Snake River**

4. Location of point of diversion: **150 cfs - approx. 1000** feet distant from the **NE**
2 cfs - " 900

corner of Section **10**, T. **9 S**, R. **15 E**, B.M., and is in the **Lot 1**

of section **10**, T. **9 S**, R. **15 E**, B. M., County of **Gooding**

5. Water is to be used for **150 cfs for fish rearing; 2 cfs for domestic, sprinkling, fire protection & fish hatchery purposes**

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: **1500** feet distant from **NE** corner of Section **10**
T. **9 S**, R. **15 E**, B.M., in the **Lots 1 & 9** of Section ~~of~~ **10**, T. **9 S**, R. **15 E**, B.M.

(b) Amount of power generated: **H.P.**, under **feet** head.

(c) Water is to be returned to **Niagara Springs** at a point **1800** feet

distant from the **NW** corner of Section **11**, T. **9 S**, R. **15 E**, B.M., in the **Lot 11**
of Section **11**, T. **9 S**, R. **15 E**, B.M.

7. Estimated cost of works: **\$ 500,000**

8. Kind of works: **See Remarks**

9. Height of dam **feet**; length of dam at top **feet**; length of dam at bottom **feet**;

feet; material used in dam:

10. Size of headgate: Width **feet**; height **feet**.

11. Ditch: Width at bottom **feet**; width at water line **feet**; depth of water **feet**;

dimensions of flume: **Steel pipe - 500'; Concrete Pipe - 400'**

Diameter of pipe **6"** inches; length of conduit **48"** miles.

Average grade per mile **feet**.

12. The time required for the completion of such work is **2** years.

13. The time required for the complete application of the water to the proposed use is **5** additional years.

14. The land to be irrigated is described in the following tabulation: **See remarks.**

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: **None**

16. (a) Is reservoir to be used? **no** If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

IDAHO POWER COMPANY *Applicant.*

By *s/ H. R. Moore* *Agent.*
 Vice President

Date of first receipt at Department of Reclamation: **4:15 P.M. January 31, 1966**

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is: **32711**
 Recorded in Book **114** Page **32711** Approved **February 4, 1966**
 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 \$ **1000.00** to be filed on or before **April 4, 1966**
 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 **February 4, 1967**
 The whole of said work to be completed on or before **February 4, 1968**
 Beneficial use of water appropriated in accordance herewith, to be made on or before **February 4, 1973**

WITNESS My hand this **4th** day of **February, 1966**

s/ CARL E. TAPPAN
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, **ROBERT E. SMYLLIE**, Governor of the State of Idaho, and **ARNOLD WILLIAMS**, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this **4th** day of **February**, 19**66**

Countersigned: **STATE OF IDAHO**
 (SEAL) By *s/ ARNOLD WILLIAMS* *Secretary of State.* By *s/ ROBERT E. SMYLLIE* *Governor.*

REMARKS: **A facility for hatching and rearing steelhead trout, as required under the terms of the FPC license for Project No. 1971, consisting of a hatchery building and concrete raceways will be constructed by the Idaho Power Company. The facility will be operated by personnel of the Idaho Fish & Game Department.**

14.

| Twp. | Range | Sec. | NE $\frac{1}{4}$ | | | | NW $\frac{1}{4}$ | | | | SW $\frac{1}{4}$ | | | | SE $\frac{1}{4}$ | | | | Totals |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
| | | | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

LICENSE ISSUED FOR 132.0 SEC. FT.
 LICENSE PAGE NO. _____

* For informational purposes

RE: 36-2680
36-2711
36-2704 ✓
36-4032
36-4020
36-7167

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Requiring)
Measuring Devices on Diversions)
of Water From Niagara Springs and)
Niagara Springs Creek)
_____)

ORDER

The Director of IDWR makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. The public has demonstrated a concern as to the depletion of flows in Niagara Springs and Niagara Springs Creek. The department has been requested by concerned right holders and citizens to determine rates of diversion from the stream, and a petition has been received requesting the department to require measuring devices. Department staff has been unable to obtain accurate measurements of the rates of flow at all diversions.

2. There are six (6) existing diversions from Niagara Springs (the springs) and Niagara Springs Creek (the creek).

3. Not all of the diversions from the springs and creek presently have adequate measuring devices.

4. Diversion rights on the springs and creek consist of licenses and beneficial use claims.

5. The maximum permissible rates of diversion under the licensed rights are known and the uses under the claimed rights are well enough

defined to determine a maximum permissible rate of diversion.

CONCLUSIONS OF LAW

1. Section 42-602, Idaho Code, provides in relevant part:

It shall be the duty of the department of water resources to have immediate direction and control of the distribution of water from all of the streams to the canals and ditches diverting therefrom. The department must execute the laws relative to the distribution of water in accordance with rights of prior appropriation.

2. Section 42-701, Idaho Code, provides in relevant part:

The appropriators or users of any public waters of the state of Idaho shall ... construct and maintain, when required by the department, a rating flume or other measuring device at such point as is the most practical in such canal or ditch for the purpose of assisting the watermaster or department in determining the amount of water that may be diverted into said ditch from the stream.

3. The Director of IDWR has the authority and duty to order the installation and maintenance of measuring devices for diversions from Niagara Springs and Niagara Springs Creek. The Director has the authority on his own motion to initiate a proceeding to require measuring devices.

4. There is a need for installation of measuring devices to properly determine the amount of water diverted from Niagara Springs and Niagara Springs Creek, and to insure that water is diverted in accordance with rights of prior appropriation.

ORDER

THEREFORE, THE DIRECTOR ON HIS OWN MOTION PURSUANT TO SECTIONS 42-602 AND 42-701, IDAHO CODE, HEREBY ORDERS THAT:

1. Each holder of a water right for diversion of water from Niagara Springs or Niagara Springs Creek shall install and maintain at

*
the point(s) of diversion a measuring device with provision for continuously recording and monitoring the diverted flows in a manner acceptable to IDWR. The Director may waive this requirement upon written request and his determination that the diversion capacity has a significant effect on stream flow.

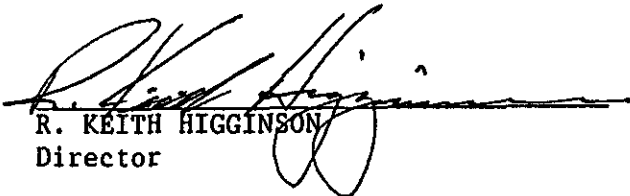
2. The installation shall also be readily accessible to IDWR personnel.

3. The water right holder shall provide to IDWR a description of the device to be installed and plans for its construction for review and approval prior to the start of construction.

4. All diversion rate data collected shall be submitted to the department within 30 days of collection or as otherwise requested by the Director.

IT IS FURTHER hereby ORDERED that the measuring devices be installed and operable by May 1, 1988.

Dated this 7th day of April, 1988.


R. KEITH HIGGINSON
Director

June 7, 1988

The November 13, 1969 Report on Report of Completion of Works & Beneficial Use clearly demonstrates there are three points of diversion for this license, 36-2704. ~~The~~ Water inlets ~~is~~ a 4" pipe & two 6" each pipe inlets for a total of three intake sources. Item 5 of the proof notes that 2 cfs is used for domestic, sprinkling, fire protection and fish hatchery purposes. The ~~the~~ remaining water is used for fish rearing purposes.

The February 11, 1972 license is for a total of 132 cfs (the license notes 0.04 cfs of this can be used for irrigation & another 0.04 cfs can be used for domestic purposes.)

Ralph Mellin

April 6, 1988

138489
CERTIFIED MAIL

Robert O'Connor, Chairman
Idaho Power Company
P. O. Box 70
Boise, ID 83707

Dear Mr. O'Connor:

RE: MEASURING DEVICE INSTALLATION ORDER - NIAGARA SPRINGS AND
NIAGARA SPRINGS CREEK

Enclosed is an order which requires the installation and maintenance of a measuring device for each diversion from Niagara Springs and Niagara Springs Creek. Requests for a waiver of this requirement will be considered upon receipt of written request if the capacity of the diversion creates an insufficient effect on stream flows.

Please note the measuring device is to be installed and operable on or before May 1, 1988. The department has information available upon request relative to typical types of measuring devices which are acceptable. Department approval of the device and installation plans is required prior to beginning construction.

You have the right to an administrative hearing and judicial review of this order under the provisions of Sec. 42-1701A, Idaho Code. Any request for hearing must be received by the department in writing within 21 days after receipt of this order.

If you have questions relative to specific location of the measuring device, please feel free to contact our Southern Regional office in Twin Falls (phone 734-3578).

Sincerely,

NORMAN C. YOUNG
Administrator, Resources Administration Division

c: S. Region
Robert Stahman
Steve Goddard
Rinda Ray Just
William Ringert

April 6, 1988

138490
CERTIFIED MAIL

Jerry Conley
Idaho Dept. of Fish and Game
600 S. Walnut
Boise, ID 83707

Dear Mr. Conley:

RE: MEASURING DEVICE INSTALLATION ORDER - NIAGARA SPRINGS AND
NIAGARA SPRINGS CREEK

Enclosed is an order which requires the installation and maintenance of a measuring device for each diversion from Niagara Springs and Niagara Springs Creek. Requests for a waiver of this requirement will be considered upon receipt of written request if the capacity of the diversion creates an insufficient effect on stream flows.

Please note the measuring device is to be installed and operable on or before May 1, 1988. The department has information available upon request relative to typical types of measuring devices which are acceptable. Department approval of the device and installation plans is required prior to beginning construction.

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If you have questions relative to specific location of the measuring device, please feel free to contact our Southern Regional office in Twin Falls (phone 734-3578).

Sincerely,

NORMAN C. YOUNG
Administrator, Resources Administration Division

c: S. Region
Robert Stahman
Steve Goddard
Rinda Ray Just
William Ringert

April 6, 1988

138491
CERTIFIED MAIL

Earl Hardy
Rim View Trout Co.
1301 Vista Avenue
Boise, ID 83705

Dear Mr. Hardy:

RE: MEASURING DEVICE INSTALLATION ORDER - NIAGARA SPRINGS AND
NIAGARA SPRINGS CREEK

Enclosed is an order which requires the installation and maintenance of a measuring device for each diversion from Niagara Springs and Niagara Springs Creek. Requests for a waiver of this requirement will be considered upon receipt of written request if the capacity of the diversion creates an insufficient effect on stream flows.

Please note the measuring device is to be installed and operable on or before May 1, 1988. The department has information available upon request relative to typical types of measuring devices which are acceptable. Department approval of the device and installation plans is required prior to beginning construction.

You have the right to an administrative hearing and judicial review of this order under the provisions of Sec. 42-1701A, Idaho Code. Any request for hearing must be received by the department in writing within 21 days after receipt of this order.

If you have questions relative to specific location of the measuring device, please feel free to contact our Southern Regional office in Twin Falls (phone 734-3578).

Sincerely,

NORMAN C. YOUNG
Administrator, Resources Administration Division

c: S. Region
Robert Stahman
Steve Goddard
Rinda Ray Just
William Ringert

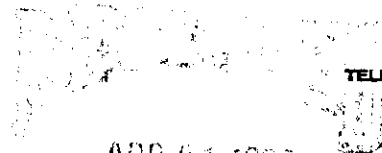
Ringert, Clark, Harrington, Reid, Christenson & Kaufman

CHARTERED
LAWYERS

WILLIAM F. RINGERT
D. BLAIR CLARK
ANDREW M. HARRINGTON
JAMES G. REID
JEFFREY R. CHRISTENSON
JAMES P. KAUFMAN
MICHAEL J. GAFFNEY
LAURA E. BURRI
LEA C. ADAMS

599 WEST BANNOCK STREET
P.O. BOX 2773
BOISE, IDAHO 83701
TELEPHONE (208) 342-4661

SAMUEL KAUFMAN (1921-1986)



APR 01 1988

March 31, 1988

Department of Water Resources

Mr. Stephen V. Goddard
Deputy Attorney General
Idaho Department of Fish & Game
600 South Walnut, P. O. Box 25
Boise, ID 83707

Ms. Rinda Ray Just
Deputy Attorney General
Idaho Department of Parks
and Recreation
Statehouse Mail
Boise, ID 83720

Re: Petition for Installation and Maintenance
of Measuring Devices on Niagra Springs Creek

Dear Mr. Goddard and Ms. Just:

A copy of your joint Petition for Installation of Measuring Devices, directed to the Idaho Department of Water Resources, was received in my office on March 17, 1988. Since the mailing list did not name Rim View Trout Company, I assume that the mailing was intended to effect service on Rim View Trout Company through me, as its attorney.

I have not been authorized to accept service on behalf of Rim View Trout Company in this matter. If you want me to request such authorization, I will be glad to do so.

Please advise.

Yours very truly,

W. F. Ringert

WFR:am

cc: R. Keith Higginson ✓
Rim View Trout Company

JIM JONES
ATTORNEY GENERAL
STATE OF IDAHO

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

STEPHEN V. GODDARD
Deputy Attorney General
Idaho Department of Fish and Game
600 South Walnut, P.O. Box 25
Boise, ID 83707
Telephone (208) 334-3715

RINDA RAY JUST
Deputy Attorney General
Idaho Department of Parks and Recreation
STATEHOUSE MAIL
Boise, ID 83720
Telephone (208) 334-2154

Attorneys for Petitioners

RECEIVED
MAR 17 1968

Department of Water Resources
Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

| | | |
|-------------------------|---|----------------------------|
| IDAHO DEPARTMENT |) | |
| OF PARKS AND RECREATION |) | PETITION FOR INSTALLATION |
| AND IDAHO DEPARTMENT |) | AND MAINTENCE OF MEASURING |
| OF FISH AND GAME, |) | DEVICES |
| |) | |
| Petitioners |) | SOURCE: NIAGRA SPRINGS |
| |) | COUNTY: GOODING |

Come now the petitioners herein, the Idaho Department of Fish and Game (Fish and Game) and the Idaho Department of Parks and Recreation (Parks) and request that the director of the department of water resources (IDWR) exercise the authority granted the department in Idaho Code §42-701 to require appropriators of water from Niagra Springs and Niagra Springs Creek to locate, install, and maintain such suitable measuring devices and regulating works as are determined by IDWR engineers to be necessary to assure proper distribution of the waters of Niagra Springs.

Idaho Code §42-701 provides in relevant part:


The appropriators or users of any public waters of the state of Idaho shall... construct and maintain, when required by the department, a rating flume or other measuring device at such point as is most practical in such canal or ditch for the purpose of assisting the watermaster or department in determining the amount of water that may be diverted into said ditch from the stream.

This request is based on evidence contained in the record in the case of In The Matter of Application For Permit To Appropriate Water No. 36-7200. Flow records submitted into the record in that proceeding suggest two things: First, that record keeping by some appropriators is non-existent, or sporadic, or when available, unverifiable; and second, that over-appropriation is not uncommon.


The Idaho Department of Parks and Recreation is holder of permit no. 36-7200 for all unappropriated water up to 264 cfs. in Niagra Springs and Niagra Springs Creek from the headwaters of the spring to and including the lowermost Idaho Power Company diversion. Memorandum Decision and Order on Rehearing, p. 24, January 29, 1988. Parks can only receive its permitted water if prior upstream appropriators do not over-appropriate. Since only one of the several upstream appropriators (Idaho Power Company) currently maintains a verifiable measuring device on its diversion, Parks has no way of knowing if it is receiving the water to which it is entitled. Parks will never be able to determine if it is receiving the water to which it is entitled until appropriate measuring devices are placed on the existing diversions in easily accessible locations and until readings are taken on a regular basis. Both the obligation and authority to assure the distribution of waters from Niagra Springs in accordance with rights of prior appropriation rest with the department of water resources. Idaho Code §42-602, 42-701.

Petitioners respectfully request that the director of the department assume the obligations imposed upon him by statute by ordering the location, installation, and maintenance of such suitable measuring devices and regulating works as are determined by IDWR engineers to be necessary to assure proper distribution of the waters of Niagra Springs.

DATED this 14th day of March, 1988.



Rinda Ray Just
Deputy Attorney General
Idaho Department of
Parks and Recreation



Stephen V. Goddard
Deputy Attorney General
Idaho Department of
Fish and Game

CERTIFICATE OF MAILING

I hereby certify that I served true and correct copies of the following document on the persons listed below by mailing in the U.S. mail, first class, with correct postage affixed thereto on this 16th day of March, 1988.

DOCUMENT SERVED: PETITION FOR INSTALLATION OF MEASURING DEVICES

PERSONS SERVED:

Robert Stahman
Idaho Power Co.
P.O. Box 70
Boise, Idaho 83707

William F. Ringert
P.O. Box 2773
Boise, Idaho 83704

Steve Goddard
Idaho Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

A. Lynne Krogh-Hampe
Deputy Attorney General
Idaho Department of Water
Resources
Statehouse Mall
Boise, ID 83720

Ronda Ray Just
Deputy Attorney General

May 16, 1978

Re: License No. S2711/36-2704

Mr. Gale C. Farley, Agent
Idaho Power Company
Box 70
Boise, Idaho 83707

Dear Mr. Farley:

Enclosed herewith we are returning the above referenced license on which a notation has been added regarding the agreement between Idaho Power Company and Rim View Trout Company, Inc.

We appreciate your cooperation in this matter and thank you for your assistance.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enclosure

cc: Southern District Office
Enc: Copy of license

365 2704

365 2704

SNAKE RIVER



HYDRO POWER

IDAHO POWER COMPANY

BOX 70 BOISE, IDAHO 83707

May 10, 1973

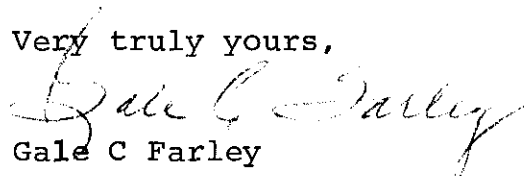
Bobby D Fleenor, Assistant Director
State of Idaho
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Dear Sir:

In response to your letter dated May 9, 1973,
we are enclosing License of Water Right No 32711/36-2704
so that you may add a notation regarding an agreement
between Idaho Power Company and Rim View Trout Company,
Inc.

Please return the license to this office
when the proper notation has been added.

Very truly yours,


Gale C Farley
Agent

GCF:bp

Encl

38 2704

May 9, 1973

Re: License No. 32711/36-2704

Mr. Gale C. Farley, Agent
Idaho Power Company
Box 70
Boise, Idaho 83707

Dear Mr. Farley:

We hereby request that you return the above referenced water license which was issued in February, 1972.

We request the return of the license in order to include a notation regarding the agreement affecting the distribution between Idaho Power Company and Rim View Trout Company, Inc.

We appreciate your cooperation in this matter.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF/DDR:jc

36 2704

February 15, 1972

Re: Permit No. 32711/36-2704

Mr. Cale C. Farley, Agent
Idaho Power Company
Box 70
Boise, Idaho 83707

Dear Mr. Farley:

Enclosed herewith is the Water License issued on the above referenced permit.

Also enclosed is departmental receipt No. 8019 in the amount of \$41.60 covering the licensing fee.

Sincerely,

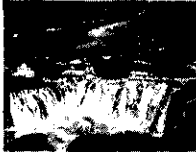
BOBBY D. FLEENOR
Assistant Director

BDF:DR

Enc: License
Receipt #8019

36 2704

SNAKE RIVER



HYDRO POWER

IDAHO POWER COMPANY

BOX 70 • BOISE, IDAHO 83707

February 7, 1972

R Keith Higginson, Director
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Re: Permit No 32711/35-2704

Dear Mr Higginson:

In accordance with your letter dated January 25, 1972, we are enclosing Idaho Power Company check for \$41.60 to cover fee for water license.

Please send license to this office marked for the attention of the undersigned when it has been completed.

Very truly yours,

Gale C Farley
Gale C Farley
Agent

GCF:bp

Encl

36 2704

January 25, 1972

Idaho Power Company
Box 70
Boise, Idaho 83707

Gentlemen:

A representative of this department has made an examination of the works covered by your Permit No. 32711/36-2704 and has found the following:

Quantity of water diverted: 132.0 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 132.0 cfs

The maximum quantity of water diverted shall not exceed 48,180 acre feet per season.

Beneficial Use: Fish propagation, fire protection, domestic and irrigation of 2 acres within Lot 9, Sec. 10, Twp. 9 S, Rge. 15 E.B.M.

Point of diversion: Lot 1, Sec. 10, Twp. 9 S, Rge. 15 E.B.M. (Niagara Springs)

The priority date established is : January 31, 1966

A fee totaling \$ 41.60 must be received within 30 days from the date of this letter in order that we can issue you a Water License as set forth in this letter.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

36 2704

SNAKE RIVER



HYDRO POWER

IDAHO POWER COMPANY

BOX 70 • BOISE, IDAHO 83707

November 16, 1971

State of Idaho
Department of Water Administration
State House, Annex 2
Boise, Idaho 83707

Attention: Mr Donald McEldowney

Dear Don:

As discussed in our telephone conversation this morning, I am sending you a letter and computations received from Mr Jerry Eggleston in connection with Idaho Power Company Permit No 32711.

Very truly yours,

Gale C. Farley
Gale C Farley
Agent

GCF:mlm

Encls

36 2711

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707
December 2, 1969

344-5811

Department of Reclamation

Charles R. Quidore
Niagra Springs Fish Hatchery
P. O. Box 128
Wendell, Idaho 83355

Dear Mr. Quidore:

As the Department is using the water measurements obtained from you by our field examiner, it is necessary that we have some written proof of these measurements.

It is our understanding that these measurements were made by Donald Anderson, Engineer. If the Department could receive a copy of his measurements, it would be greatly appreciated.

Very truly yours,

Dorian T. Clay

Dorian T. Clay
Field Examiner

DTC:mh

36 2704

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

107 STATE HOUSE

BOISE, IDAHO 83701

March 8, 1967

Department of Reclamation

Re: Permit No. 32711

J. F. Emery, Vice President
Idaho Power Company
1220 Idaho Street
Boise, Idaho

Dear Mr. Emery:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the Gooding County Leader, all submitted in proof of completion of works and beneficial use on Permit No. 32711.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try to contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

A handwritten signature in cursive script, appearing to read "M. Russell Bosch".

M. Russell Bosch
Office Manager

MRB:nw

36 2704

MEMO

TO: File No. 36-2704
FROM: Jim Booker
SUBJECT: Discharge Measurements

I have determined from Jerry Eggleston's notes submitted to this Department on November 18, 1971, that the total flow over the fish run-ways is 132 cubic feet per second. The final computation that Mr. Eggleston made seems to reflect a small error. The proper proportion should be $\frac{.41}{9.2} = \frac{.42}{x}$ x=9.4 c.f.s.

This figure over the 14 run-ways would be; T=(14) x (9.4) = 132 c.f.s.



JAMES BOOKER

36 2704

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. 32711

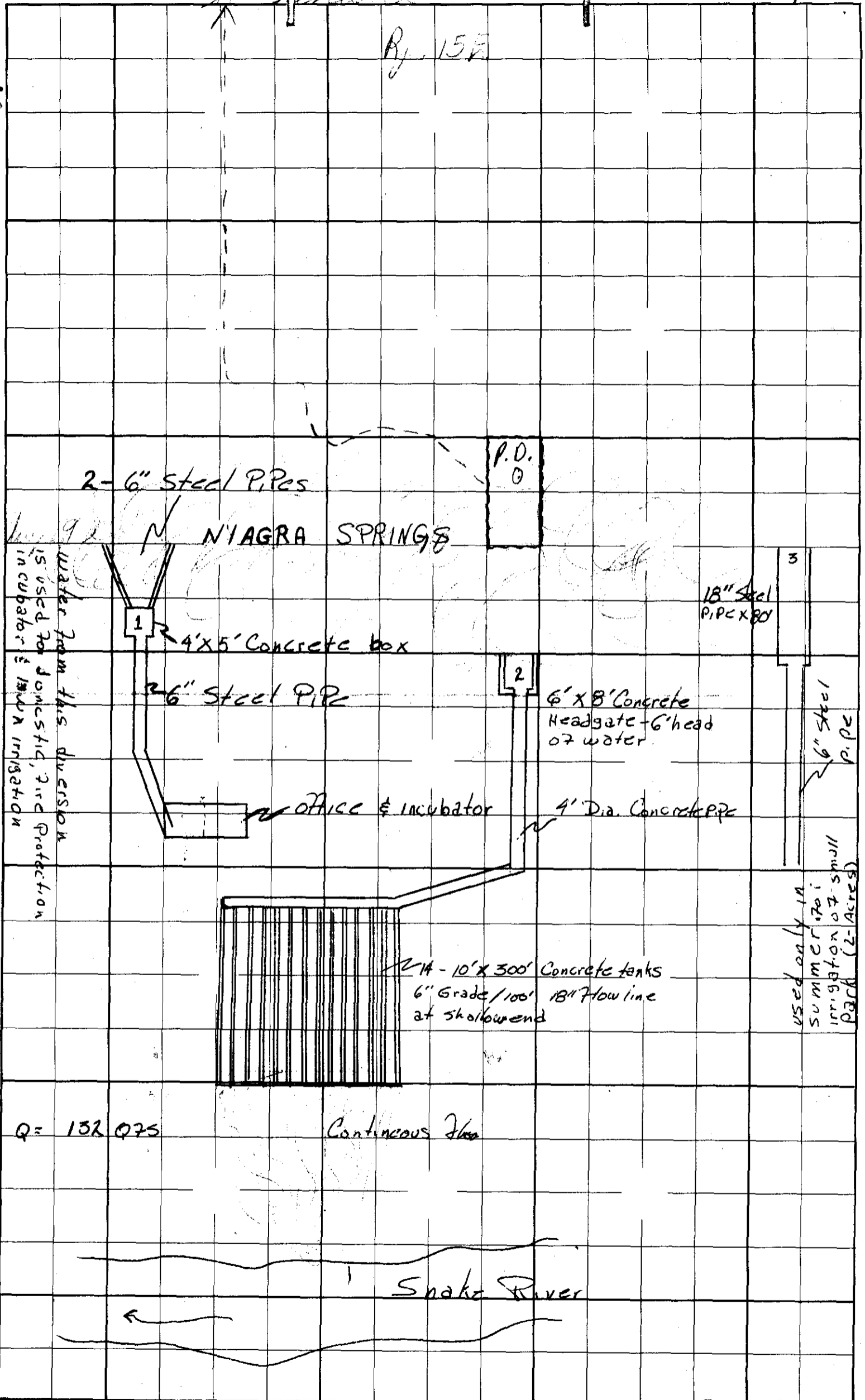
REPORT ON PROGRESS OF Completion of Works & Reservoir Use

Bob Baker - Attorney - Boise 342-8915

36 2704

To Head it

Ry. 15E



2-6" Steel Pipes

P.O.

NIAGRA SPRINGS

1

4'x5' Concrete box

2-6" Steel Pipe

2

6'x8' Concrete Headgate - 6' head of water

Office & Incubator

4' Dia. Concrete Pipe

18" Steel Pipe x 80'

3

6" Steel Pipe

14 - 10'x300' Concrete tanks
6" Grade / 100' 18" Flow line at shalows end

used only in summer for irrigation of small pack (2-Acres)

Q = 132 Q75

Continuous Flow

Snake River

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. 32711

This proof is for Comp. of Works & Beneficial Use In Water District No. _____

1. Name of applicant Idaho Power Company

2. Source of water supply: Niagara Springs

3. Location of point of diversion: Is in the Lot 1 of Section 10

T. 9 S R. 15 E County of Gooding

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

Barton Stoddard designed this system, By Engineer Donald Anderson measurements #2 will convey 130 cfs. All three points of diversions are approx. two hundred ft apart.

5. Water is used for: 150 c.f.s. fish rearing, 2 c.f.s. domestic, sprinkling, fire protection & fish hatchery purposes

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

7. List legal subdivisions 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 other than irrigation):

Lots 1 and 9, Sec. 10, T. 9 S, R. 15 E, B.M.

#1 & #2 are used for fire protection & domestic use & fish propagation as well as irrigation

(Submit map on attached plat, showing location and details of above description.)

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

Remarks: Charles R. Ovidore, manager of The hatchery showed me around the area.

? - Domestic 2 houses & office complex = .03 cfs x 3 = .09 cfs & 1.80 AEP/A
Irrigation 2 acres tot 4 .02 x 2 = .04 cfs

This examination was made on the Nov 13 day of _____, 1969

(Signed) Don Uay Examiner.

Idaho Power Co. (J. F. Emery) *concrete headgate*
1220 Idaho Street *48" concrete pipe for diversion*
Boise, Idaho *to raceways*
Permit No. 32711 / *36-2704*

Examination for Comp. of Works & Beneficial Use

County Gooding

Quantity: 152 c.f.s. *47-* Sec. 10 T. 9S R. 15E

Source: Niagara Springs

P.D.: Lot 1, Sec. 10, T. 9 S, R. 15 E, B.M.

Use: fish rearing, domestic, sprinkling, fire protection & fish hatchery purposes

Extension:

Protest:

Completion of Works:

Other Rights:

Filed: January 31, 1966

Due: February 4, 1968

Made: March 1, 1967

Priority: January 31, 1966

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. 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.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. 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.
6. Give general characteristics of soils, topography, and crops raised.

36 2704

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 32711

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

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

Ans. Sherwin M Barton, 53, 6526 Randolph Drive, Boise, Idaho

Consulting Engineer

Ques. 2. Are you acquainted with Idaho Power Company, the holder of Permit No. 32711? How long have you known him and where does he reside?

Ans. 30 Years - Boise, Idaho

Ques. 3. Have you read or heard read said Permit No. 32711, 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. Water from Niagara Springs Creek is diverted to raceways by a dam through a 48" gravity pipe. Capable of delivering +138 cfs to raceways. Domestic & irrigation water is taken directly from Niagara Springs via a 8" gravity pipe - capable of delivering +5 cfs at site.

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. 125 cfs observed in 48" main supply pipe at approximately 2' head above intake pipe. 2 cfs observed in 8" domestic line (pipe is capable of handling +5 cfs).

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. 1.0 cfs for irrigation reclaimed sandy soil for grass and shrubbery.

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

Ans. 108 cfs beneficially used for steelhead raceways from 48" pipe
Combined use (.5 cfs beneficially used for hatchery (1- office
on 8" (.5 cfs beneficially used for domestic use (3 - homes
domestic (1.0 cfs beneficially used for irrigation (2 - trailer spaces
line.

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. 1.0 cfs

Ans. Approx. 10 acres in landscaping (shrubbery & grass) utilizing automatic sprinkler irrigation, permanently installed 3/16" nozzles- approx 108 plus 15 hose bib outlets - 2 - 6" fire hydrants.

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. Have observed irrigation during September 1966; observed utilization of raceway water February 27, 1967 and measured amount used with weirs (125 cfs); observed hatchery water and domestic water use February 27, 1967.

(Signed) Marvin M. Burton

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 1st day of March, A. D. 19 67.

Gale C. Farley
Notary Public.

My commission expires May 15, 1970

August 24, 1971

Re: Application No. 36-7162 - George Lemmon
" " 36-7197 - Lester Bornt
Permit No. 36-7167 - Rim View Trout Co., a corporation
" " 36-2704 - Idaho Power Company

Parry, Robertson, Daly & Larson
P. O. Box 525
Twin Falls, Idaho 83301

ATTENTION: C. G. McIntyre

Dear Mr. McIntyre:

Pursuant to your letter of August 5, 1971, the priority date for the above referenced applications and permits are as follows:

- 36-7197 - July 29, 1971
- 36-7162 - March 4, 1971
- 36-7167 - March 18, 1971
- 36-2704 - January 31, 1966

If you should have any further questions in reference to this matter, please feel free to contact us.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC/bb

36 2704

PARRY, ROBERTSON, DALY & LARSON

LAWYERS

THE IDAHO FIRST NATIONAL BANK BUILDING

P. O. BOX 525

TWIN FALLS, IDAHO 83301

TELEPHONE
(208) 733-3722

R. P. PARRY
T. M. ROBERTSON
JOHN H. DALY (1913-1968)
BERT LARSON
C. G. MCINTYRE
JOHN R. COLEMAN
THOMAS G. NELSON
JOHN A. ROSHOLT
FRED D. DECKER
ROBERT C. PAINE

August 5, 1971

Mr. Dorian Clay, Appropriation Examiner
Idaho Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Re: Application No. 367197

Dear Mr. Clay:

Would you please advise me of the filing date your office shows for the above application and also the filing date on any other applications of the waters of Niagara Springs which have not as yet ripened into a water certificate.

Thank you for your assistance.

Sincerely,


C. G. MCINTYRE

CGM:cg

December 2, 1969

Charles R. Quidore
Niagra Springs Fish Hatchery
P. O. Box 128
Wendell, Idaho 83355

Dear Mr. Quidore:

As the Department is using the water measurements obtained from you by our field examiner, it is necessary that we have some written proof of these measurements.

It is our understanding that these measurements were made by Donald Anderson, Engineer. If the Department could receive a copy of his measurements, it would be greatly appreciated.

Very truly yours,

Dorian T. Clay
Field Examiner

DTC:mh

32711

36-2764

C
O
P
Y

January 21, 1969

RE: Permit 32711

Stein-McMurray Insurance
P. O. Box 1698
Boise, Idaho 83701

Gentlemen:

We are releasing Idaho Power from the requirements of Bond No. 553423 purchased in connection with application 40874. This office no longer requires this bond.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

cc: Gale C. Farley, Agent
Idaho Power Company
Boise, Idaho 83701

32711

C
O
P
Y

IDAHO POWER COMPANY

Balance Sheet

| | ASSETS | | LIABILITIES | |
|---|----------------------|----------------------|---|------------------------------------|
| | December 31 1965 | December 31 1964 | December 31 1965 | December 31 1964 |
| ELECTRIC PLANT: | | | | |
| In service (at original cost) | \$367,626,845 | \$348,712,292 | | |
| Less accumulated provision for property re- tirements (Note 1) | 52,415,818 | 47,420,564 | | |
| In service - Net | 315,211,027 | 301,291,728 | | |
| Construction work in progress | 24,069,798 | 15,714,820 | | |
| Electric plant - Net | 339,280,825 | 317,006,548 | | |
| OTHER PROPERTY AND INVESTMENTS | 463,217 | 318,395 | | |
| CURRENT ASSETS: | | | | |
| Cash | 4,188,820 | 3,468,746 | | |
| Special deposits | 451,463 | 451,463 | | |
| Accounts receivable (less accumulated provi- sion for uncollectible accounts - 1965, \$100,815; 1964, \$88,172) | 4,016,282 | 4,047,667 | | |
| Materials and supplies (at average cost) | 1,705,829 | 1,338,842 | | |
| Prepayments | 1,040,401 | 972,267 | | |
| Total current assets | 11,402,795 | 10,278,985 | | |
| DEFERRED DEBITS: | | | | |
| Unamortized debt discount and expense | 568,989 | 594,521 | | |
| Extraordinary property losses (Note 2) | 846,308 | 1,128,411 | | |
| Preliminary survey and investigation charges | 543,236 | 543,236 | | |
| Unamortized cost of power purchased | 354,932 | 473,242 | | |
| Other | 336,435 | 416,397 | | |
| Total deferred debits | 2,649,900 | 3,155,807 | | |
| TOTAL | \$353,796,737 | \$330,759,735 | | |
| | | | PROPRIETARY CAPITAL: | |
| | | | Common stock, \$5 par; authorized 12,000,000 shares; outstanding-1965, 6,600,000 shares; 1964, 6,350,000 shares | \$ 33,000,000 \$ 31,750,000 |
| | | | 4% preferred stock, cumulative, \$100 par; authorized 600,000 shares; outstanding 215,000 shares | 21,500,000 21,500,000 |
| | | | Premium on capital stock | 48,676,051 40,132,301 |
| | | | Capital stock expense | (858,228) (816,063) |
| | | | Earned surplus | 38,820,505 34,880,386 |
| | | | Total proprietary capital | 141,138,328 127,446,624 |
| | | | LONG-TERM DEBT (Note 3) | 169,259,000 169,506,000 |
| | | | CURRENT LIABILITIES: | |
| | | | Notes payable | 14,100,000 7,100,000 |
| | | | Accounts payable | 2,215,093 1,071,247 |
| | | | Taxes accrued | 6,396,324 6,345,523 |
| | | | Interest accrued (cash in special deposits- \$450,000) | 1,589,532 1,525,589 |
| | | | Other | 1,366,224 1,260,050 |
| | | | Total current liabilities | 25,667,173 17,302,409 |
| | | | DEFERRED CREDITS: | |
| | | | Unamortized premium (less expense) on debt ... | 216,798 237,847 |
| | | | Customer advances for construction | 1,849,392 1,767,095 |
| | | | Other | 524,586 868,733 |
| | | | Total deferred credits | 2,590,776 2,873,675 |
| | | | CONTRIBUTIONS IN AID OF CONSTRUCTION | 600,151 489,518 |
| | | | ACCUMULATED DEFERRED INCOME TAXES | 14,541,309 13,141,509 |
| | | | TOTAL | \$353,796,737 \$330,759,735 |

32711

March 9, 1967

RE: Permit 32711

Gale C. Farley
Idaho Power Company
1220 Idaho Street
Boise, Idaho

Dear Mr. Farley:

As requested in our telephone conversation of today I am enclosing the Affidavit of Publication and the signed DA-8 form in the amount of \$7.00. I feel there was an error in this billing since you paid the bill and received the affidavit.

Thanking you in advance,

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRB:ejw

Encl: Affidavit
DA-8 form

32711

March 8, 1967

Re: Permit No. 32711

**J. F. Emery, Vice President
Idaho Power Company
1220 Idaho Street
Boise, Idaho**

Dear Mr. Emery:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the Gooding County Leader, all submitted in proof of completion of works and beneficial use on Permit No. 32711.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try to contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

**M. Russell Bosch
Office Manager**

MRB:nw

32711

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho
Permit No. 32711

RECEIVED
MAR 6 1967
Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

DEPOSITION OF HOLDER

Ques. 1. State your name, residence occupation and postoffice address: J F Emery,
Boise, Idaho, Vice President and General Manager, 1220 Idaho Street, Boise, Idaho

Ques. 2. If acting in behalf of corporation, state its name, principal place of business
(if foreign corporation, give name of postoffice of statutory agent), your
position with reference to same, and your authority for appearing in its behalf:
Idaho Power Co, 1220 Idaho Street, Boise, Idaho-Vice President & General Manager

Ques. 3. State number, approval date of permit, and date of priority: 32711;
February 4, 1966; January 31, 1966

Ques. 4. State source of water supply: _____
Give location of point of diversion, showing subdivision, section, township and range
Within Lot 1, Section 10, T9S, R15E, BM, Gooding County, Idaho

Ques. 5. Describe your works of diversion: Concrete headgate & 48" concrete pipe
for diversion to raceways; state amount of water they are capable of con-
veying from point of diversion to place of use: approx 138 cfs; Give name of canal or ditch
or other works by which water is conducted to such place of use: None
_____; if a well, state depth of well NA; depth and size of
casing NA; depth to water NA; if pump is used,
state discharge of pump: NA; tell how it was measured or determined NA
_____; if sprinkler irrigation, give number and size
of nozzles and operating pressure: Sec #6 below.

Ques. 6. State for what purpose water is used: fish rearing & incubation, domestic
(If for irrigation, name each subdivision in which used and number of acres in
each subdivision that have actually been irrigated with said water:
108 cfs used for fish rearing & incubation. 2 cfs used for fire protection, household
purposes and sprinkler irrigation of lawns, trees shrubs, etc located within Lot 1,
Section 10, T9S, R15E, BM

32711

State nature of all improvements which have been made as a direct result of said use:
Hatchery building, raceways and complete hatchery facilities have been constructed. Also,
3 residences, 3 trailer spaces and landscaping of general area.

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled
the well: NA

Ques. 7. If for other than irrigation purposes, show full legal description of place
of use and state purpose for which water is used:

Approx 1500' from NE corner of Section 10, T9S, R15E, BM, within Lots 1 & 9, Sec 10,
T9S, R15E, BM. Used for fish rearing and domestic & sprinkling purposes.

Ques. 8: 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:

NA

Quest. 9: State when and in what amount the water diverted under above mentioned permit
has been first used: _____ - Time used since first use:

Use of this water began about September, 1966, for domestic and landscaping purposes
during construction of hatchery. Used about 6 months.

Ques. 10. Describe all other water rights appurtenant to same place of use: None

(sign) *[Handwritten Signature]*

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 him-
self 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 1st day of March, A. D. 1967.

[Handwritten Signature]

My commission expires: May 15, 1970

32711

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
MAR 6 1967
Department of Reclamation

PERMIT NO. 32711

**Proof of Application of Water to Beneficial Use
Deposition of Witness and Completion of Works**

The deposition of two witnesses, on this form, taken separately, required in each case.

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

Ans. Sherwin M Barton, 53, 6526 Randolph Drive, Boise, Idaho
Consulting Engineer

Ques. 2. Are you acquainted with Idaho Power Company, the holder of Permit No. 32711? How long have you known him and where does he reside?

Ans. 30 Years - Boise, Idaho

Ques. 3. Have you read or heard read said Permit No. 32711, 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. Water from Niagara Springs Creek is diverted to raceways by a dam through a 48" gravity pipe. Capable of delivering +138 cfs to raceways. Domestic & irrigation water is taken directly from Niagara Springs via a 8" gravity pipe - capable of delivering +5 cfs at site.

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. 125 cfs observed in 48" main supply pipe at approximately 2' head above intake pipe. 2 cfs observed in 8" domestic line (pipe is capable of handling +5 cfs).

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. 1.0 cfs for irrigation reclaimed sandy soil for grass and shrubbery.

32711

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

Ans. 108 cfs beneficially used for steelhead raceways from 48" pipe
Combined use (.5 cfs beneficially used for hatchery (1- office
on 8" (.5 cfs beneficially used for domestic use (3 - homes
domestic (1.0 cfs beneficially used for irrigation (2 - trailer spaces
line.

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. 1.0 cfs

Ans. Approx. 10 acres in landscaping (shrubbery & grass) utilizing automatic sprinkler irrigation, permanently installed 3/16" nozzles- approx 108 plus 15 hose bib outlets - 2 - 6" fire hydrants.

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. Have observed irrigation during September 1966; observed utilization of raceway water February 27, 1967 and measured amount used with weirs (125 cfs); observed hatchery water and domestic water use February 27, 1967.

(Signed) Merwin M. Barton

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 1st day of March, A. D. 19 67.

Paul C. Farley
Notary Public.

My commission expires May 15, 1970.

32711

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
MAR 6 1967
Department of Reclamation

PERMIT NO. 32711

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

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

Ans. Jerry Eggleston, 31, 2503 Esquire Dr., Engineer
Boise, Idaho 83704

Ques. 2. Are you acquainted with Idaho Power Company, the holder of Permit No. 32711? How long have you known him and where does he reside?

Ans. 9 years. Resides at 1220 Idaho Street, Boise, Idaho

Ques. 3. Have you read or heard read said Permit No. 32711, 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. Niagara Springs, Section 10, T9S, R15E, 48" concrete pipe
w/diversion dam and headgate and 8" steel pipe.

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. 125 cfs through 48" pipe measured and observed. Estimate 5 cfs
through 8" pipe used to supply 3 houses, fire protection and irrigation.

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. 125 cfs for fish rearing in Section 10, T9S, R15E. Domestic, fire
protection and irrigation of park and ground area in Sec 10, T9S,
R15E.

32711

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

Ans. Observed 125 cfs flowing through fish rearing ponds. 3 houses served
w/domestic water, two fire hydrants for fire protection; facilities in
place for use of about 0.2 cfs in hatchery facilities.

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. 108 sprinkler heads w/est total cap of 1.7 cfs in place for irrigation
of approximately 10 acres of park area (w/sandy soil).

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. 27 February 1967. 108 cfs used in fish rearing raceways; estimated
2 cfs useable for irrigation and domestic use from facilities in place.

(Signed)

Jerry Eggleston

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 1st day of March,
A. D. 1967.

Paul C. Farley

Notary Public.

My commission expires May 15, 1970.

32711

AFFIDAVIT OF PUBLICATION

RECORDED
MAR 6 1967

Department of Reclamation

STATE OF IDAHO, }
COUNTY OF GOODING } SS.

I, *Thomas D. Miller*, do solemnly swear that I am the printer and publisher of THE GOODING COUNTY LEADER, a weekly newspaper of general circulation, published once each week at Gooding, Idaho; that the notice attached

hereto was published in said newspaper *four* consecutive weeks, the first publication having

been made on the *26th* day of *January*, 196*7*, and the last publication having been

made on the *16th* day of *February*, 196*7* that said notice was published in the regular and entire issue of every number of the paper during that period and time of publication, and that the said notice was published in the newspaper proper, and not in the supplement thereof.

That said newspaper has been printed and published continuously in *Gooding, Gooding County, Idaho*, for a period of more than 78 weeks prior to the first publication of the attached notice.

Thomas D. Miller
Subscribed and sworn to before me this

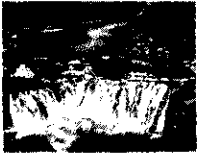
26th day of *January*, 196*7*

John S. Mitchell
Notary Public



32711

SNAKE RIVER



HYDRO POWER

IDAHO POWER COMPANY

BOX 770 • BOISE, IDAHO 83701

March 3, 1967

RECEIVED
MAR 6 1967

Department of Reclamation

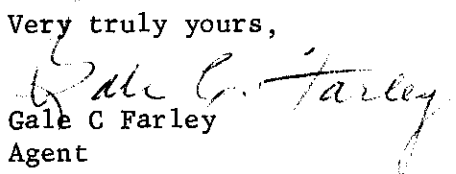
Mr R Keith Higginson, Engineer
State Department of Reclamation
107 State House
Boise, Idaho 83701

Re: Permit No 32711

Dear Sir:

In accordance with your letter dated January 16, 1967, we are enclosing depositions of holder and two witnesses together with affidavit of publication, all in connection with the above-numbered permit.

Very truly yours,


Gale C Farley
Agent

bt

Encls

32711

XXXXXXXXXX

January 16, 1967

Re: Permit No. 32711

Gale C. Farley
1220 Idaho Street
Boise, Idaho

Dear Mr. Farley:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. 32711 in the name of Idaho Power Company. Final Proof is to be made before you, as Notary on the 1st day of March, 19 67, at 1220 Idaho Street, Boise, Idaho.

As of this date, we have mailed the Notice to the Gooding Leader, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then mail the Affidavit of Publication and statement of costs to you.

It is important that the enclosed depositions be executed by the permit holder and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the time, on the date and before you, as Notary, as stated in the publication notice. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, that your Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the AFFIDAVIT OF PUBLICATION.

Very truly yours,

MRB:rw

M. Russell Bosch
Office Manager

Encl.

cc: Applicant

32711

January 16, 1967

Re: Permit No. 32711

Gooding Leader
Gooding, Idaho

Gentlemen:

Enclosed you will find a legal notice which we wish to have published for four consecutive weeks prior to March 1, 1967. The expense of the publication is to be paid by Gale C. Farley of 1220 Idaho Street, Boise, Idaho, to whom you should furnish proof of publication on or prior to the above date.

Please acknowledge receipt of this notice and furnish this office with a copy or tear sheet of the notice for checking at least one week prior to the first publication.

Very truly yours,

M. Russell Bosch
Office Manager

MRB:nw

125-111

R
JAN 16 1967

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Department of Reclamation

NOTICE is hereby given that at ~~the~~ ~~of~~, on the 1st day of March
1967, at Boise, County of Ada, State of Idaho, before
Gale C. Farley, Notary Public, at (address) 1220 Idaho Street
110, proof will be submitted of the completion of works for the diversion of
110 cubic feet per second of the waters of Niagara Springs
, and of the application to beneficial use of said water, in accordance with
the terms and conditions of Permit No. 32711, heretofore issued by the Department of
Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit
is: Idaho Power Company, 1220 Idaho Street, Boise, Idaho

2. 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 conveying to the place of use is
110 cubic feet per second.

3. The use to which said water has been applied is fish propagation, incidental
domestic & irrigation purposes, and the amount applied to beneficial use is 110 cubic
feet per second.

4. The point of diversion of said water is 108 cfs - approx 1000)
2 cfs - approx 900) feet from NE Corner
Section 10, T9S, R15E, EM; within Lot 1, Section 10, T9S, R15E, EM.

5. The place where said water is used is approximately 1500 feet from NE corner Section 10,
T9S, R15E, EM, in Lots 1 & 9, Section 10, T9S, R15E, EM

_____ Total _____ acres.

6. The date of priority which said user is prepared to establish is January 31, 1966

State Reclamation Engineer

32711
mt

RECEIVED
JAN 16 1967

Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) January 16, 1967

(P. O.) Box 770, Boise, Idaho

TO THE STATE RECLAMATION ENGINEER

Boise, Idaho

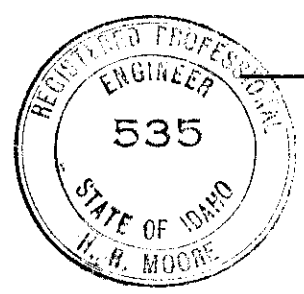
Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the Gooding Leader of Gooding, Idaho Published in the county in which the works are situated.

Gale C. Farley
Gale C Farley, Agent

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer)

I hereby certify that the facts set forth in the attached notice are true.



H R Moore
H R Moore Engineer

32711

SNAKE RIVER



HYDRO POWER

IDAHO POWER COMPANY

BOX 770 • BOISE, IDAHO 83701

January 13, 1967

RECEIVED
JAN 16 1967

Department of Reclamation

Mr. R. Keith Higginson, Engineer
State Reclamation Department
107 State House
Boise, Idaho

Re: Permit No 32711

Dear Sir:

Enclosed is your Form 36-A, Notice of Proof of Completion of Works, in duplicate, and your Form No 11.

Please have publications commenced on Thursday, January 19, 1967.

Very truly yours,

Gale C. Farley
Gale C. Farley
Agent

bt

Encl

32711

AFFIDAVIT OF PUBLICATION

RECEIVED
SEP 14 1966

NOTICE OF APPLICATION FOR
PERMIT TO APPROPRIATE THE
PUBLIC WATER OF THE
STATE OF IDAHO
ACCORDING TO THE
PROVISIONS OF THE

NOTICE
That the applicant is in
Adm. No. 11
City of Gooding, Idaho
1966
per
State of Idaho, for
for
five
purpose
The notice is in
Lot 1, R. 15
E., R. 15
The notice is in
in Lot 1, R. 15, S.
R. 15, S.
The notice is in
against the ap-
plication must be
made in the
within forty
(40) days of this
notice of all state
and county pro-
cesses and forth
of
August,
1966.
Date of publication Aug. 25,
1966.
Date of first publication Sept. 8,
1966.
Last issue for publication Sept. 26,
1966.
Service of notice on FORRE-
STER, in Gooding, Idaho, by at-
testation of the State of Au-
gust, 1966.
IDaho
By Gale C. [Signature]
44-46

STATE OF IDAHO, }
COUNTY OF GOODING } Department of Reclamation
SS.

I, *Leland G. Burress*, do solemnly swear that I am the printer and publisher of THE GOODING LEADER, a weekly newspaper of general circulation, published once each week at Gooding, Idaho; that the notice attached hereto was

published in said newspaper *three* consecutive weeks, the first publication having

been made on the *25th* day of *August* 196*6*, and the last publication having been

made on the *8th* day of *September*, 196*6* that said notice was published in the regular and entire issue of every number of the paper during that period and time of publication, and that the said notice was published in the newspaper proper, and not in the supplement thereof.

That said newspaper has been printed and published continuously in *Gooding, Gooding County, Idaho*, for a period of more than 78 weeks prior to the first publication of the attached notice.

Leland G. Burress
Subscribed and sworn to before me this

8th day of *September*, 196*6*

Paul G. [Signature]
Notary Public

3-111

SNAKE RIVER



HYDRO POWER

IDAHO POWER COMPANY

BOX 770 • BOISE, IDAHO 83701

September 13, 1966

RECEIVED
SEP 14 1966

Department of Reclamation

Mr R Keith Higginson, Engineer
State Reclamation Department
State House
Boise, Idaho

Dear Mr Higginson:

Enclosed is Affidavit of Publication from the
Gooding Leader, Gooding, Idaho in connection with our Permit
No 32711.

Very truly yours,

Gale C. Farley
Gale C Farley
Agent

bd
Encl



NOTICE OF APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE OF IDAHO, IN ACCORDANCE WITH THE
PROVISIONS OF SECTION 42-203, IDAHO CODE

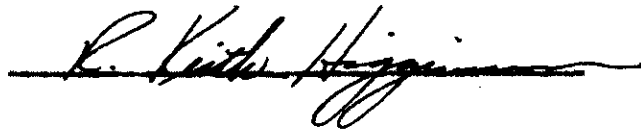
NOTICE IS HEREBY GIVEN, That Idaho Power Company, Boise, Ada County, Idaho, made Application No. 40874, dated January 31, 1966, to appropriate 152 cubic feet per second of the water of Niagara Springs, tributary to Snake River, for a fish hatchery, fish rearing, fire protection and domestic use purposes.

That the point of diversion is in Lot 1, Section 10, T. 9 S., R. 15 E., B. M.

The place of use of said water is in Lots 1 and 9, Section 10, T. 9 S., R. 15 E., B. M.

That any protests against the approval of this application must be filed in the Department of Reclamation, at Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant, and shall clearly set forth his objection to the approval of said application.

Dated this 16th day of August, 1966.



DATE OF FIRST PUBLICATION _____

DATE OF LAST PUBLICATION _____

LAST DATE FOR PROTEST: _____

SERVICE OF THE FOREGOING, by copy, is hereby acknowledged
this _____ day of _____, 1966.

IDAHO POWER COMPANY

By _____



RECEIVED
AUG 23 1966

NOTICE OF APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 42-203, IDAHO CODE

NOTICE IS HEREBY GIVEN, That Idaho Power Company, Boise, Ada County, Idaho, made Application No. 40874, dated January 31, 1966, to appropriate 152 cubic feet per second of the water of Niagara Springs, tributary to Snake River, for a fish hatchery, fish rearing, fire protection and domestic use purposes.

That the point of diversion is in Lot 1, Section 10, T. 9 S., R. 15 E., B. M.

The place of use of said water is in Lots 1 and 9, Section 10, T. 9 S., R. 15 E., B. M.

That any protests against the approval of this application must be filed in the Department of Reclamation, at Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant, and shall clearly set forth his objection to the approval of said application.

Dated this 16th day of August, 1966.

R. Keith Higgins

DATE OF FIRST PUBLICATION August 25, 1966

DATE OF LAST PUBLICATION September 8, 1966

LAST DATE FOR PROTEST: Sept 26, 1966

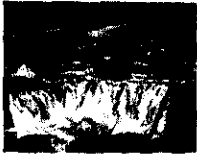
SERVICE OF THE FOREGOING, by copy, is hereby acknowledged this 17th day of August, 1966.

IDAHO POWER COMPANY

By Dale C. Farley
Agent

32711

SNAKE RIVER



HYDRO POWER

IDAHO POWER COMPANY

BOX 770 • BOISE, IDAHO 83701

August 22, 1966

RECEIVED
AUG 23 1966

Department of Reclamation

Department of Reclamation
107 State House
Boise, Idaho 83701

Re: Permit No 32711

Gentlemen:

Enclosed is copy of Notice of Application for Permit, etc, which will be published in the Gooding Leader, Gooding, Idaho commencing August 25, 1966, all in response to your letter dated August 16, 1966.

Very truly yours,

Gale C. Farley
Gale C Farley
Agent

bd
Encl

32711

August 16, 1966

Re: Permit No. 32711

James E. Bruce, Secretary
Idaho Power Company
P. O. Box 770
Boise, Idaho

Dear Mr. Bruce:

We are enclosing an order rescinding the previous action of this office on connection with your Permit No. 32711. This is made necessary due to the fact that this office erred in not causing a legal notice to be published prior to granting the permit.

Also enclosed are three copies of a legal notice in regard to this permit. Complete the blank spaces at the bottom of each notice. Give the original to a paper printed in Gooding County for publication in three (3) successive weekly issues, first publication within ten (10) days of your receipt of this notice. Return one copy to this office and keep one copy for your file.

Please remit the affidavit of publication promptly after the last publication.

Very truly yours,

R. KEITH HIGGINSON, Deputy
State Reclamation Engineer

RKH:ew

Enclosures

32711

S T A T E O F I D A H O
D E P A R T M E N T O F R E C L A M A T I O N

IN THE MATTER OF PERMIT
No. 32711

) RESCINDING PREVIOUS ACTION
) IN GRANTING PERMIT
) O R D E R
)

APPLICATION FOR PERMIT NO. 40874 was filed by the Idaho Power Company on January 31, 1966, and sought 152 second feet of water from Niagara Springs for operation of fish hatchery, domestic, fire protection and fish rearing. Said application was subject to the provisions of Section 42-203, Idaho Code, which requires that notice be prepared by this department and published in a newspaper printed in the county wherein the point of diversion lies, which notice should advise that any protest against the approval of the application may be filed with the Department of Reclamation. However, such notice was not prepared nor published and no opportunity was given for filing of protests, and therefore, the subsequent action of this office in granting Permit No. 32711 on said application is invalid by reason thereof.

IT IS THEREFORE ORDERED, and action of this office in granting Permit No. 32711 is hereby vacated, rescinded and set aside and said permit is held in suspense until such time as notice can be published and all other required action is taken. No proof of completion of works or beneficial use of the water will be received and no certificate or license will be issued by this office until such time as said permit is reinstated.

DATED THIS 15th day of August, 1966


Deputy State Reclamation Engineer

32711



SAFETY LIFE & ACCIDENT

GENERAL INSURANCE COMPANY OF AMERICA

RECEIVED
MAR 2 1966

Bond No. 553423

Department of Reclamation

KNOW ALL MEN BY THESE PRESENTS, That we, IDAHO POWER COMPANY, a corporation

as Principal, and the GENERAL INSURANCE COMPANY OF AMERICA, a corporation organized under the laws of the State of Washington, and authorized to transact the business of surety in the State of Idaho

as surety, are held and firmly bound unto STATE OF IDAHO

(hereinafter called the Obligee) in the just and full sum

of -----ONE THOUSAND----- Dollars (\$ 1,000.00), for which sum, well and truly to be paid, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Sealed with our seals, and dated this 22d day of February, 1966

THE CONDITION OF THIS OBLIGATION IS SUCH, That, WHEREAS ~~the above named Principal,~~

~~on the 31st day of January, 1966, filed in the office of the State Reclamation Engineer, in Boise, Idaho, a certain application for permit to appropriate the Public Waters of the State of Idaho, the said application being thereupon numbered No. 40874, in accordance with which said application the State Reclamation Engineer granted and issued to the said Principal herein a certain Permit numbered 32711, a full, true and complete copy of which application No. 40874 and Permit 32711 was recorded in the Office of the State Reclamation Engineer in Book 114 of Permits, Page 32711, on February 4, 1966.~~

~~NOW, THEREFORE, If the said Principal, shall faithfully carry to completion the said works of diversion as specified in said Application No. 40874 and Permit No. 32711.~~

then this obligation to be void; otherwise, to remain in full force and effect.

IDAHO POWER COMPANY _____ (Seal)
Principal

BY AS Bailey _____ (Seal)
Principal

James E. Brown _____ (Seal)
Principal

GENERAL INSURANCE COMPANY OF AMERICA

By Violet Douglas _____
Box 1698, Boise, Idaho Attorney-in-Fact

COUNTERSIGNED
[Signature]
Resident Agent
Box 1698, Boise, Idaho

32711

SNAKE RIVER



HYDRO POWER

IDAHO POWER COMPANY

BOX 770 • BOISE, IDAHO 83701

March 1, 1966

RECEIVED
MAR 2 1966

Department of Reclamation

Mr Carl Tappan, Engineer
State Reclamation Department
State House
Boise, Idaho

Dear Carl:

Enclosed is Permit Bond for \$1,000.00 which we are filing in compliance with the terms and conditions of our recent Permit No 32711 at Niagara Springs.

Very truly yours,

Gale C Farley
Agent

GCF:lo

Encl

February 11, 1966

Re: Permit No. 32711

Mr. Gale C. Farley, Agent,
Idaho Power Company,
Box 770,
Boise, Idaho.

Dear Mr. Farley:

32711

We enclose Permit No. _____ in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer

XXXXXXXXXXXXXXXXXXXX
We also enclose Departmental Receipt No. 33095
42.75
which was issued covering payment in the amount of \$ 42.75 ~~was mailed to~~
for the filing fee of the above mentioned permit. ~~you on February 1, 1966.~~

Very truly yours,

(MRS.) EDNA P. RULE
Chief Clerk

Enc:
EPR:pmk

32711

LAW OFFICES
BAKES, WARD & BATES

ROBERT E. BAKES
JOHN C. WARD
JAY F. BATES

November 10, 1971

612 HAYS STREET
P. O. BOX 2832
BOISE, IDAHO 83701
TELEPHONE: (208) 342-8915

Mr. Keith Higginson
Reclamation Engineer
State Office Building
Boise, Idaho

RECEIVED

NOV 12

RE: Idaho Power Application #36-2704

Dear Mr. Higginson:

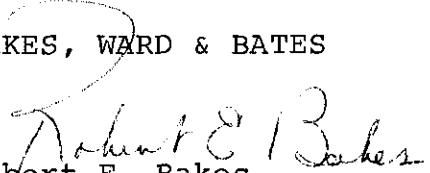
The above entitled Idaho Power Application has been pending for license for some time now. One of the problems in that file is that when Idaho Power initially filed their application they failed to cause the notice to be published as required by law, and as a result the Rim View application for 100 second feet of water was filed prior to the time that Idaho Power realized that their first application had not been properly published. Thereafter, proceedings were held in hearings on the Rim View application which resulted in a stipulation being entered into between Idaho Power Company and Rim View Trout Co., the result of which was that Rim View's application would have first priority for the first 40 second feet (actually, this 40 second feet was a long established use right and Rim View does not waive the earlier priority which is established by this use), then Idaho Power's application would be second for 110 feet, and the balance of Rim View's application would be next for 60 second feet.

The stipulation is filed in both files, and before any license is issued to Idaho Power Company establishing a priority for their water license, I think a conference should be held in order to work out the priority dates of both the Idaho Power application and the Rim View application. I am sending two copies of this letter in order that one may be placed in both the Idaho Power application file set out and the Rim View application file.

I would appreciate any comments which you may have on this.

Yours very truly,

BAKES, WARD & BATES


Robert E. Bakes

REB:bh

36 2704

OCT 5 1966

Department of Reclamation

DEPARTMENT OF RECLAMATION OF THE STATE OF IDAHO
STATE RECLAMATION ENGINEER
BOISE, IDAHO

IN THE MATTER OF APPLICATION NO)
41095 FOR PERMIT BY RIMVIEW)
TROUT COMPANY, INC. TO APPROPRIATE) AGREEMENT AND STIPULATION
100 CFS OF WATER FROM NIAGARA SPRINGS)
_____)

WHEREAS, Rimview Trout Company, Inc., has heretofore filed Application No. 41095 for 100 cfs of water from Niagara Springs to be used for fish propagation purposes; and

WHEREAS, the Idaho Power Company has filed a protest with the State Reclamation Engineer against the allowing of said Application; and

WHEREAS, the Idaho Power Company is the owner of the land upon which Niagara Springs is located, and Idaho Power Company has heretofore filed Application No. 40874 for 152 cfs of water from Niagara Springs for use in the fish hatchery that it has constructed; and

WHEREAS, Rimview Trout Company, Inc., now and for several years past has diverted and used approximately 40 cfs of water from Niagara Springs, and in making its Application No. 41095, Rimview Trout Company, Inc., is seeking to increase its water right to a total of 100 cfs, including therein the 40 cfs which it has been diverting and using for fish propagation purposes for several years; and

WHEREAS, certain differences have arisen between the Idaho Power Company and the Rimview Trout Company, Inc., concerning the right of the Rimview Trout Company, Inc., to expand its canal presently crossing the Idaho Power Company property, and also concerning the relative priorities to water rights between the Rimview Application and the Idaho Power Company Application; and

The parties hereto having compromised their differences

32711

regarding these and all other issues over which they are now in dispute, and the parties intending to be legally bound hereby;

NOW, THEREFORE, it is hereby stipulated and agreed between the parties that:

I

The Rimview Trout Company, Inc., in filing its Application No. 41095 for 100 cfs of water from Niagara Springs, is seeking a total appropriation of not to exceed 100 cfs of water from Niagara Springs, which 100 cfs includes therein the 40 cfs which Rimview is now, and has for some time been, diverting and using in conjunction with its trout hatchery operation, and Rimview agrees that the additional water appropriation herein sought over and above the 40 cfs now being diverted and used by said Rimview will be limited by the amount of such additional appropriation which Rimview can actually put to beneficial use pursuant to its Application No. 41095.

II.

That the parties hereto agree between themselves, for the purposes of their proceedings now before the State Reclamation Engineer upon Rimview Application No. 41095, and upon Idaho Power Company Application No. 40874, that the following priorities shall exist between the parties concerning their applications and appropriations of water from Niagara Springs:

1. First priority shall be to the 40 cfs now being diverted and used by Rimview Trout Company, Inc.
2. Second priority shall be to Idaho Power Company for 110 cfs, that being the approximate amount of water which Idaho Power is now putting to beneficial use pursuant to its Application No. 40874.
3. Third priority shall be to Rimview Trout Company, Inc. for not to exceed 60 cfs of water based upon its Application No. 41095, limited by the actual amount of said 60 cfs which Rimview shall actually put to beneficial use.

4. Fourth priority shall be to Idaho Power Company for the 42 cfs which represents the balance of the water sought by the Idaho Power Company under its Application No. 40874.

III.

Concurrently with the execution of this agreement, the Idaho Power Company agrees to execute a canal easement granting to the Rimview Trout Company, Inc., an easement for a canal to conduct up to 100 cfs of water over a strip of land 10 feet on either side of the center line of the existing Rimview canal across the Idaho Power Company property, together with such additional area as is reasonably necessary for the movement of equipment and personnel in performing any construction work and maintenance upon the canal to be maintained and constructed within said 20 foot strip.

IV.

Based upon the foregoing agreements, Idaho Power hereby withdraws its protest filed against the Application of Rimview, No. 41095, and consents to the granting of a permit based upon said Application, subject to the conditions set out in this agreement.

V.

This agreement shall inure to the benefit of and be binding upon the successors and assigns of the parties hereto.

Dated this 5th day of October, 1966.

IDAHO POWER COMPANY

By HR Moore
Vice President

ATTEST:

J. H. Rogers
Assistant Secretary

RIMVIEW TROUT COMPANY, INC.

By W. Lowell Baker
President

ATTEST:

Maurice Ganell
Secretary

32711



CORNELL, HOWLAND, HAYES & MERRYFIELD
414 North First Street, P.O. Box 897, Boise, Idaho 83701, Telephone: 208/343-2521

Boise Regional Office

ENGINEERS PLANNERS ECONOMISTS

B4539.0

11 November 1971

Mr. Ted Heikes
Idaho Power Company
P.O. Box 70
Boise, Idaho 83707

Dear Mr. Heikes:

Subject: Niagara Springs Fish Hatchery - Proof of Beneficial Use Inspection

Enclosed are six sheets of my field notes made on 27 February 1967 when Sam Barton and I made this inspection. The notes are in a little bit rough form, but I believe the basic data is all there.

After reviewing the notes, I believe the following is the rationale we used in making the measurements.

We first of all measured the head over the upstream end of the 48-inch concrete pipe feeding the fish raceways. These data appear on Sheet 1. Two 4-foot Cippoletti weirs were placed in raceway No. 11. We measured the head over each of these weirs and computed the flow over each weir and the total through the raceway based on those measurements. These data also appear on page 1. We then measured the head over the stoplogs in each of the 14 raceways and computed the average head to be 4.9 inches or 0.41 feet. These data appear on pages 2 and 3. By simple proportion, we then computed the flow through all 14 raceways based upon the ratio of the head over the stoplogs in raceway 11 to the average head over the stoplogs in all 14 raceways and the measured flow over the Cippoletti weirs in raceway 11. These data gave us a flow of 88 second feet as shown on Sheet 3.

Realizing that this was considerably under the design capacity of the facility, we began checking back to determine why the flow was different. On Sheet 4, are our computations to compute design capacity of the 48-inch concrete pipe. These computations gave us a capacity of approximately 136 second feet. We then went back and measured the flow over the 4-foot Cippoletti weirs in raceway 11. We found that the head had now increased so that the flow through

38 2704

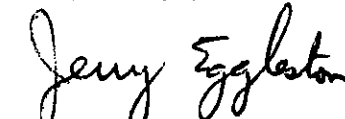
Mr. Ted Heikes
11 November 1971
B4539.0 - Page 2

raceway 11 was approximately 9.2 second feet. Using the same proportional computation as before, this gave a flow through all raceways of 126 second feet. These computations are shown on Sheet 5. As I recall, we concluded that since the weirs had been placed into the raceway shortly before we started making the measurements, the flow had not completely stabilized on our first measurements. After we had completed measuring the head over all of the stoplogs, considerably more time had elapsed and the head had increased significantly. On this basis, we concluded that raceways were using at least the 125 second foot allowed by the permit. Sheet 6 is a list of some of the other minor uses at the hatchery.

I can't explain why question 10 on the "Deposition of Witness" disagrees with question 7. I did not catch the difference at the time I signed the deposition. Our measurements would indicate that at least 125 second feet was flowing through the fish rearing ponds, so that question 10 should have shown 125 second feet rather than 108 second feet.

I hope this will clear up the questions which the Department of Reclamation raised. If there still remain some questions, I will be happy to try to work them out.

Very truly yours,



Jerry W. Eggleston
Project Engineer

JWE:bcs

cc: Mr. S. M. Barton w/Attachment

Attachment

36 2704

BY JWE DATE 2-27-57 SUBJECT Niagara Springs Fish Hatchery SHEET NO. 1 OF 1
 CHKD. BY _____ DATE _____ JOB NO. B 4539.0

Head ~~area~~ on 4/8" Conc pipe
 3.7' $\pm 0.2'$ from headwall to w.s. upstream
 5.4' " " " " top conc joint Class 2

2 - 4' Cipp weirs placed in roadway ≈ 31

| | | | | | |
|-----------|-----------------|------|---|-----------------------------------|---------------------------|
| | 4.75" | head | = | 0.40 | 3.4 |
| West Weir | 4.5" | | = | 0.37' 0.37' | Q = 3.05' |
| | 3.0" | | | 0.42' | 3.7 |
| East Weir | 4.75" | " | = | 0. 0.37' | Q = 3.3 |
| | | | | Total | 7.1 6.4 cfs |

Channel b = 4.93 w. depth us = 3.0'

BY JWE DATE 2-27-61 SUBJECT Niagara Springs SHEET NO 2 OF

CHKD. BY DATE H. G. H. JOB NO.

Racemy

Head

East
End

| | | |
|----|---|-----------|
| 14 | E | 5" |
| | W | 4.5" |
| 13 | E | 4.25" |
| | W | 4.25 |
| 12 | E | 4.25 |
| | W | 4.50 |
| 11 | E | 4.50 5.50 |
| | W | 5.50 |
| 10 | E | 4.75 5.50 |
| | W | 4.0 |
| 9 | E | 4.5 |
| | W | 4.25 |
| 8 | E | 4.5 |
| | W | 4.25 |
| 7 | E | 5.0 |
| | W | 4.75 |
| 6 | E | 4.75 |
| | W | 5.25 |
| 5 | E | 4.75 |
| | W | 5.0 |

Flow through 48" concrete pipe

$L = 295 \quad s = 0.9270$

Head over top pipe at U.S. end = 2.2'

Fall = 2.7'

$$H = 2.2 + 2.7 = 4.9' = \left[ks + \frac{fL}{D} + 1 \right] \frac{V^2}{2g}$$

$$= \left[(0.5) + (0.0165) \frac{295}{4} + 1 \right] \frac{V^2}{2g}$$

$\frac{e}{D} = .00025$

$f = 0.0165$

$$= (0.5 + 1.22 + 1) \frac{V^2}{2g}$$

$$4.9 = (2.72) \frac{V^2}{2g}$$

$$\frac{(4.9)(64.4)}{2.72} = V^2 = 116$$

$V = 10.8$

$A = 12.5 \text{ ft}^2$

$Q = VA = 136 \text{ cfs}$

BY JWE DATE 2-27-61 SUBJECT Niagara Springs ~~Velocity~~ SHEET NO 5 OF

CHKD. BY DATE JOB NO

Flow over 4' Cipic Weirs in raceway # 11

Head $\frac{5.75''}{48} = .48'$ 4.48 cfs

6.0'' = 0.50' $\frac{4.76}{9.24}$ cfs

$\frac{0.41'}{0.42} = \frac{x}{9.2} \Rightarrow x = \frac{9.2(41)}{(.42)} = \underline{\underline{9.0 cfs}}$

$\frac{14}{9} = 1.555$
126

9.4
1.4
3.7
1.4
13.1

$\frac{.41}{9.2} = \frac{.42}{x}$

$.41x = 9.2 \times .42$

BY JWE DATE 2-27-61 SUBJECT Niagara Fish Hatchery SHEET NO. 6 OF

CHKD. BY DATE JOB NO.

Sprinkler's

35 heads • 3/32 nozzles - @ 45 psi 4.9 gpm
 SS 5.4 gpm

20 struts of teap at 3.5 gpm

26 Buckner 108A heads

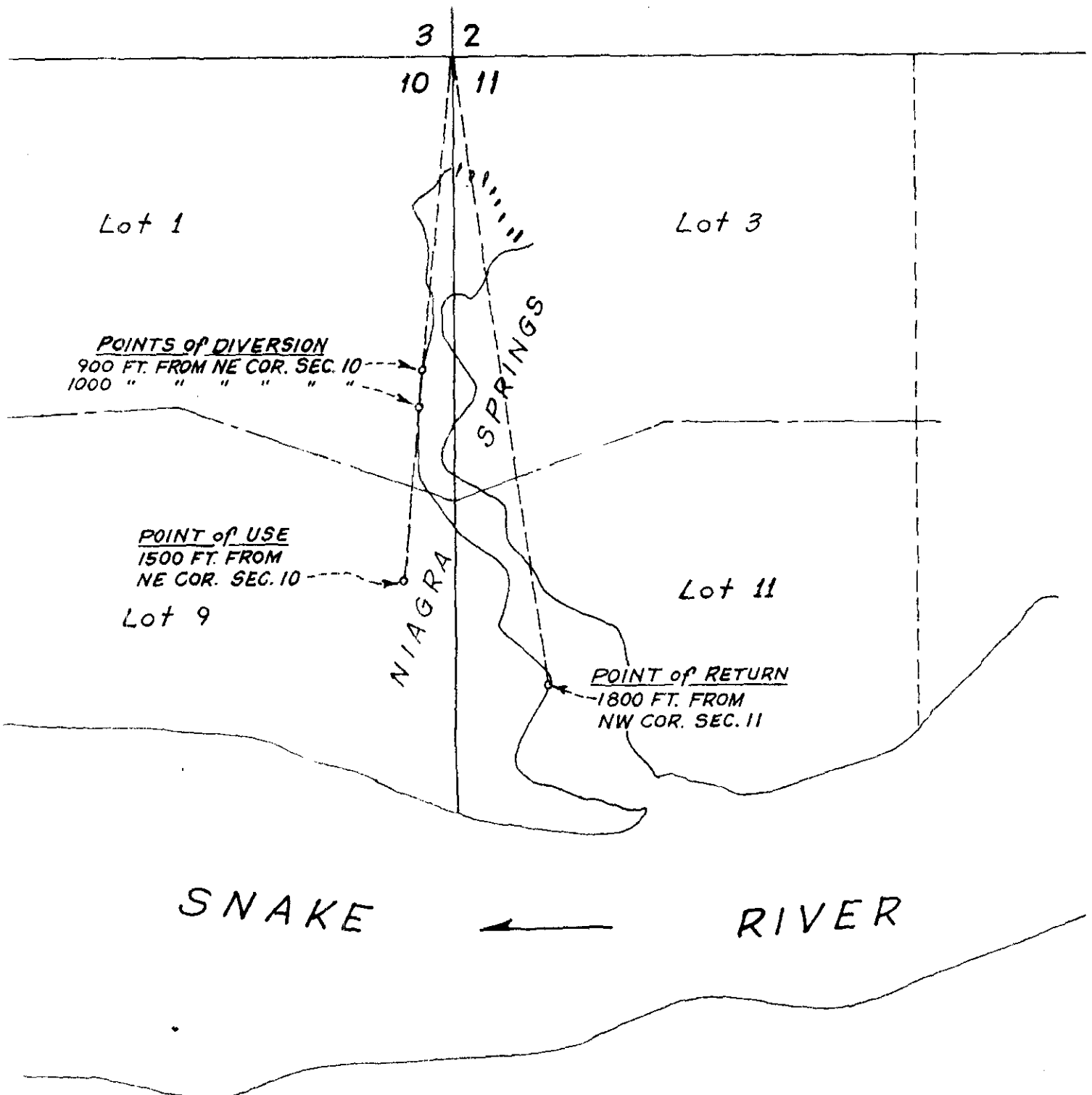
30 Buckner 560 w/ 3/16" heads

2 Fair hydrant

3 houses

8 teap presently, spare for 20 teap @ 3.5-7 gpm each

T. 9 S. - R. 15 E., B. M. 10A.



Permit Map No. 32711

As Approved

CARL E. TAPPAN FEB 4 1966

State Reclamation Engineer

32711

Scale - 1" = 400'

JAN 10 1966

February 1, 1966

RE: Application No. 40874
Idaho Power Company

Gale C. Farley, Agent
Idaho Power Company
Box 770
Boise, Idaho

Dear Mr. Farley:

Enclosed is departmental receipt No. 33095 in the amount
of \$42.75 covering the fee for the above numbered ap-
plication.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

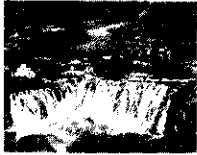
EPR:mr

Enc. receipt

32711

C
O
P
Y

SNAKE RIVER



HYDRO POWER

IDAHO POWER COMPANY

BOX 770 • BOISE, IDAHO 83701

January 31, 1966

Mr Carl E Tappan, Engineer
State Reclamation Department
State House
Boise, Idaho

Dear Carl:

Enclosed is our Application For Permit, your Form 1, to appropriate 152 cfs of water from Niagara Springs for the operation of a fish hatchery. My agent's check for ~~\$5.75~~ ^{\$12.75} to cover filing fees is also enclosed.

Should further information be required please let us know.

Very truly yours,

Gale C. Farley
Gale C Farley
Agent

GCF:ghs
Encls



92711