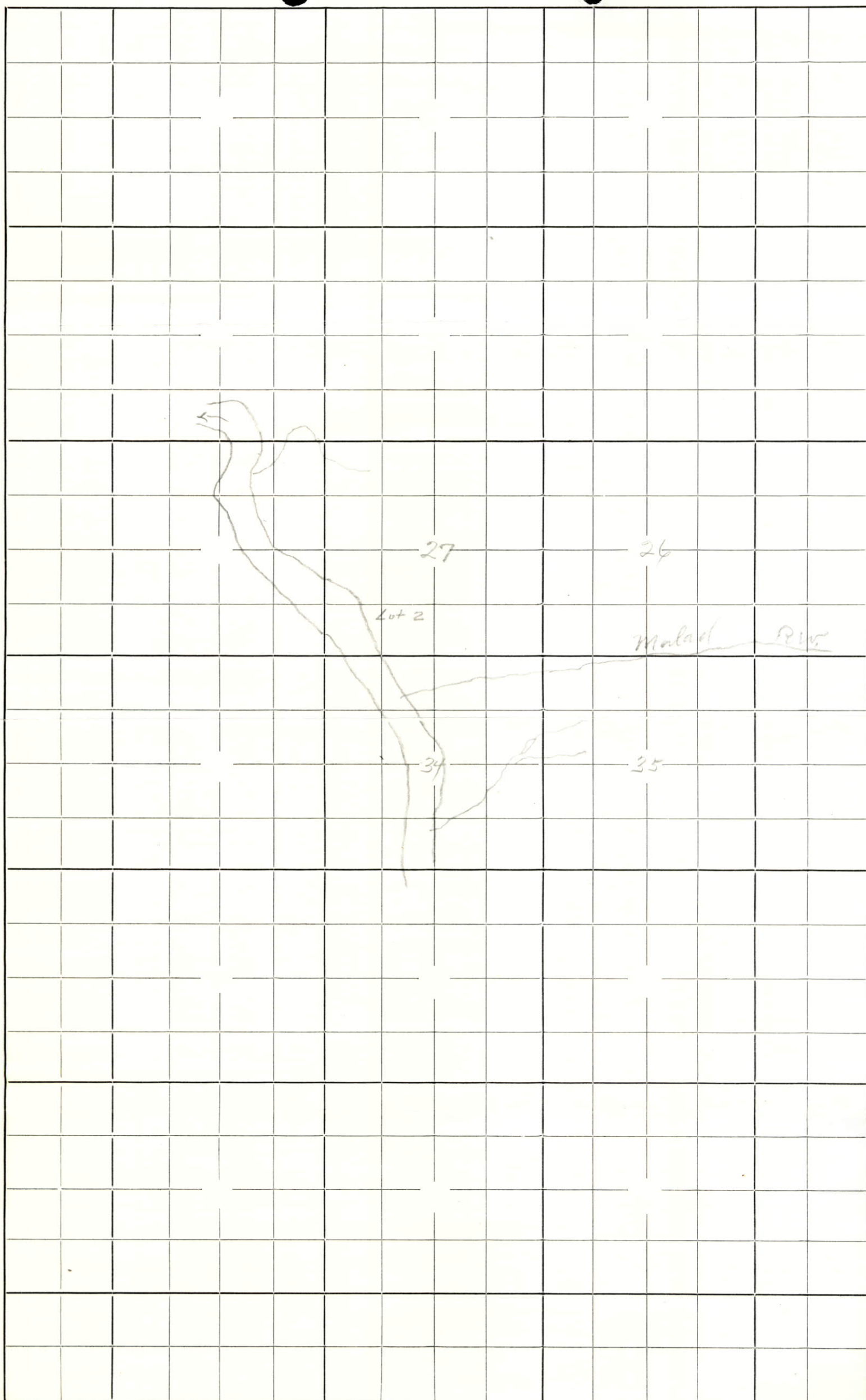




AFFIDAVIT OF PUBLICATION

Notice for Publication NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 a.m. on the 14th day of June, 1949, at 1220 Idaho Street, Boise, County of Ada, State of Idaho, before Geo. H. Petersen, Notary Public, proof will be submitted of the application to beneficial use of 1,250 cubic feet per second of the waters of Malad River, a tributary of Snake River, in accordance with the terms and conditions of Permit No. 19864 heretofore issued by the State Reclamation Engineer of the State of Idaho.

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

The use to which said water has

been applied is Electrical power generation.

The amount applied to beneficial use is 1,250 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) Point of use of water: approximately 1,060 feet distant from Southwest corner of Section 27, T. 6 S., R. 13 E., B.M., in Lot 2 of Section 27, T. 6 S., R. 13 E., B.M. (Lower Malad Power plant in Gooding County, Idaho)

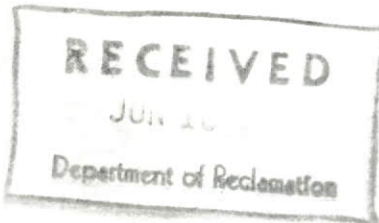
The name of the canal or ditch or other works by which said water is conducted to such place of use is a concrete flume and penstock. (Lower Malad Power Plant Flume.)

The right to take water from such works is based upon Permit No. 19864

The source of supply from which such water is diverted is Malad River, approximately 1,400 feet distant from the Northwest corner of Section 35, T. 6 S., R. 13 E., B.M. and in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, T. 6 S., R. 13 E., B.M., County of Gooding, Idaho.

The date of priority which said user is prepared to establish is May 14, 1946.

MARK R. KULP,
State Reclamation Engineer
19864 27-30



STATE OF IDAHO
County of Gooding

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

four consecutive weeks, the first publication having been made

on the 19th day of May, 1949,

and the last publication having been made on the

on the 9th day of June, 1949,

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

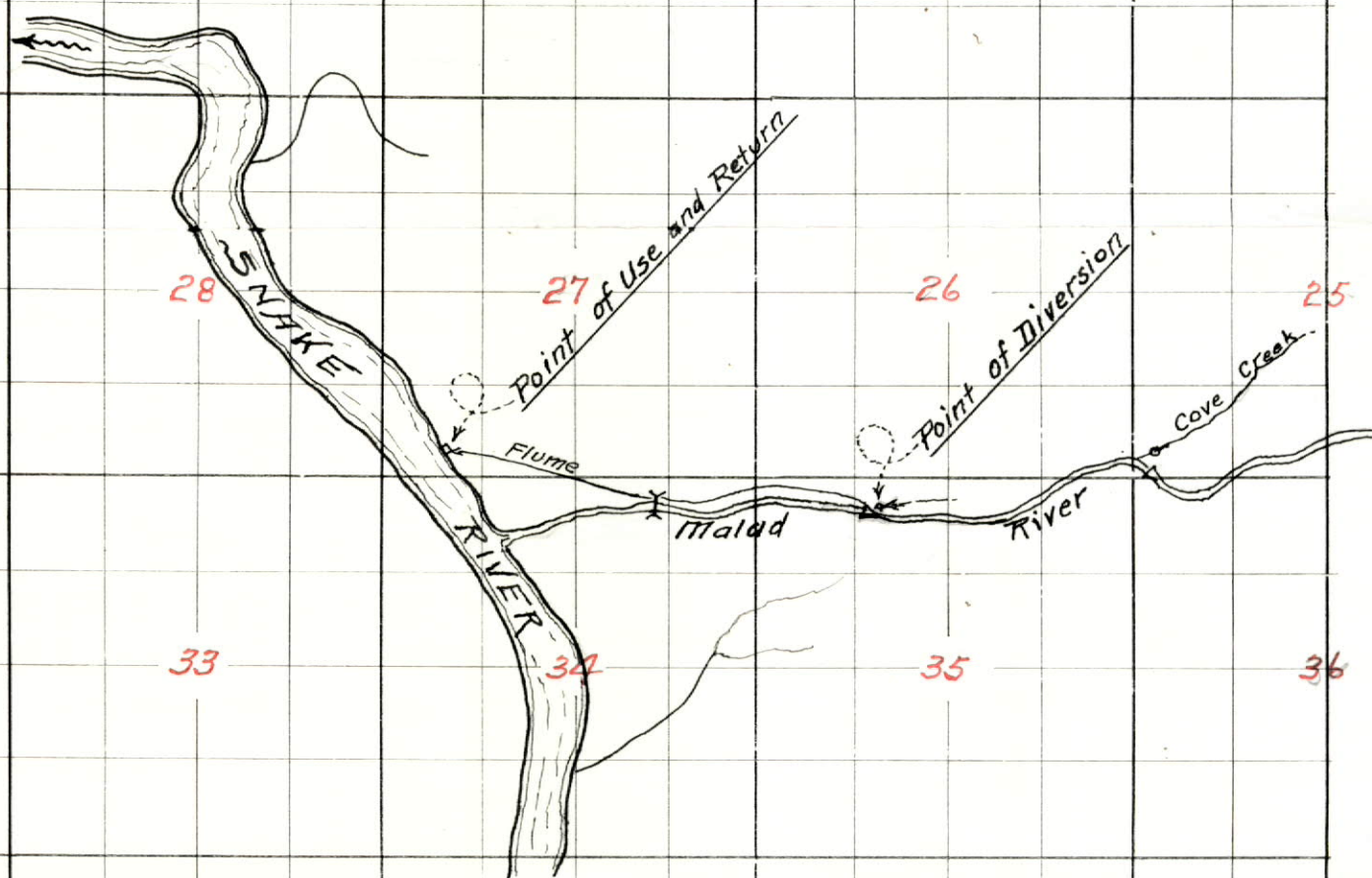
Subscribed and sworn to before me this

14th day of June, 1949.

Helen G. Smith

Notary Public.

19869



AFFIDAVIT OF PUBLICATION

19864

NOTICE FOR PUBLICATION

Notice is hereby given that at 10:00 A.M., on the 26th day of June, 1948, at 1220 Idaho Street, Boise, County of Ada, State of Idaho, before Geo. H. Petersen, Notary Public, proof will be submitted of the completion of works for the diversion of 1,250 cubic feet per second of the waters of Malad River in accordance with the terms and conditions of a certain permit heretofore issued by the State Reclamation Engineer of the State of Idaho.

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

2. The postoffice address of such person or principal place of business of such corporation is 1220 Idaho St., Boise, County of Ada, State of Idaho.

3. The number of such permit is 19864, and the date set for the completion of such work is June 27, 1948.

4. Said water is to be used for electrical power generation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the

amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 1,300 cubic feet per second.

MARK R. KULP, State Reclamation Engineer.

19864

STATE OF IDAHO }
County of Gooding } 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 *four* consecutive weeks, the first publication having been made on the *3rd* day of *June*, 194*8*, and the last publication having been made on the *1st* day of *July*, 194*8*, 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.

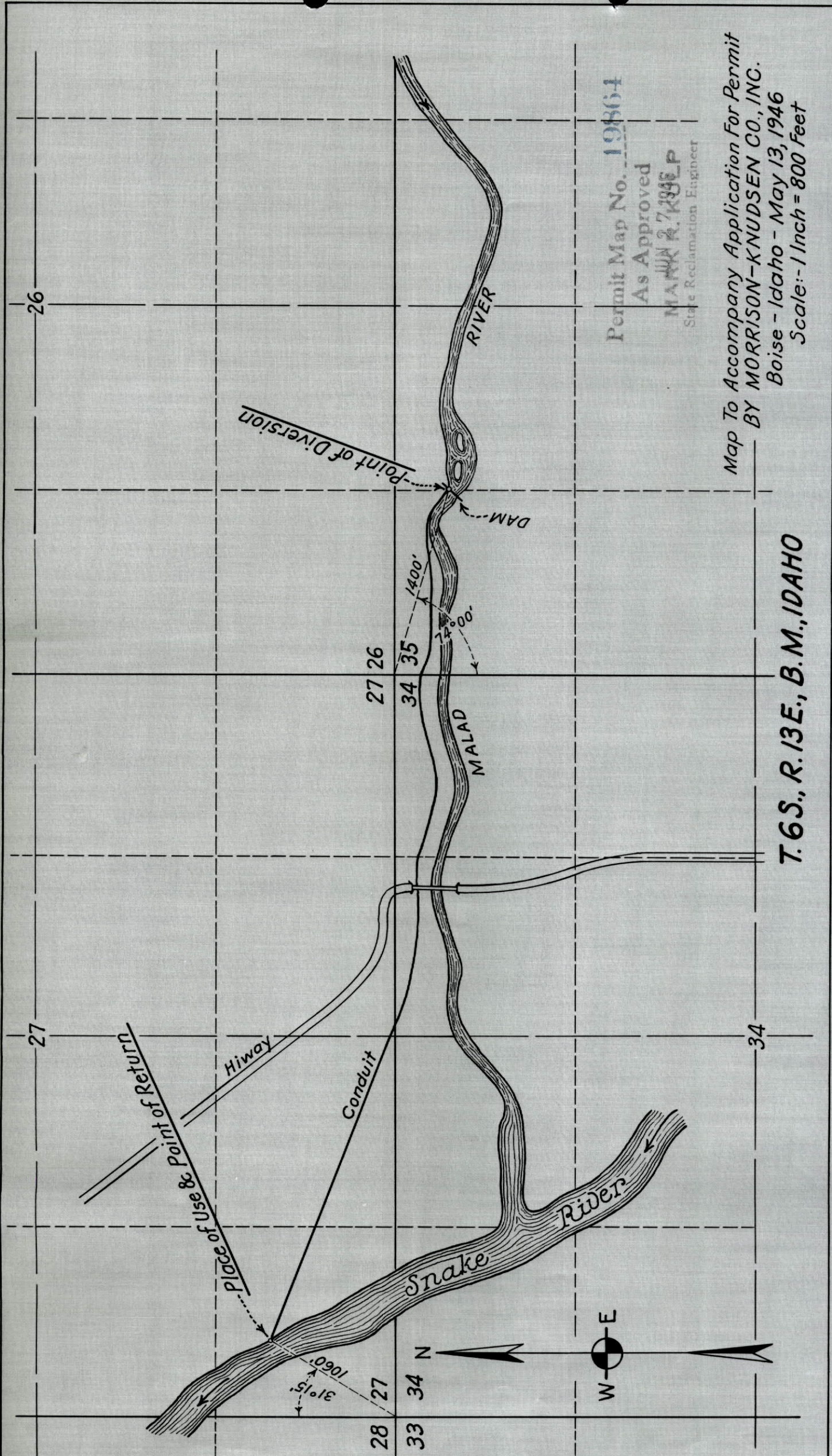
Leland G. Burress

Subscribed and sworn to before me this

26th day of *June*, 194*8*.

Mark R. Kulp
Notary Public.

19864

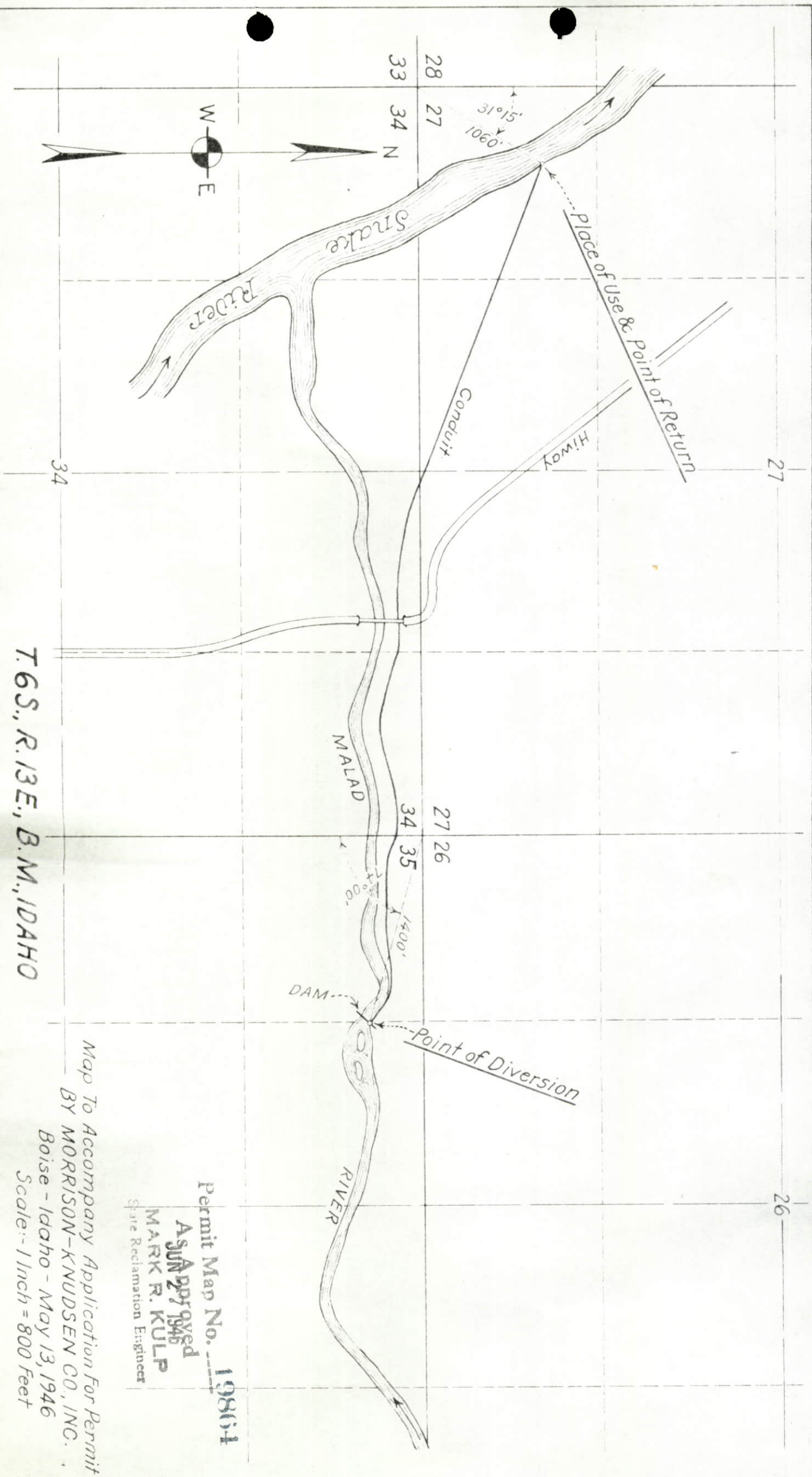


Permit Map No. 1986-4
 As Approved
 MARCH 27, 1946
 State Reclamation Engineer

Map To Accompany Application For Permit
 BY MORRISON-KNUDSEN CO., INC.
 Boise - Idaho - May 13, 1946
 Scale:- 1 Inch = 800 Feet

T.6S., R.13E., B.M., IDAHO

19864

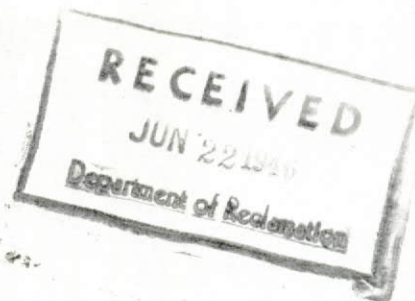


T. 6 S., R. 13 E., B. M., IDAHO

Map To Accompany Application For Permit
 BY MORRISON-KNUDSEN CO., INC.
 Boise - Idaho - May 13, 1946
 Scale: 1 inch = 800 Feet

Permit Map No. 1980-1
 AS UNDP 1946
 MARK R. KULP
 State Reclamation Engineer

A-6488
 19864



**STATE OF IDAHO
DEPARTMENT OF RECLAMATION**

NOTICE OF APPLICATION TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 41-203, IDAHO CODE ANNOTATED

NOTICE IS HEREBY GIVEN That on the 14th day of May, 1946, Morrison-Knudsen Company, Inc., of Boise, Idaho, made application to appropriate One Thousand Two Hundred Fifty (1,250) cubic feet per second of the waters of Malad River, a tributary of Snake River, for power purposes.

That the point of diversion of said water is located approximately 1,400 feet distant from the Northwest corner of Section 35, Township 6 South, Range 13 East, B. M., and in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said section.

That the point of use of said water is located approximately 1,060 feet distant from the Southwest corner of Section 27, Township 6 South, Range 13 East, B. M., and in Lot 2 of said section.

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 objections to the approval of the said application.

Dated this 16th day of May, 1946.

MARK R. KULP

State Reclamation Engineer

Date of first publication: May 23

Date of last publication: June 6

Last date of protest: June 25, 1946

SERVICE of the foregoing, by copy, is hereby admitted this 17th day of May, 1946.

MORRISON-KNUDSEN
COMPANY

By Carroll F. Zapp
Its Secretary

19864

Affidavit of Publication

STATE OF IDAHO }
County of Gooding } ss

VICTOR W. LEMON being duly sworn, says that he is of lawful age and is the editor of THE WENDELL IRRIGATIONIST, a weekly newspaper of general circulation published at Wendell, in the County of Gooding, State of Idaho; that the attached printed copy hereto annexed was published in THE WENDELL IRRIGATIONIST, in the regular edition thereof and not in a supplement, for 3 consecutive weeks, commencing on the 23rd day of May and ending on the 6th day of June 1946.

Victor W. Lemon Editor

Subscribed and sworn before me this 1st day of June 1946.

S. D. McQuinn
Notary Public in and for the County of Gooding
State of Idaho

My commission expires Jan. 1, 1948

2-321

**Notice for Publication
NOTICE OF PROOF
APPLICATION FOR WATER
TO BENEFICIAL USE**

Notice is hereby given that at 10 a.m. on the 14th day of June, 1949, at 1220 Idaho Street, Boise, County of Ada, State of Idaho, before Geo. H. Petersen, Notary Public, proof will be submitted of the application to beneficial use of 1,250 cubic feet per second of the waters of Malad River, a tributary of Snake River, in accordance with the terms and conditions of Permit No. 19864 heretofore issued by the State Reclamation Engineer of the State of Idaho.

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

The use to which said water has been applied is Electrical power generation.

The amount applied to beneficial use is 1,250 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) Point of use of water: approximately 1,060 feet distant from Southwest corner of Section 27, T. 6 S., R. 13 E., B.M., in Lot 2 of Section 27, T. 6 S., R. 13 E., B.M. (Lower Malad Power plant in Gooding County, Idaho)

The name of the canal or ditch or other works by which said water is conducted to such place of use is a concrete flume and penstock. (Lower Malad Power Plant Flume.)

The right to take water from such works is based upon Permit No. 19864

The source of supply from which such water is diverted is Malad River, approximately 1,400 feet distant from the Northwest corner of Section 35, T. 6 S., R. 13 E., B.M. and in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, T. 6 S., R. 13 E., B.M., County of Gooding, Idaho.

The date of priority which said user is prepared to establish is May 14, 1946.

MARK R. KULP,
State Reclamation Engineer

License and Certificate of Water Right

Water License No. 19864

Amount 650 second feet

Water District No. _____

Priority May 14, 1946

THIS IS TO CERTIFY that MORRISON-KNUDSEN COMPANY, INC.
of Boise, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated May 14, 1946; that Permit No. 19864
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1250 second feet, was issued thereunder on October 7, 1948, showing that said works
were completed on the 26th day of June, 1948; and that on the 14th
day of June, 1949,

IDAHO POWER COMPANY, Assignee.

of Boise, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Malad River
, a tributary of Snake River, for the purpose of electrical power generation
, under Use Permit No. 19864 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
8 of Licenses at page 4626, on the 29th day of September, 1950 ;
The right hereby confirmed dates from May 14, 1946 ;

The Point of Diversion is located approximately 1400 ft. from the Northwest corner of Sec. 35, and in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 35, Tp. 6 S., R. 13 E., B. M. Elmore & Gooding County,

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 650 cubic feet per second, in addition to License 4366 for 700 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
The place of use of said water is at the Company's Lower Malad Power Plant in Lot 2, Section 27, Township 6 South, Range 13 East, E. M.					

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
29th day of September, 1950.

MARK R. KULP
State Reclamation Engineer

(SEAL)

DATE 5-16 1946
5-23-46 to 6-6-46
Publication of Posting 1946
1 for Protest 6-25 1946

APPLICATION FOR PERMIT
To Appropriate the Public Waters of the State of Idaho

37-2472

IF PROTESTED

Date of Hearing 19
Filing 19
Appeal Filed 19

Application No. 27375
Permit No. 19864
District No.

1. Name of Applicant: MORRISON-KNUDSEN CO., INC.

Postoffice address: Boise

County: Ada

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation: Delaware- 1932
(b) Amount of capital stock: (Authorized) \$2,000,000
(c) Amount paid in: \$2,808,400
(d) Names and addresses of directors: M.E.Burns, C.W.Joslyn, H.W.Morrison, W.H.Puckett, Carroll F. Zapp, all of Boise, Idaho; J.B.Bonny, 810 Title Guarantee Bldg., Los Angeles, Calif.; C.P.Dunn, 167 Steckridge, Menlo Park, Calif.; C.R.Shinn, 611 Hoge Bldg., Seattle, Wash.; G.L.Youmans, P.O.Box 421, Greenwich, Conn.

II. The financial resources of the applicant are:

- (a) Cash on hand: \$1,000,00
(b) Treasury stock: -
(c) Bonds to be issued: -
(d) Other resources: See statement attached

2. Quantity of water claimed: 1,250 cubic feet per second.

3. Source of water supply: Malad River which is a tributary of Snake River

4. Location of point of diversion: Approximately 1,400 feet distant from the Northwest corner of Section 35, T. 6 S., R. 13 E., B.M., and is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, T. 6 S., R. 13 E., B.M., County of Gooding

5. Water is to be used for Electrical power generation

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

- (a) Point of use of water: Approx. 1,060 feet distant from Southwest corner of Section 27 T. 6 S., R. 13 E., B.M., in the Lot 2 of Section 27, T. 6 S., R. 13 E., B.M.
(b) Amount of power generated: 17,500 H.P., under 155 feet head.
(c) Water is to be returned to Snake River at a point Approx. 1,060 feet distant from the Southwest corner of Section 27, T. 6 S., R. 13 E., B.M., in the Lot 2 of Section 27, T. 6 S., R. 13 E., B.M.

7. Estimated cost of works: \$ 1,500,000

8. Kind of works: Dam, intake, flume, penstock and power plant

9. Height of dam: Approx. 15 feet; length of dam at top: Approx. 50 feet; length of dam at bottom: Approx. 50 feet; material used in dam: Concrete and wood

10. Size of headgate: Width: Approx. 35 feet; height: Approx. 12 feet;

11. Flume
Ditch: Width at bottom: Approx. 19 feet; width at water line: Approx. 19 feet; depth of water: 8.5 feet;

dimensions of flume: Approximately 10' X 19' (Inside)

Diameter of pipe: Approx. 155 inches; length of conduit: Approx. 1.125 miles.

Average grade per mile: Approx. 0.43 feet.

12. The time required for the completion of such work is Two (2) years.

13. The time required for the complete application of the water to the proposed use is One (1) additional years.

14. The land to be irrigated is described in the following tabulation: See remarks. None

14-A. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:

15. (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 waters of the State of Idaho as herein set forth.

MORRISON-KNUDSEN CO., INC. *Applicant.*

By Carroll F. Zapp *Agent.*
Its Secretary

Date of first receipt at Department of Reclamation: 4:30 P. M. May 14, 1946

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 19864

Recorded in Book 71 Page 19864 Approved June 27, 1946

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$1,000 to be filed on or before August 27, 1946

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 June 27, 1947

The whole of said work to be completed on or before June 27, 1948

Beneficial use of water appropriated in accordance herewith, to be made on or before June 27, 1949

Witness my hand this 27th day of June, 1946

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ARNOLD WILLIAMS, Governor of the State of Idaho,
and IRA H. MASTERS, 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 27th

day of June, 19 46.

STATE OF IDAHO

Countersigned:

(SEAL)

By IRA H. MASTERS

Secretary of State.

By ARNOLD WILLIAMS

Governor.

Remarks: This application is subject to existing prior rights, including rights of King Hill Irrigation District under contract dated February 7, 1909

14.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
							AFFIDAVIT TO ESTABLISH RESIDENCE (Corporation)												
			I, Carroll F. Zapp, of Boise, County of Ada, State of Idaho, being first duly sworn, depose and say:																
			That I am the Secretary of the Morrison-Knudsen Co., Inc.; that as such I am in charge of the registered office of said corporation, as provided by Section 29-142, I.C.A., located at Boise, Idaho, wherein are kept the records provided by Section 29-143, I.C.A. and that a majority of the stockholders of said corporation are bona fide residents of the State of Idaho.																
			Subscribed and sworn to before me this 14th day of May, 1946.												CARROLL F. ZAPP				
			(SEAL)				Mildred C. Halley Notary Public for Idaho Residence, Boise, Idaho My commission expires 11-5-47												
			CHAPTER 142, 1937 SESSION LAWS																
			This permit is issued subject to the provisions of Chapter 142, 1937 Session Laws, and in the event of its sale, transfer, assignment, or of its being mortgaged without a compliance with the provisions of this Act, or that if such permit is held by a corporation and a majority of its stock be sold, transferred, assigned, mortgaged or hypothecated by the stockholders thereof, to a foreign corporation, or to others than actual bona fide residents of the State of Idaho, then such permit is immediately subject to cancellation and revocation by the Commissioner of Reclamation (Now State Reclamation Engineer)																

A S S I G N M E N T

For value received, the undersigned, Morrison-Knudsen Company, Inc., hereby assigns all its right, title and interest in and to Permit to appropriate the Public Waters of the State of Idaho, No. 19864, to Idaho Power Company, of 1220 Idaho Street, Boise, Idaho.

Dated at Boise, Idaho, this 16th day of May, 1947.

(CORPORATE SEAL)

MORRISON-KNUDSEN COMPANY, INC.

By Karl Paine
Vice-President

ATTEST:

Carroll F. Zapp
Secretary

STATE OF IDAHO) ss.
COUNTY OF ADA)

On this 16th day of May, 1947, before me a Notary Public, personally appeared Karl Paine and Carroll F. Zapp, known to me to be, respectively, the Vice-President and the Secretary of Morrison-Knudsen Company, Inc., the corporation named in the foregoing instrument, and acknowledged to me that they executed the foregoing instrument in behalf of such corporation.

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

(Notarial Seal)

Deloria L. Williams
Notary Public for the State of Idaho
Residing at Boise, Idaho
My Commission expires: Oct. 12, 1949

Received and filed for record in the Department of
Reclamation, at Boise, Idaho, at 9:00 A.M., May 20, 1947
MARK R. KULP
State Reclamation Engineer

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

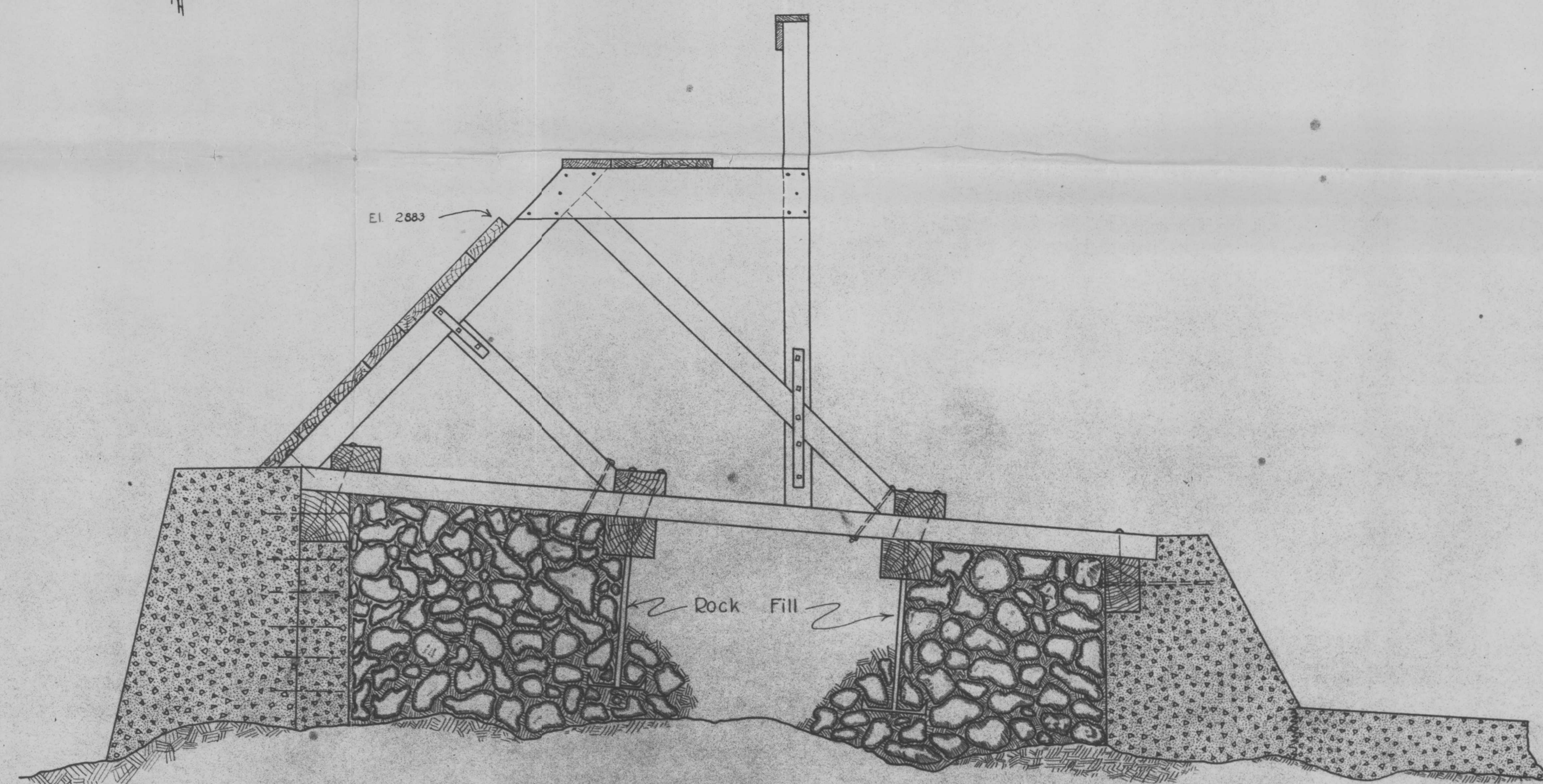
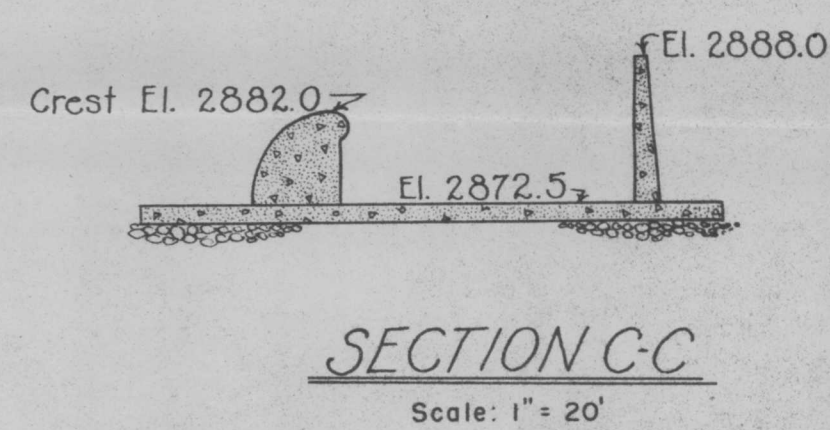
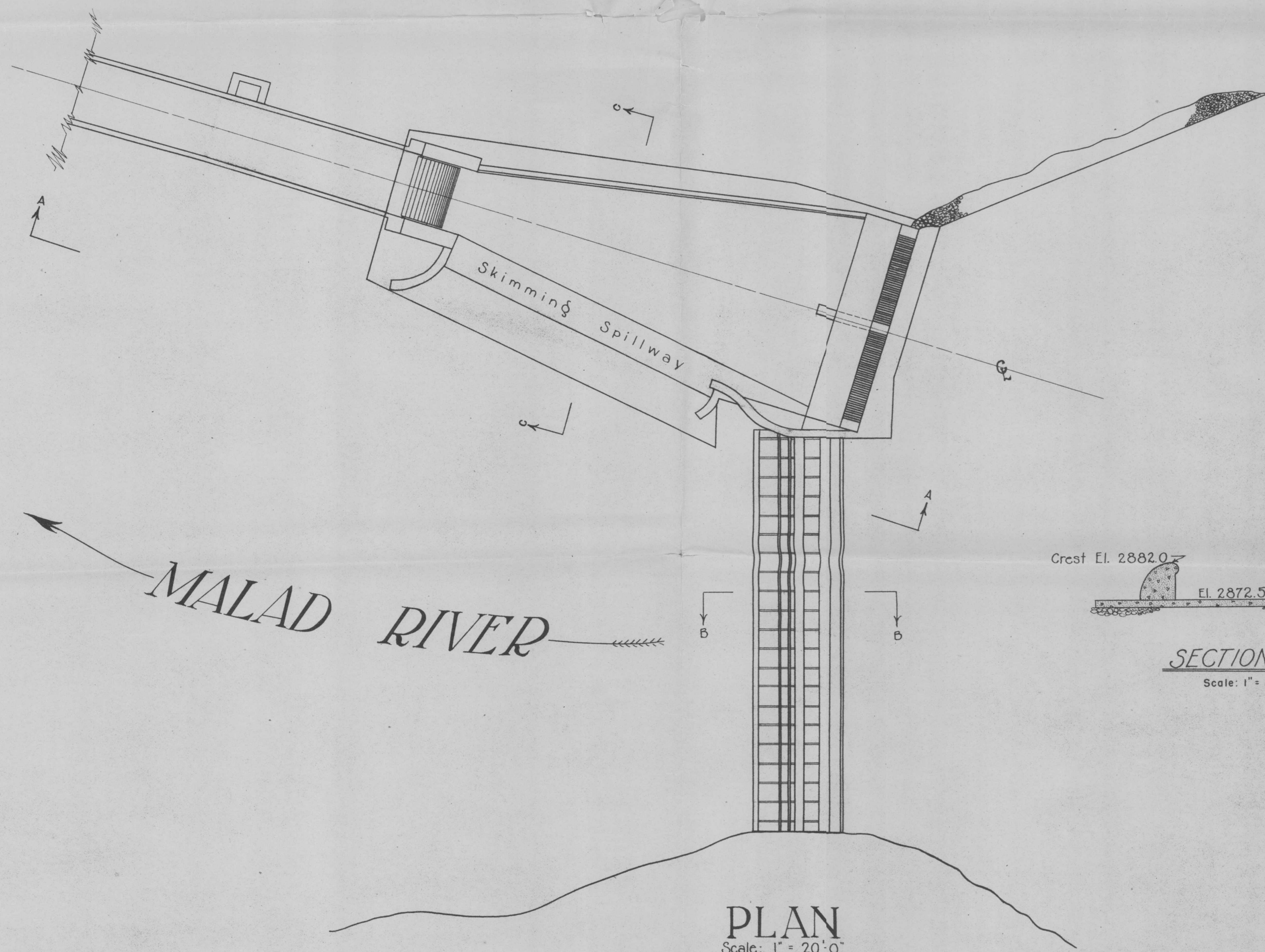
This is to certify that IDAHO POWER COMPANY of Boise, County of Ada, and State of Idaho, the holder of Permit No. 19864, issued upon Application No. 27375 bearing date of priority of May 14, 1946, authorizing the diversion of 1,250 second feet of the waters of Maled River, a tributary of Snake River, County of Gooding, State of Idaho, for electrical power generation purposes has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1,250 second feet of the waters of Maled River; that the point of diversion of said waters is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 35, Township 6 South, Range 13 East, B.M.; and that the place of use of such power is over the Company's system.

Witness my hand this 2nd day of October, A.D. 1948.

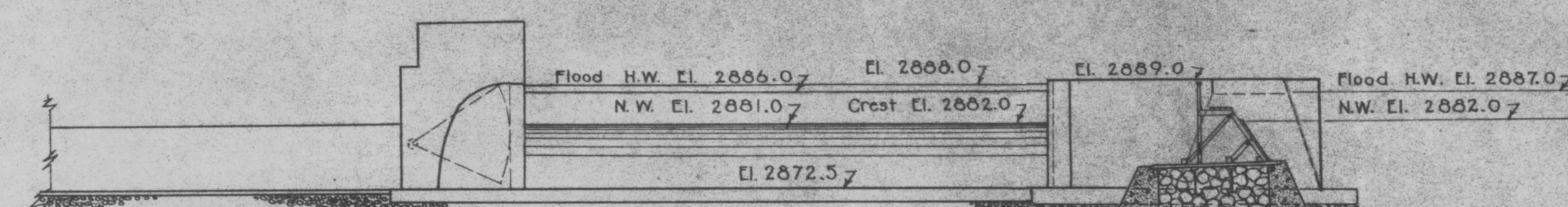
MARK R. KULP
State Reclamation Engineer

Proof of Completion of Works made June 26, 1948
Certificate of Completion of Works issued October 2nd, 1948.

LICENSE ISSUED FOR 600 SEC. FT.
P. 4626



B-B
CROSS SECTION OF DAM STRUCTURE SHOWING
CONSTRUCTION DETAILS. SCALE: 1/2" = 1 FOOT.



SECTION A-A
Scale: 1" = 20'

Map to Accompany
Application for Approval of Dam
Under Sec. 41-1507 Idaho Code Anno. 1932
LOWER MALAD H.E. DEVELOPMENT

Idaho Power Company
Boise, Idaho

July, 1947

E-6959



Drawn by: SM8
Traced: SM8
Checked: SM8
Correct: SM8

MEMORANDUM

TO: FILE 37-2472

FROM: CINDY BIRD

RE: Ferc Corresp.

DATE: 1-5-1998.

Original Application, forms and correspondence regarding the
above is located within file # 37-02128.

NO. FILED 4/15
AM. P.M.

MAR 9 1990

JOHN EASTDA CLERK
BY *Heather Martinez*
DEPUTY

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

* * * * *

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

* * * * *

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

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

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

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

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

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

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

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

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

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

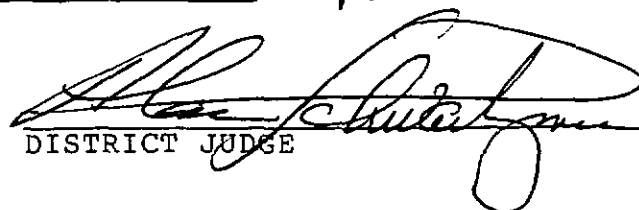
18 2. The above-captioned case is hereby dismissed
19 without prejudice as to all remaining defendants other than the
20 State Defendants.

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

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

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

DATED this 17th day of March, 1990


DISTRICT JUDGE

RECEIVED

FEB 18 1997

FEDERAL ENERGY REGULATORY COMMISSION

WASHINGTON, D. C. 20426

Department of Water Resources

FEB 12 1997

Project Nos. 503, 1971, 1975, 2055,
2061, 2726, 2777, 2778--Idaho
Idaho Power Company

To The Party Addressed:

In early January, we mailed you a copy of a discussion paper titled "Approaches to Cumulative Analysis for the Snake River Basin Relicensing," and notified you of a February 4, 1997, meeting in Boise, Idaho, to discuss the approaches. A number of entities have requested 30 days to provide written comments on the various approaches.

As we stated at the February 4, 1997, meeting, you will have 30 days to file written comments. Comments are due no later than March 6, 1997.

If you have any questions concerning this matter, please contact Mr. Alan Mitchnick at (202) 219-2826.

Sincerely,



J. Mark Robinson
Director, Division of
Licensing and Compliance

Distribution:

- (1) Snake River relicensing collaborative team mailing list
- (2) Bliss, Lower Salmon Falls, and Upper Salmon Falls
Projects mailing list

MORRISON-KNUDSEN COMPANY, INC.

PREFERRED STOCK OUTSTANDING

December 31, 1945

Series	Redeemable On or After	Annual Dividend Rate	Total Par Value
F	8-1-48	\$5.00	\$ 99,000
G	10-1-46	5.00	99,900
H	8-1-46	5.00	100,000
I	10-1-47	5.00	98,600
J	10-1-48	5.00	100,000
K	8-1-49	5.00	100,000
K	8-1-50	5.00	100,000
M	9-1-51	5.00	200,000
M	9-1-52	5.00	200,000
Total preferred stock with redemption provision			\$1,097,500
E (No redemption provision)		4.00	110,900
L (No redemption provision)		6.00	300,000
N (No redemption provision)		6.00	300,000
Total preferred stock outstanding			<u>\$1,808,400</u>

Redemption dates are optional with the holder of the preferred stock. If the holder does not exercise his redemption option the maturity date is thereby extended three years.

Preferred stock is non-voting.

Preferred stock is entitled, on dissolution of the company, to \$100.00 per share before any payments are made to the holders of the common stock.

Preferred stock, except Series E, is cumulative as to dividends.

Preferred stock, except Series L and N, is callable on thirty days' notice, at \$100.00 per share and accrued dividends. Series L and N preferred stock is callable at \$102.00 per share and accrued dividends.

MORRISON-KNUDSEN COMPANY, INC.
(A Delaware Corporation)
BALANCE SHEET, DECEMBER 31, 1945

ASSETS			LIABILITIES		
Demand deposits in banks and cash on hand.....		\$ 2,346,147.42	Notes and accounts payable:		
United States government securities, tax series, at par.....	\$1,510,000.00		Bank loans.....		\$ 3,244,500.00
Less, liability for federal taxes on income, contra.....	<u>1,265,000.00</u>		Due to subsidiary companies:		
		245,000.00	Equipment purchase obligations.....	\$1,237,561.00	
Other United States government securities, at par.....		108,800.00	Other accounts payable.....	425,750.86	
Accounts receivable from construction contracts:			Due to other associated companies.....	29,215.53	
Completed contracts.....	104,534.16		Accounts payable and accrued expenses.....	<u>3,263,177.48</u>	
Earned on uncompleted contracts:					4,955,704.87
Accounts receivable for work accepted by owner:			Federal taxes on income:		
For immediate payment.....	1,808,300.91		For fiscal year ended November 30, 1945.....	165,000.00	
Retained, due upon completion of contracts.....	<u>1,011,115.25</u>		General provision, including tax on accrued joint venture profits.....	<u>1,100,000.00</u>	
Unbilled work, estimated.....	<u>601,026.92</u>	3,524,977.24	Total applied as a reduction of United States government securities, tax series, contra.....	<u>1,265,000.00</u>	
Other receivables (including \$85,000.00 from associated companies subordinated to bank loans):			Certificates held principally by employees and stockholders....		866,950.00
Due from subsidiary companies:			Total liabilities.....		<u>9,067,154.87</u>
Domestic companies.....	97,732.27		Reserve for contingencies—general provision for items enumerated under "Contingent Liabilities".....		500,000.00
Foreign construction companies.....	820,415.33				<u>9,567,154.87</u>
Due from joint ventures.....	243,427.61		Contingent liabilities:		
Due from other associated companies.....	680,650.98		1. Agreements with surety companies in connection with performance bonds for contracts of Morrison-Knudsen Company, Inc. and its affiliated companies and joint ventures—amount indeterminable.		
Post-war refund of excess profits taxes.....	360,721.47		2. Joint venture participations—amount indeterminable.		
Miscellaneous (including equipment sales, rentals, etc.)..	<u>712,722.30</u>	2,915,669.96	3. Guarantees of loans to affiliated companies: Limit of guarantee, \$2,881,000, outstanding \$1,925,500.		
Unamortized balances of expenditures in connection with uncompleted contracts; to be charged to cost of contracts as the work progresses:			4. Examination of federal income tax returns for the four fiscal years ended November 30, 1945 has not been completed by the United States Treasury.		
Construction equipment, less depreciation.....	2,639,989.49		5. Renegotiation of war contracts—see note below.		
Materials and supplies.....	1,035,115.31				
Other construction costs.....	<u>1,792,109.72</u>	5,467,214.52			
Investments in joint ventures:					
Cost.....	2,843,152.76				
Accrued profit based upon latest available unaudited balance sheets.....	<u>609,200.53</u>	3,452,353.29			
Investments in other companies, at cost:					
Capital stock:					
Ownership in excess of 50% Ownership 50% or less Total					
Domestic companies:					
Construction companies...\$ 429,806.45	\$ 466,350.00	\$ 896,156.45			
Other companies.....	319,638.25	492,243.73			
	<u>749,444.70</u>	<u>958,593.73</u>			
Foreign companies:					
Construction companies..	1,021,778.57				
Other companies.....		36,325.00			
	<u>1,021,778.57</u>	<u>36,325.00</u>			
Total capital stock.....	<u>1,771,223.27</u>	<u>994,918.73</u>			
Debentures-domestic companies..	140,152.50	5,700.00			
	<u>\$1,911,375.77</u>	<u>\$1,000,618.73</u>			
		2,911,994.50			
Land, buildings, and equipment, depreciated cost.....		233,518.62			
Other assets and deferred charges.....		345,602.44			
		<u>\$21,551,277.99</u>			

NOTE: Renegotiation has been concluded for all construction contracts with governmental agencies completed prior to November 30, 1943. Contracts with governmental agencies entered into on or after January 1, 1944 are not renegotiable. Renegotiation proceedings are pending on renegotiable contracts entered into prior to January 1, 1944 but it is not anticipated that any repayment will be necessary.

19864

LYBRAND, ROSS BROS. & MONTGOMERY

ACCOUNTANTS AND AUDITORS

2 PINE STREET

SAN FRANCISCO

*To the Board of Directors,
Morrison-Knudsen Company, Inc.,
Boise, Idaho.*

We have examined the balance sheet of Morrison-Knudsen Company, Inc., as of December 31, 1945, and the statements of income and surplus for the year then ended, have reviewed the system of internal control and the accounting procedures of the company and, without making a detailed audit of the transactions, have examined or tested accounting records of the company and other supporting evidence, by methods and to the extent we deemed appropriate. It was not practicable to confirm accounts receivable from United States government agencies. In the absence of such confirmation, we examined other evidence to the extent we deemed appropriate, in support of these accounts. The widespread operations of the company made it impracticable to visit the field locations where the accounts for contract expenditures are kept, but we reviewed the contract records and supporting details at the headquarters office. Our examination was made in accordance with generally accepted auditing standards applicable in the circumstances and included all procedures which we considered necessary.

The investment of \$3,452,353.29 in joint ventures represents a cost of \$2,843,152.76 plus accrued profit of \$609,200.53 based upon their latest available unaudited balance sheets.

In our opinion, subject to the correctness of the amount stated for the investments in joint ventures, to any liability which may arise from renegotiation of war contracts, and to any additional liability for federal taxes on income, the accompanying balance sheet presents fairly the position of Morrison-Knudsen Company, Inc., at December 31, 1945, in conformity with generally accepted accounting principles applied on a basis consistent with that of the preceding year.

LYBRAND, ROSS BROS. & MONTGOMERY

San Francisco, California
March 8, 1946

19864

MORRISON-KNUDSEN COMPANY, INC.
(*A Delaware Corporation*)
BOISE, IDAHO

BALANCE SHEET
December 31, 1945

LYBRAND, ROSS BROS. & MONTGOMERY
CERTIFIED PUBLIC ACCOUNTANTS
SAN FRANCISCO OFFICE

✓
October 4, 1950

Re: Permit No. 19864

Mr. A. C. Inman
C/o Idaho Power Company
Boise, Idaho

Dear Mr. Inman:

We enclose License and Certificate of Water Right issued under Permit No. 19864, confirming the right of the Idaho Power Company to the use of 650 second feet of water from Malad River, with priority of May 14, 1946, for the generation of electric power, with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35, Township 6 South, Range 13 East, B.M., and place of use in Lot 2, Section 27, Township 6 South, Range 13 East, B.M.

We also enclose Departmental Receipt No. 22718, for the \$5.00 fee paid in connection with beneficial use proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A
Encls.

19864

September 29, 1950

Re: Permit No. 19864

Mr. A. C. Inman
C/o Idaho Power Co.
Boise, Idaho

Dear Mr. Inman:

In accordance with report on your proof of beneficial use under Permit No. 19864, we are prepared to issue a license for 650 second feet from Malad River, in addition to the 700 second feet under License No. 4366.

Our records show that Certificate of Completion of Works was issued under this Permit on October 2, 1948.

The license fee will amount to \$5.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By Chief Clerk

19864



IDAHO POWER COMPANY

BOISE, IDAHO

May 26, 1950

RECEIVED
MAY 28 1950

Department of Reclamation

Mr. Mark R. Kulp
State Reclamation Engineer
State House
Boise, Idaho

Dear Mr. Kulp:

The following information gives you peaking capabilities at our Lower Salmon, Lower Malad and Bliss Hydro-Electric Power Plants:

19924

Lower Salmon

A peak of 75,000 Kw was observed on May 25, 1950, while the power factor at time of peak was 1.0 and the effective head was 60.7 ft.

Since this demonstration of capability was after your visit, I wish to report Log Sheet Records of 68,000 Kw, while the effective head was 56.4 ft. and the power factor 1.0.

20223
20262

Bliss

A peak of 84,000 Kw was observed on March 29, 1950, while the power factor at time of peak was 1.0 and the effective head 71.8 ft.

A demonstration of load capability was made on May 25, 1950, after your visit, at which time 86,200 Kw was carried, while the effective head was at 72.8 ft. and the power factor 1.0.

19864

Lower Malad

A peak of 15,400 Kw was observed on December 2, 1949, while the power factor at time of peak was 1.0 and the effective head was 158 ft. Our power plant log sheets record a load of 15,300 Kw on December 22, 1949, while the effective head was at 156.9 and the power factor at 1.0.

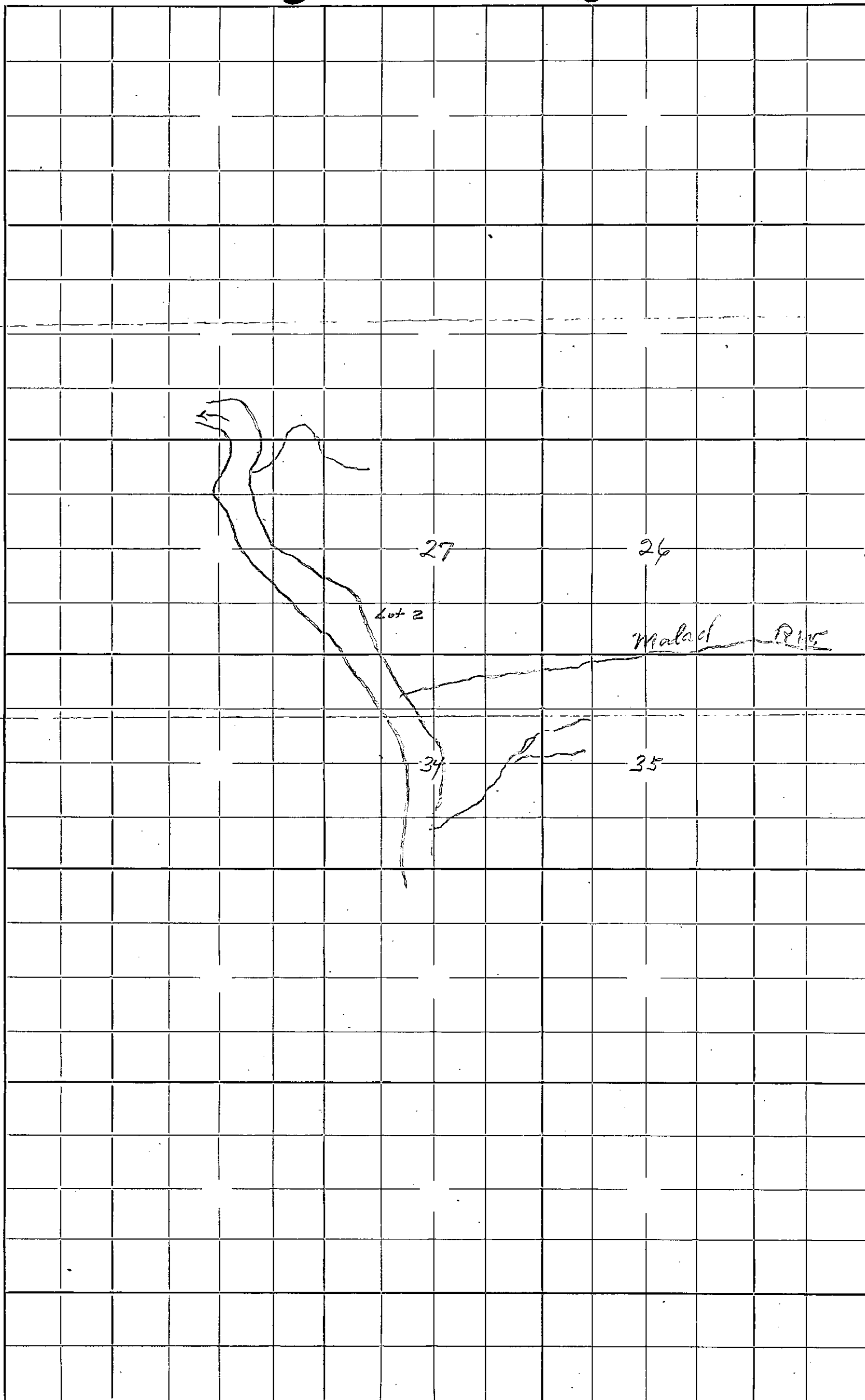
Very truly yours,

E. A. Woodhead,
Supt. of Power Plants

EAW:mw

13930 @ 100%
15000 - 937540
1150 @ 100%
1250 = 927044

19864



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 19864

REPORT ON PROOF OF Beneficial use

$Q = 650$ in addition to $Q = 4366$
for 700 cfs.
max

$Q = 1250$

Idaho Power Co. T
Boise, Idaho.

109

Permit No. 19864

Examination for Beneficial use

County Gooding

35

65-13E

75-78

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.
-

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 19864

This proof is for Beneficial use In Water District No. _____

1. Name of applicant Idaho Power Company, Boise, Idaho

2. Source of water supply: Malad River

3. Location of point of diversion: Is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35
T. 6 S. R. 13 E. County of Gooding

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

5. Water is used for: Generation of electrical power

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):

Place of use: Lot 2, Section 27, Twp. 6 South, Range 13 East, B.M.

(Lower Malad Power Plant)

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

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

Remarks: _____

17/2/49 P.F. 1.0 15400 Rnd 1100 158 } 1150 cfs @ 100 cfs
17/2/49 1.0 15300 " 1100 158 }

@ 85% = 1250

Sec 1366 700 cfs

No pondage except small amount in flume

This examination was made on the 23rd day of May, 1950

(Signed) _____

Mark R. Kneip

Examiner.

19864

19864

June 25, 1949

Mr. Robert B. Bullen, Special Agent
Fidelity and Deposit Company of Maryland
1318 Continental Bank Building
Salt Lake City 1, Utah

Re: Bond No. 4817929 - Idaho Power Company
Water Permit Bond - Permit No. 19864.

Dear Mr. Bullen:

In reply to your letter of June 23, 1949,
you are hereby notified that Bond No. 4817929 may be
released so far as any future liability is concerned.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

MRK:bh

CC: Idaho Power Company

19864

Fidelity and Deposit Company

HOME OFFICE OF MARYLAND BALTIMORE 3

FIDELITY AND SURETY
BONDS



BURGLARY AND GLASS
INSURANCE

RONALD D. MCGREGOR
MANAGER
ROBERT B. BULLEN
SPECIAL AGENT

1318 CONTINENTAL BANK BUILDING
SALT LAKE CITY 1, UTAH

TELEPHONE
3-2511

June 23, 1949



Commissioner of Reclamation
State House
Boise, Idaho

Re: Bond No. 4817929 - Idaho Power Company
Water Permit Bond - Permit No. 19864

Dear Sir:

We have been advised that Proof of Completion of Works and Beneficial Use of Water has now been made and that the above-captioned bond is no longer required.

Will you please, therefore, send us a release of our bond.

Thanking you,

Yours very truly,

Robert B. Bullen, s. a.

Robert B. Bullen, Special Agent

-BA
Encl.

c/c Wegener & Daly

19864

June 21, 1949

Re: Permit No. 19864

Idaho Power Company
1220 Idaho Street
Boise, Idaho

Attention: Mr. A. C. Inman

Dear Mr. Inman:

We acknowledge receipt of your letter of June 15, enclosing depositions in proof of beneficial use under your Permit No. 19864. We also have received from The Gooding Leader the Affidavit of Publication in connection with this proof.

As you know, before final action is taken in the matter, the law requires that a field examination be made by an Engineer from this Department and when Mr. Tolman, our Field Engineer, makes the inspection, he will, of course, contact someone in charge of the works at your power plant.

We note your statement in regard to the actual capacity of the works and the amount put to beneficial use. Our records show that Permit No. 19864 is in addition to the existing water rights and the amount to be licensed under this Permit will be determined after receiving the report of our Field Engineer.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

MRK:bh

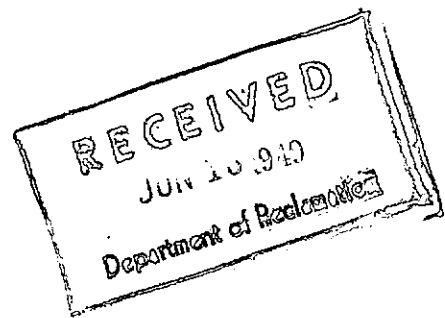
19864



IDAHO POWER COMPANY

BOISE, IDAHO

June 15, 1949



Mr Mark R Kulp
State Reclamation Engineer
Department of Reclamation
State Capitol Building
Boise, Idaho

Dear Mr Kulp:

Re: Permit No 19864
Lower Malad

With respect to our Permit No 19864, I am transmitting herewith Proof of Application of Water to Beneficial Use, consisting of depositions of holder and two independent witnesses. Proof of publication of notice in The Gooding Leader has been requested from the printer and will be filed as soon as received.

In connection with the obtainment of license, reference is made to our old License No 4366, covering 700 cubic feet per second of the waters of Malad River and Cove Creek, and order granting transfer, No 731, dated December 10, 1948, transferring the old right for use at the new Lower Malad power plant. The water right obtained under Permit No 19864 is in addition to the 700 cubic feet per second right evidenced by the old license and transfer, and, for the purpose of the record, it is suggested that the new license contain a statement to this effect.

As your records will show, our Permit No 19864 is for the appropriation of 1,250 cubic feet per second, and, as our old transfer right is for 700 cubic feet per second, the new license need only cover the additional amount of water required to make up the total water for which proof has been made.

In this connection, you will note that the Company's Proof of Completion of Works shows a works capacity of approximately 1,300 cubic feet per second, which proof was made in June 1948, before the plant was placed in operation, which was on September 30, 1948, as shown in the Deposition of Holder in the Proof of Application of Water to Beneficial Use enclosed herewith. As the records show, the capacity of the works, and the amount of water which has actually been carried, is 1,350 cubic feet per second; and, as shown by the depositions of the two witnesses, in June 1949, 1,044 cubic feet per second were being used through the power plant, in addition to which 300 cfs were being diverted and carried for the King Hill Irrigation District. During the spring run-off period, before the irrigation season, and at times when the King Hill Irrigation District is not taking its entire right, all diverted waters from the river are used for power generation through the Lower Malad plant, and, as stated in the Deposition of Holder, water for such purpose, in the amount of 1,350 cubic feet per second, has been actually used for generation of power exceeding 14,800 kw, as shown by our plant records, and as also referred to in the deposition of the witness Myron Swendsen.

19864

It is therefore submitted that the Company has made proof, and has actually used 1,350 cubic feet per second of water for power generation through the new diversion works, flume and power plant at Lower Malad, and is entitled to license for 650 cubic feet per second under its Permit No 19864. It is therefore respectfully requested that license be issued covering 650 cubic feet per second of the waters of Malad River, pursuant to Permit No 19864.

Very truly yours,

A handwritten signature in cursive script, appearing to read "A. C. Inman".

A C Inman
Vice-President and Secretary

ACI:mb
Encl (3)

19864

AFFIDAVIT OF PUBLICATION

Notice for Publication NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 a.m. on the 14th day of June, 1949, at 1220 Idaho Street, Boise, County of Ada, State of Idaho, before Geo. H. Petersen, Notary Public, proof will be submitted of the application to beneficial use of 1,250 cubic feet per second of the waters of Malad River, a tributary of Snake River, in accordance with the terms and conditions of Permit No. 19864 heretofore issued by the State Reclamation Engineer of the State of Idaho.

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

The use to which said water has

been applied is Electrical power generation.

The amount applied to beneficial use is 1,250 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) Point of use of water: approximately 1,060 feet distant from Southwest corner of Section 27, T. 6 S., R. 13 E., B.M., in Lot 2 of Section 27, T. 6 S., R. 13 E., B.M. (Lower Malad Power plant in Gooding County, Idaho)

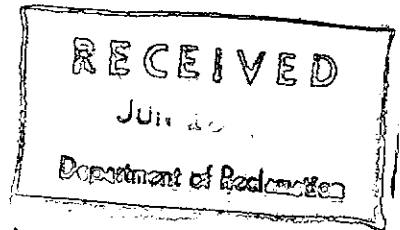
The name of the canal or ditch or other works by which said water is conducted to such place of use is a concrete flume and penstock. (Lower Malad Power Plant Flume.)

The right to take water from such works is based upon Permit No. 19864

The source of supply from which such water is diverted is Malad River, approximately 1,400 feet distant from the Northwest corner of Section 35, T. 6 S., R. 13 E., B.M. and in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, T. 6 S., R. 13 E., B.M., County of Gooding, Idaho.

The date of priority which said user is prepared to establish is May 14, 1946.

MARK R. KULP,
State Reclamation Engineer
19864 27-30



STATE OF IDAHO
County of Gooding

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

~~four~~ consecutive weeks, the first publication having been made

on the 19th day of May, 1949,

and the last publication having been made on the

on the 9th day of June, 1949,

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

14th day of June, 1949.

Helen G. Smith

Notary Public.

19864

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 19864

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. A C Inman, Boise, Idaho; officer and Attorney of Idaho Power Company.

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

Ans. Idaho Power Company, 1220 Idaho Street, Boise, Idaho. Affiant is Vice-President and Secretary of said corporation; also its Statutory Agent.

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

Ans. Permit No 19864, issued June 27, 1946. Priority: May 14, 1946.

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

Ans. Malad River. Point of diversion: Approximately 1,400 feet distant from the northwest corner of Section 35, Township 6 South, Range 13 East, B M, and in the NE-1/4 said Section, Township and Range, in Gooding County, Idaho.

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

Ans. Concrete and wood dam with spillway and flashboards; reinforced concrete intake and flume of 1,350 cfs capacity. Name of flume: Idaho Power Company Lower Malad Flume. Pursuant to contract dated February 9, 1909, certain of said waters are transmitted for, delivered to and used by King Hill Irrigation District during the summer irrigation period.

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

Ans. Water is used for generation of electric power in Company's Lower Malad hydroelectric station located in Lot 2 of Section 27, Township 6 South, Range 13 East, B.M., in Gooding County, Idaho.

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

Ans. Water is transmitted to power plant through reinforced, concrete flume and steel penstock. Plant consists of direct-connected vertical turbine and generator; rated generator capacity, 15,000 kva; actual maximum capability capacity in excess of 14,000 kw.

19864

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

Ans. 1,300 cfs for full utilization of flume capacity and operation of power plant at full capability capacity.

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

Ans. Following approval of Permit to Morrison-Knudsen Company, Inc, same was assigned to Idaho Power Company under date of May 16, 1947.

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

Ans. Power plant was placed in service at 11:46 P M, on September 30, 1948, and has been in operation since said date. Water has been used up to amount of 1,350 cfs for generation of power up to in excess of 14,800 kw.

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

Ans. 700 cfs of the waters of Malad River and Cove Creek, evidenced by License No 4366, with date of priority of November 25, 1908 (see Volume 5 of Licenses, page 2570), Transferred Right No 731, have been continuously used at said Lower Malad power plant since plant was placed in operation. Reference to the files with respect to said former application, license and transfer, in the office of the Department of Reclamation of the State of Idaho, is hereby made. Water right obtained under present Permit No 19864 is in addition and supplementary to the 700 cfs of water evidenced by aforesaid earlier right. (Sign)

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was

subscribed and sworn to before me, at my office in Boise, County of Ada,

State of Idaho, on this 14th day of June, A. D. 1949.

(NOTARIAL SEAL)

My commission expires

July 20, 1949

Residing at Boise, Idaho.

Notary Public,

Geo H Peterson

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 19864

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. Myron Swendsen, 57, Boise, Idaho

Licensed Engineer; experience since 1917.

Ques. 2. Are you acquainted with Idaho Power Company, the holder of Permit No. 19864? How long have you known him and where does he reside?

Ans. Yes. 1220 Idaho St, Boise, Idaho. Have known said Company for over
twenty years.

Ques. 3. Have you read or heard read said Permit No. 19864, 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. Malad River. Place of diversion - In NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35, Township 6
South, Range 13 East, BM, in Gooding County, Idaho. Works for conveying water con-
sist of concrete and wood dam and intake, and reinforced, concrete flume, with steel
penstock to power plant.

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

Ans. In excess of 1,350 cfs capacity. Have seen 1,044 cfs conveyed and used on
June 7, 1949, and, in addition, approximately 300 cfs was being diverted at the head
of the penstock to King Hill Irrigation District.

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

Ans. Water is used for generation of electric power at Idaho Power Company's
new Lower Malad power plant located in Lot 2 of Section 27, Township 6 South,
Range 13 East, BM.

19864

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

Ans. Company records show water has been used for generation of electric power in varying amounts and on March 24th, 25th and 26th, 1949, electric power was generated in excess of 14,000 kilowatts which would require water in excess of 1,250 cfs.

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. N/A

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

Ans. None

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

Ans. On June 7, 1949, I observed 1,044 cfs being used for generation of electric power, which was the entire amount of water in stream available for said purposes at that time. In the spring runoff and flood period of 1949, 1,350 cfs were diverted and used for generation of electric energy according to the official Company records of this plant.

(Signed) Myron E. Swanson
Carl E. Swanson Sec #153

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 14th day of June, A. D. 19 49

(NOTARIAL SEAL)

My commission expires

July 20, 1949

Geo W Petersen

Notary Public.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 19864**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. Henry L. Senger, 71, 1101 North 20th Street, Boise, Idaho

Consulting Civil Engineer; Registered Professional Engineer

Ques. 2. Are you acquainted with Idaho Power Company, the holder of Permit No. 19864? How long have you known him and where does he reside?

Ans. Yes. 1220 Idaho Street, Boise, Idaho. Have been familiar with applicant corporation for over 25 years.

Ques. 3. Have you read or heard read said Permit No. 19864, 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 Malad River (including water from upper tributary, Cove Creek) is diverted in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35, Township 6 South, Range 13 East, Boise Meridian, and conveyed to power plant through reinforced concrete flume and steel power plant penstock.

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. I estimate works will carry in excess of 1,350 cfs and I have seen 1,044 cfs being so conveyed. At that time about 300 cfs were being diverted at the head of the penstock to the King Hill Irrigation Project.

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

Ans. Water is used for electric power generation at Lower Malad power plant in Gooding County, Idaho.

19864

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

Ans. Water is being used for electric power generation. Company advises 1,350 cfs have been utilized for such purpose through existing works, and Company records show that on March 24, 25 and 26, 1949, power in excess of 14,000 KW was generated which would require in excess of 1,250 cfs.

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. ----

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

Ans. None

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. I visited the power plant on June 7, 1949, at which time 1,044 cfs were being used through power plant for generation of electric energy. In excess of 1,250 cfs have been used in Lower Malad station during flood runoff period as noted in answer to Question 7 hereof.

(Signed) Henry P. Singer

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 14th day of June, A. D. 19 49

Geo H Peterren
Notary Public.

My commission expires July 20, 1949



The Gooding

LEADER

☆ Official Newspaper, City and County of Gooding

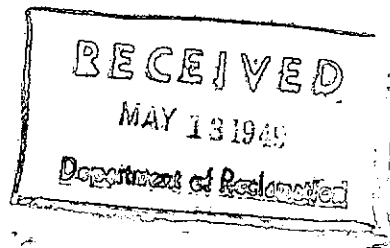
★ One of Idaho's Outstanding Weekly Newspapers

Leland G. Burress, Publisher

Gooding, Idaho

May 12, 1949

19864
☆ Mark R. Kulp
State Reclamation Engineer
Dept. of Reclamation
Boise, Idaho



Dear Mr. Kulp:

The legal notice for Idaho Power Co. was received and publication will begin on May 19, 1949 and will be completed on June 9, 1949.

Sincerely,

A handwritten signature in cursive script, appearing to read "Leland G. Burress".

Leland G. Burress
Publisher
The Gooding LEADER
Gooding, Idaho

19864
19865

May 11, 1949

Re: Permit No. 19864

Mr. A. C. Inman, Secretary
Idaho Power Company
1220 Idaho Street
Boise, Idaho

Dear Mr. Inman:

We have sent to the Gooding Leader, copy
of Notice of Beneficial Use Proof to be made on
Permit No. 19864 on June 14, 1949, before George
H. Petersen, Notary Public.

We enclose two sets of the depositions
to be used in making these proofs so that you may
have an extra set for your own files.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bn
Enc.

19864

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 19864

Date: May 10, 1949

The Gooding Leader

Gooding, Idaho

Gentlemen:

Enclosed you will find notice for publication once
a week for four consecutive weeks prior to **June 14, 1949**,
the date set for proof, the expense of the publication to be
paid by the applicant, **Idaho Power Company** of **Boise, Idaho**
A. C. Luman, Secretary
c/o / , to whom you should furnish proof of publication on
or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish
this office with a copy of the first publication.

Very truly yours,

MARK R. KUJP

State Reclamation Engineer

By

Chief Clerk

19864
~~19863~~

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 10 A. M. on the 14th day of June, 1949,
at 1220 Idaho Street, Boise, County of Ada, State of Idaho, before
Geo. H. Petersen, Notary Public, proof will be submitted of the
application to beneficial use of 1,250 cubic feet per second of the waters of Malad River, a
tributary of Snake River, in accordance with the terms and conditions of Permit No. 19864
heretofore issued by the State Reclamation Engineer of the State of Idaho.

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

Idaho Power Company, 1220 Idaho Street, Boise, Ada County, Idaho

The use to which said water has been applied is Electrical power generation.

The amount applied to beneficial use is 1,250 cubic feet per second

The place where said water is used (if for irrigation, give full and accurate description of the
lands irrigated) Point of use of water: approximately 1,060 feet distant from Southwest
corner of Section 27, T. 6 S., R. 13 E., B.M., in Lot 2 of Section 27, T. 6 S., R.
13 E., B. M. (Lower Malad Power Plant in Gooding County, Idaho)

The name of the canal or ditch or other works by which said water is conducted to such place of
use is A concrete flume and penstock. (Lower Malad Power Plant Flume)

The right to take water from such works is based upon Permit No. 19864

The source of supply from which such water is diverted is Malad River, approximately 1,400
feet distant from the Northwest corner of Section 35, T. 6 S., R. 13 E., B.M. and in
the NE-1/4 of Section 35, T. 6 S., R. 13 E., B.M., County of Gooding, Idaho.

The date of priority which said user is prepared to establish is May 14, 1946.

MARK R. KULP

State Reclamation Engineer.

19864

~~19863~~

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

Boise, Idaho

April 1, 1949

Idaho Power Company
C/o Mr. A. C. Inman
No. 1220 Idaho Street
Boise, Idaho

Dear Sir:

We enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. 19864. This notice should be filled out in duplicate and returned to this office at least 40 days before the date upon which you wish to make this proof, in order to allow time for the four weeks' publication required by law.

This proof must be submitted before a Notary Public or other officer authorized by law to administer oaths.

The date for proof, as set out in your permit, is not later than June 27, 1949, and if proof is submitted later than said date, your priority will be brought down a length of time equal to the time elapsing between the date the proof is due and the date proof is actually made.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

19864

19864

October 20, 1948

✓

Mr. A. C. Inman
C/o Idaho Power Company
1220 Idaho Street
Boise, Idaho

Dear Mr. Inman:

Complying with your telephone request
we enclose forms of notice in connection with
beneficial use proof to be made under Permit
No. 19864.

These notices are to be sent to this
office in duplicate but we are sending some
additional forms for your own files.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/et

Encls.

19864

October 4, 1948

Re: Permit No. 19864

Idaho Power Company
1220 Idaho Street
Boise, Idaho

Attention: Mr. A. C. Inman

Dear Mr. Inman:

We enclose Certificate of Completion of Works issued under Permit No. 19864 in the name of Idaho Power Company, for the diversion of 1,250 second feet of the waters of Malad River, with priority of May 14, 1946, and point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 35, Twp. 6 S., Range 13 E., B.M. for electrical power generation over the Company's system.

We also enclose Departmental Receipt No. 20925 for the \$377.00 fee paid in connection with this proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

T/gt

19864

September 27, 1948

Re: Permit No. 19864

Idaho Power Company
1220 Idaho Street
Boise, Idaho

Attention: Mr. A. C. Inman

Dear Mr. Inman:

We now have on file the report of our Field Engineer on examination for completion of works under Permit No. 19864.

Therefore, upon receipt of the statutory fee a Certificate of Completion of Works will be issued for the 250 cubic feet per second of water from Malad River diverted in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 35, Twp. 6 S., Range 13 E. B.M.

This fee amounts to \$377.00, being at the rate of \$6.00 for the first 10 second feet and \$0.30 for each additional second foot as provided by Section 41-215 I.C.A. as amended.

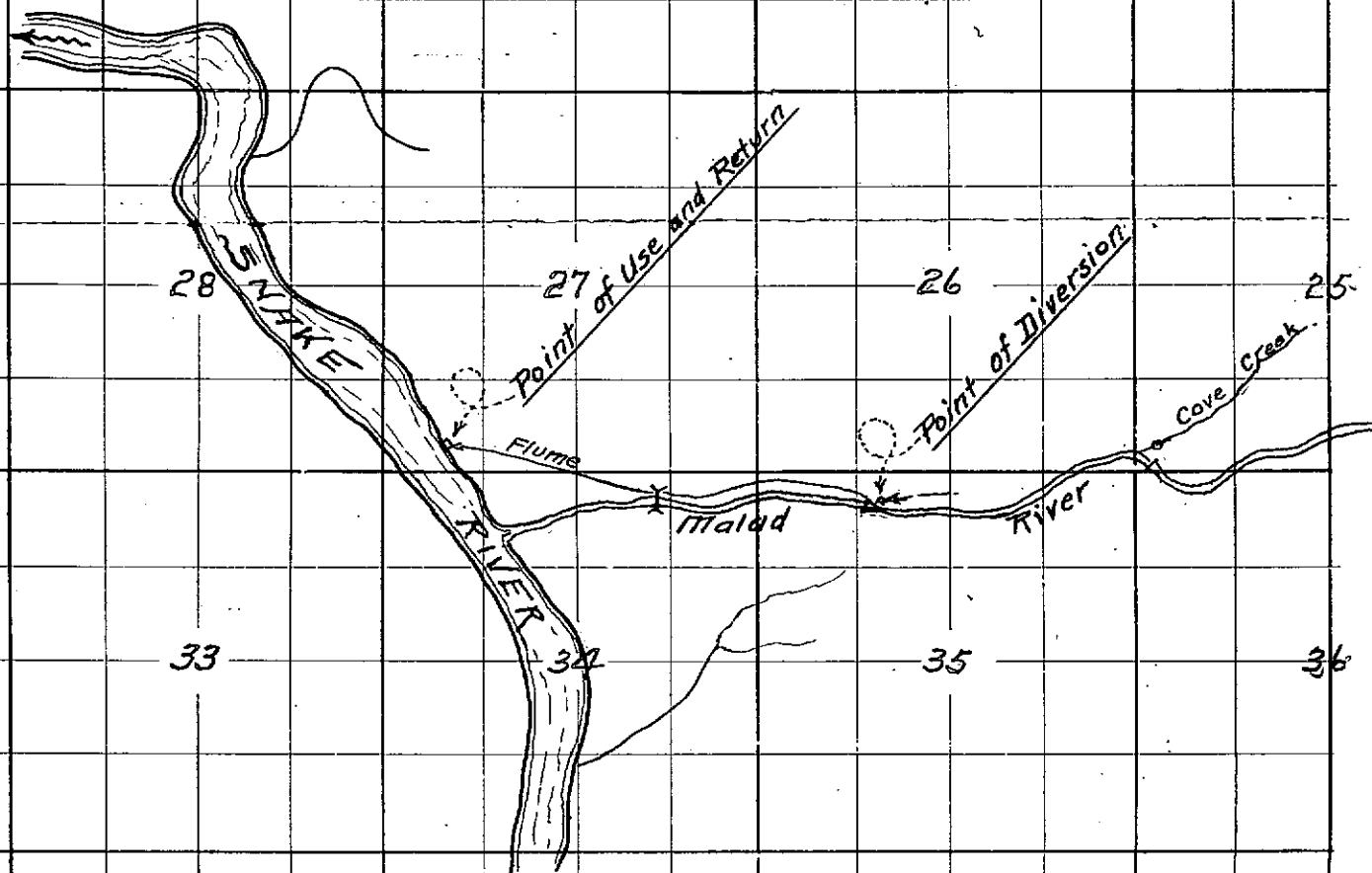
Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/gt

19864



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE
REPORT OF ENGINEER

PERMIT NO. 19864

REPORT ON PROOF OF Completion of works

1250 c.f.s. - Malad River

1250 cfs
mre

Idaho Power Company

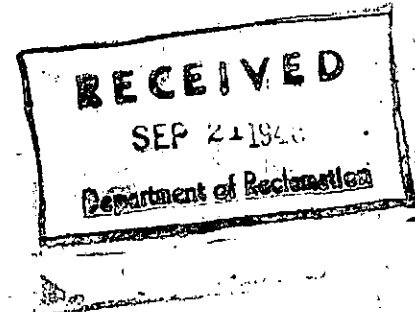
Permit No. 19864

Examination for Completion of works

County Gooding

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.



STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 19864

This proof is for Completion of works

In Water District No.

1. Name of applicant Idaho Power Company, Boise, Idaho

2. Source of water supply: Malad River

3. Location of point of diversion: Is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35

T. 6 S. R. 13 E. County of Gooding

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

A 19 ft. concrete and rubble dam, with 77 X 7 foot spillway crest, stop log control. Thence, via reinforced concrete flume, 17 X 10 ft. in section, with 14" floor, and walls tapered from 13 to 7 inches in thickness. Length of flume 5454 feet, to 12 ft. steel penstock, which delivers to Francis type 22,000 H.P. Allis Chalmers turbine and generating unit of 13,500 K.W., 15,500 K.V.A., 13,000 volts. Effective head 157 feet.

5. Water is used for: generation of electrical power

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

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):

Power is used over the Company's system

(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: Power house is 45 X 45 feet of reinforced concrete, and set upon a heavy mat of reinforced concrete

This examination was made on the 19th day of August, 1948

(Signed)

A. A. Dolman

Examiner.

(853-833)
Tappan

19864

✓
July 3, 1948

Re: Permits Nos. 19853-19864

Mr. A. C. Inman, Secretary
Idaho Power Company
Boise, Idaho

Dear Mr. Inman:

We acknowledge receipt of the depositions of the holder and two witnesses, also affidavits of publication in the Gooding Leader, all in proof of completion of works under the above numbered permits.

We will try and have a field inspection made of these works at an early date, and when the report of such inspection is filed, we shall advise you as to the amount of fees required.

Very truly yours,

MARK P. KULP
State Reclamation Engineer
By

Chief Clerk

A

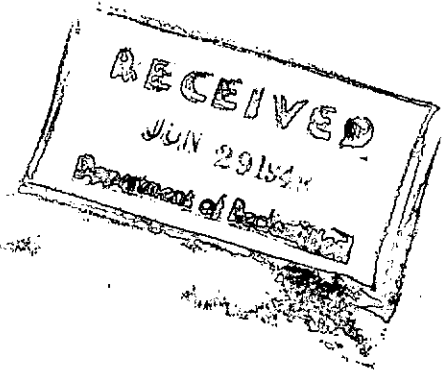
19864



IDAHO POWER COMPANY

BOISE, IDAHO

June 24, 1948



Mr Mark R Kulp, Commissioner
Department of Reclamation
State of Idaho
State House
Boise, Idaho

Dear Mr Kulp:

Re: Permit No 19864

I am enclosing herewith Depositions of Holder and two Witnesses, comprising the Proof of Completion of Works at Lower Malad under Permit 19864. Notice with reference to this proof was published in four issues of The Gooding Leader, and I have written for affidavit of publication, but it has not yet been received. As soon as I receive it, I will mail you a copy.

Will you please advise the amount of the fee in connection with the issuance of Certificate of Completion of Works under this permit, which will be promptly paid.

Very truly yours,

A handwritten signature in cursive script, reading "A. C. Inman". Below the signature, the initials "M. M. B." are written in a smaller, less legible script.

A C Inman
Secretary

ACI:mb
Encl (3)

19864

19864

AFFIDAVIT OF PUBLICATION

NOTICE FOR PUBLICATION

Notice is hereby given that at 10:00 A.M., on the 26th day of June, 1948, at 1220 Idaho Street, Boise, County of Ada, State of Idaho, before Geo. H. Petersen, Notary Public, proof will be submitted of the completion of works for the diversion of 1,250 cubic feet per second of the waters of Malad River in accordance with the terms and conditions of a certain permit heretofore issued by the State Reclamation Engineer of the State of Idaho.

1. The name of the person or corporation holding said permit is Idaho Power Company.
2. The postoffice address of such person or principal place of business of such corporation is 1220 Idaho St., Boise, County of Ada, State of Idaho.
3. The number of such permit is 19864, and the date set for the completion of such work is June 27, 1948.
4. Said water is to be used for electrical power generation purposes.
5. Said works of diversion will be fully completed on the date set for such completion, and the

amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 1,300 cubic feet per second.
 MARK R. KULP, State Reclamation Engineer. 29-32

19864

STATE OF IDAHO }
 County of Gooding } 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 four consecutive weeks, the first publication having been made on the 3rd day of June, 1948, and the last publication having been made on the 1st day of July, 1948, 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

26th day of June, 1948

Mark R. Kulp
 Notary Public

19864

PERMIT NO. 19864

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. T. E. Roach, President and General Manager,

Idaho Power Company, 1220 Idaho Street, Boise, Idaho.

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

Ans. Idaho Power Company, 1220 Idaho Street, Boise, Idaho.

Affiant is President and General Manager, and a Director, of said corporation.

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

Ans. Permit No. 19864, issued June 27, 1946. 1,250 cfs of waters of Malad River; NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 35, T 6 S, R 13 E, B M, Gooding County, Idaho.

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

Ans. Electric power generation. (Flume also carries certain water for King Hill Irrigation District.)

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

Ans. Yes. Works being used during 1948 season to carry irrigation water for King Hill Irrigation District in addition to water for Company's existing Malad power plant.

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

Ans. Yes. Works comply with all terms of permit.

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

Ans. -

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

Ans. Capacity of intake and flume approximately 1,300 cfs. Concrete cut-off wall dam backed with timber crib; concrete apron. Timber flashboards. Reinforced concrete intake, spillway and flume. Spilling capacity approximately 8,500 cfs. Cost in excess of \$933,000.

(Sign here.)

T. E. Roach

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 26th day of June A. D. 1948.

Geo. H. Petersen

Notary Public.

My Commission expires 7/20/49

19864

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

Permit No. 19864

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. Myron Swendsen, Boise, Idaho.

Licensed engineer; experience since 1917.

Ques. 2. Are you acquainted with Idaho Power Company, the holder of Permit No. 19864, authorizing the diversion of 1,250 second-feet of the waters of Malad River, at Gooding County for power purposes? How long have you known him, and where does he reside?

Ans. Yes. 1220 Idaho St., Boise, Idaho. Have known said company for thirty years.

Ques. 3. Have you read or heard read said Permit No. 19864, and are you familiar with its terms and conditions?

Ans. Yes.

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

Ans. Water will be used to generate electricity in applicant's Lower Malad power plant in Gooding County, Idaho.

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

Ans. Yes.

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

Ans. Reinforced concrete intake and flume with capacity of 1,300 cubic feet per second. Concrete dam with timber flashboards, with spilling capacity of approximately 8,500 cubic feet per second.

(Sign here.)

Myron Swendsen
June 15-3

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in 1220 Idaho St., Boise, County of Ada, State of Idaho, on this 26th day of June, A. D. 1948.

(NOTARIAL SEAL)

Geo. H. Petersen
Notary Public.
My Commission expires: 7/20/49

19864

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

Permit No. 19864

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. Henry L. Senger, 1101 North 20th Street, Boise, Idaho.

Consulting Civil Engineer, Registered Professional Engineer.

Ques. 2. Are you acquainted with Idaho Power Company, the holder of Permit No. 19864, authorizing the diversion of 1,250 second-feet of the waters of Malad River, at Gooding County for power purposes? How long have you known him, and where does he reside?

Ans. Yes. 1220 Idaho St., Boise, Idaho. Have been familiar with applicant corporation for over 25 years.

Ques. 3. Have you read or heard read said Permit No. 19864, and are you familiar with its terms and conditions?

Ans. Yes.

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

Ans. Water will be used to generate electricity in applicant's Lower Malad power plant in Gooding County, Idaho.

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

Ans. Yes.

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

Ans. Capacity of works: approximately 1,300 cubic feet per second. Concrete cut-off wall backed with rock-filled timber crib and concrete apron in stream bed. Dam supports timber flashboard structure. Reinforced concrete intake, spillway and flume.

(Sign here.)

Henry L. Senger
Eng. License #14

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in 1220 Idaho St., Boise, County of Ada, State of Idaho, on this 26th day of June, A. D. 1948.

(NOTARIAL SEAL)

Geo. H. Peterson
Notary Public
My Commission expires: 7/20/49

June 1, 1948

Re: Permits Nos. 19863
and 19864

Mr. A. C. Inman, Sec'y
Idaho Power Company
1220 Idaho St.
Boise, Idaho

Dear Mr. Inman:

We have sent to the Gooding Leader a copy of notice of completion of works proof to be made on June 28, 1948, on the above numbered permits and this morning are in receipt of their acknowledgment of same stating that publication dates start on June 6th.

We enclose for your use in connection with these proofs the necessary forms of deposition, consisting of one for the holder and one for each of two witnesses for each permit.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/dm
Enc.

19864

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Re: Permits Nos. 19863 & 19864

Date: May 27, 1948

The Gooding Leader

Gentlemen:

Enclosed you will find ^{two} ~~notice~~ for publication once a week for four consecutive weeks prior to June 26, 1948 the date set for proof, the expense of the publication to be paid by the applicant, Idaho Power Co. of 1220 Idaho St. Boise, Idaho, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of ~~this~~ notice, and furnish this office with a copy of the first publication, in order that we may check same.

Very truly yours,

MARK R. KULP

State Reclamation Engineer
By

Chief Clerk

19864

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) May 26, 1948
(P. O.) 1220 Idaho St., Boise, Idaho

STATE RECLAMATION ENGINEER:
TO THE ~~COMMISSIONER OF RECLAMATION~~

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.

A. E. Johnson
Vice. Pres. & Geny
Idaho Power Co.

(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.

B. C. Russell
Engineer.

19864

● Notice for Publication ●

Notice is hereby given that at 10:00 A.M., on the 26th day of June, 1948, at 1220 Idaho Street, Boise, County of Ada, State of Idaho, before Geo H Petersen, Notary Public, proof will be submitted of the completion of works for the diversion of 1,250 cubic feet per second of the waters of Malad River in accordance with the terms and conditions of a certain permit heretofore issued by the State Reclamation Engineer of the State of Idaho.

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

2. The postoffice address of such person or principal place of business of such corporation is 1220 Idaho St Boise, County of Ada, State of Idaho.

3. The number of such permit is 19864, and the date set for the completion of such work is June 27, 1948.

4. Said water is to be used for electrical power generation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 1,300 cubic feet per second.

~~6. The amount of lands for which said water is available is _____ acres, particularly described as follows:~~

MARK R. KULP

Commissioner of Reclamation
State Reclamation Engineer

19864

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Mr. A. C. Inman
C/o Idaho Power Company
Boise, Idaho

Boise, Idaho, May 26, 1948

Dear Sir:—

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit Nos. ~~19863 and 19864~~.....

This form should be filled out and ^{2 copies} mailed to the Department of Reclamation, ~~at least 60 days before~~ the date upon which proof is to be submitted, which proof MUST be on or before ~~June 27, 1948~~..... Upon receipt of the blank properly filled out, notice for publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

The proof may be submitted at any place convenient to you and two witnesses, where there is a notary public or other officer authorized to administer oaths.

The certificate that shall be issued under this proof does not give you a perpetual right to the use of the water for which application is made, as it only confirms the completion of the works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Very truly yours,

..... MARK R. KULP
Commissioner of Reclamation
~~XXXXXXXXXXXXXXXXXXXX~~
State Reclamation Engineer

19864

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Idaho Power Company

Boise, Idaho

Boise, Idaho, April 1, 1948

Dear Sir:—

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. 19864.....

This form should be filled out and mailed to the Department of Reclamation, at least 60 days before the date upon which proof is to be submitted, which proof MUST be on or before June 22, 1948..... Upon receipt of the blank properly filled out, notice for publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

The proof may be submitted at any place convenient to you and two witnesses, where there is a notary public or other officer authorized to administer oaths.

The certificate that shall be issued under this proof does not give you a perpetual right to the use of the water for which application is made, as it only confirms the completion of the works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Very truly yours,

.....
MARK R. KULP
~~Commissioner of Reclamation~~
State Reclamation Engineer

19864

July 16, 1947

Re: Permits Nos. 19863, 19864 and 19924

Idaho Power Company
Boise, Idaho

Attention: A. C. Inman, Secretary

Dear Mr. Inman:

We are returning, under separate cover,
tracings submitted by you of plans in connection
with the above numbered permits.

These have been duly approved by the State
Reclamation Engineer.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:FS

19864



IDAHO POWER COMPANY

BOISE, IDAHO

July 11, 1947

Department of Reclamation
State of Idaho
State House
Boise, Idaho

Gentlemen: Lower Malad - Permit 19864

Pursuant to the provisions of Section 41-1507 of Idaho Code Annotated 1932, I am transmitting herewith two copies of Idaho Power Company Map No E-6959, comprising plans, drawings and specifications of the proposed dam at the Company's Lower Malad hydroelectric development on the Malad River. In this connection, reference is made to the Company's related water permit No 19864, and other existing water rights for use at the Lower Malad development.

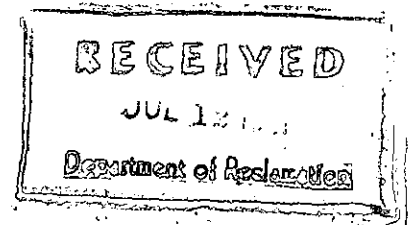
Upon examination of the enclosed, if the same meets with your approval, please return one copy bearing notation of the approval of the Department.

Very truly yours,

A handwritten signature in cursive script, appearing to read "A. C. Inman".

A C Inman
Secretary

ACI:mb
Encl



19864

June 5, 1947

Re: Permits Nos. 19863-19864-19924

Idaho Power Company
Boise, Idaho

Attention- Mr. A. C. Inman

Gentlemen:

We return herewith the assignments of the above numbered permits from Morrison-Knudsen Company, Inc., to the Idaho Power Company, which have been duly recorded in this department; also Departmental Receipt No. 19991 for the \$1.50 fees for recording same.

Very truly yours,

MARK R. ELLP
State Reclamation Engineer
By

Chief Clerk

A
Encls.

19864

July 10, 1946

Re: Permits Nos. 19863-19864

Mr. Carroll F. Zapp, Secretary,
Morrison-Knudsen Company, Inc.
319 Broadway
Boise, Idaho

Dear Mr. Zapp:

We acknowledge receipt of bonds of the Fidelity
& Deposit Company of Maryland, in the amount of \$1,000,
submitted in connection with the above numbered permits.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

A

Chief Clerk

19864

BOND

KNOW ALL MEN BY THESE PRESENTS, That MORRISON-KNUDSEN COMPANY, INC.
of BOISE, IDAHO as principal, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND
as surety, are held and firmly bound unto the State of Idaho in the full
and just sum of ONE THOUSAND AND NO/100 - - - - Dollars (\$1000.)

Lawful money of the United States, to the payment of which sum, well and
truly to be made, said principal and surety bind themselves, their heirs,
administrators, executors and assigns, jointly and severally, under the
terms and conditions hereinafter set forth.

The terms of this obligation are such that, whereas the above named
principal on the 14th day of May 1946, filed in the office of the
Commissioner of Reclamation in Boise, Idaho, a certain application for
permit to appropriate the public waters of the State of Idaho, the said
application being hereupon numbered 27375, in accordance with which
said application the Commissioner of Reclamation granted and issued to
the said principal herein a certain permit number No. 19864, a full,
true and complete copy of which application No. 27375 and permit No. 19864
is of record in the office of the Commissioner of Reclamation Book 71
of Permits, at Page 19864.

Now, if the above bounden principal shall faithfully carry to completion
the said works of diversion as specified in said application No. 27375
and permit No. 19864 in the manner and form prescribed therein and with-
in the time therein allowed, then the above obligation to be void, other-
wise to remain in full force and effect.

IN WITNESS WHEREOF, The said principal and surety have hereunto set their
hands and seals, this 8th day of July 1946

ATTEST:

Harroll Zapp
Secretary.

WITNESSES:

Frank W. Keenan
Resident Agent & General Agent
Boise, Idaho

MORRISON-KNUDSEN COMPANY, INC.

By [Signature] Seal
President.

FIDELITY AND DEPOSIT COMPANY OF MARYLAND

By [Signature] Seal
Attorney-in-fact

State of Idaho)
County of _____) SS

_____ of _____ and
_____ of _____ whose names
are subscribed to the within and foregoing obligation as sureties
thereto, each being duly sworn, upon oath for himself deposes and
says: That he is a resident and freeholder of the State of Idaho,
and that he is worth the sum named in said obligation, to wit,
\$ _____, over and above all his debts and liabilities,
exclusive of property exempt from execution.

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

July 2, 1946

Re: Permits Nos. 19863-19864

Mr. Carroll F. Zapp, Secretary,
Morrison-Knudsen Co., Inc.
Boise, Idaho

Dear Mr. Zapp:

We enclose herewith the above numbered permits,
and also Departmental Receipts Nos. 19443-44
for the filing fees paid in connection therewith.

As you will note the amount of fees tendered on
Permit No. 198 63 was in excess of the amount due,
and we have applied this toward procuring additional
prints of the maps required with both permits.

A surety bond in the amount of \$1,000 is required
to be filed with this Department on or before August
27, 1946, for the faithful carrying out of the
completion of works described in the permits .

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A
Encls.

19864

May 16, 1946

Re: Applications Nos. 27374-27375

Morrison-Knudsen Company, Inc.
Boise, Idaho

Attention- Mr. Carroll F. Zapp,
Secretary

Gentlemen:

Enclose herewith forms of notice for publication
in connection with the two above numbered applications
for permit.

Please acknowledge service on the original, retaining
the duplicate for your own files.

Also please execute and return with each copy of the
notice, Form 11, which is your authorization for us to
have the notice published at your expense, in the desig-
nated newspaper in Gooding County.

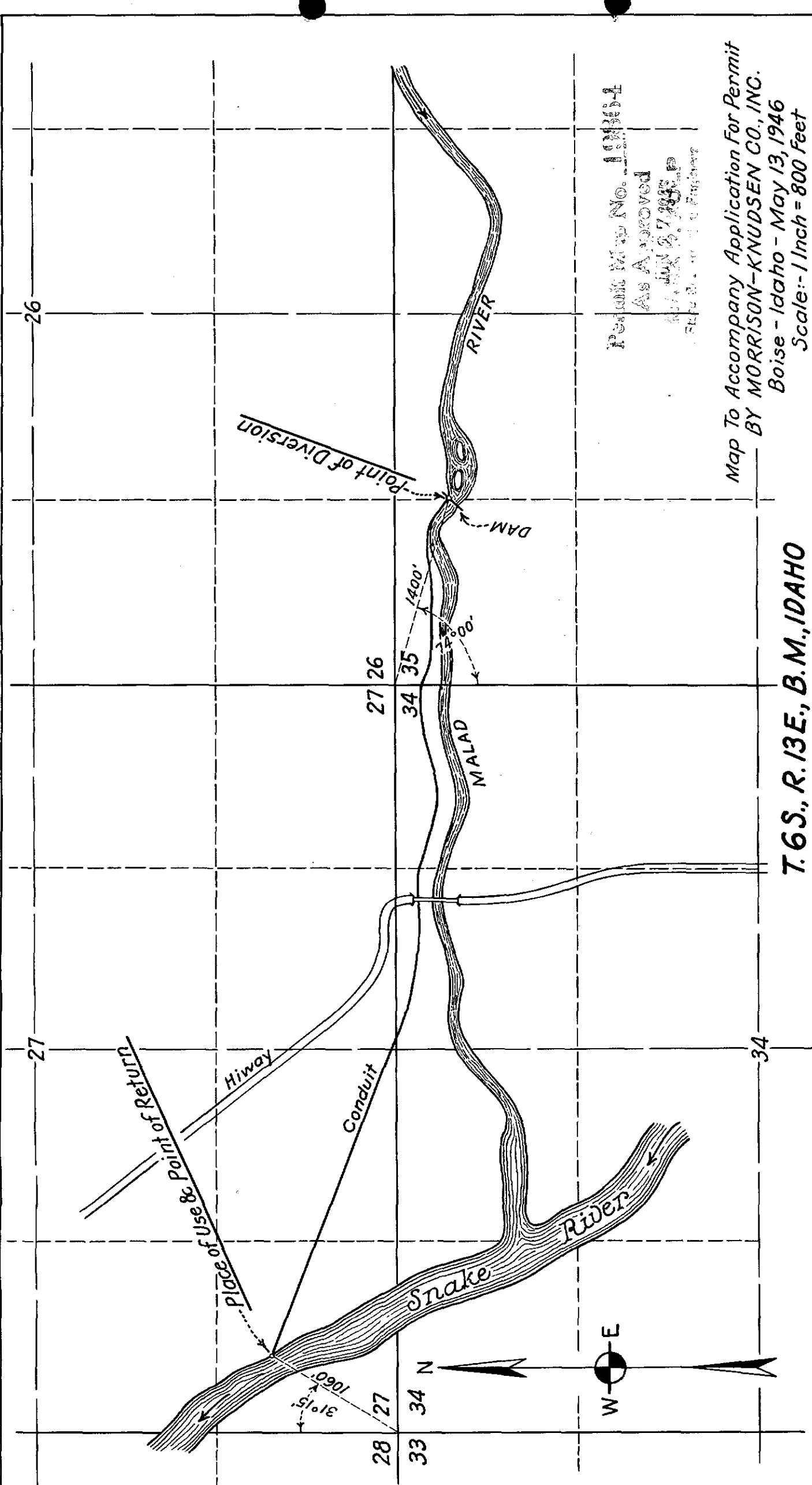
Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A
Encls.

19864

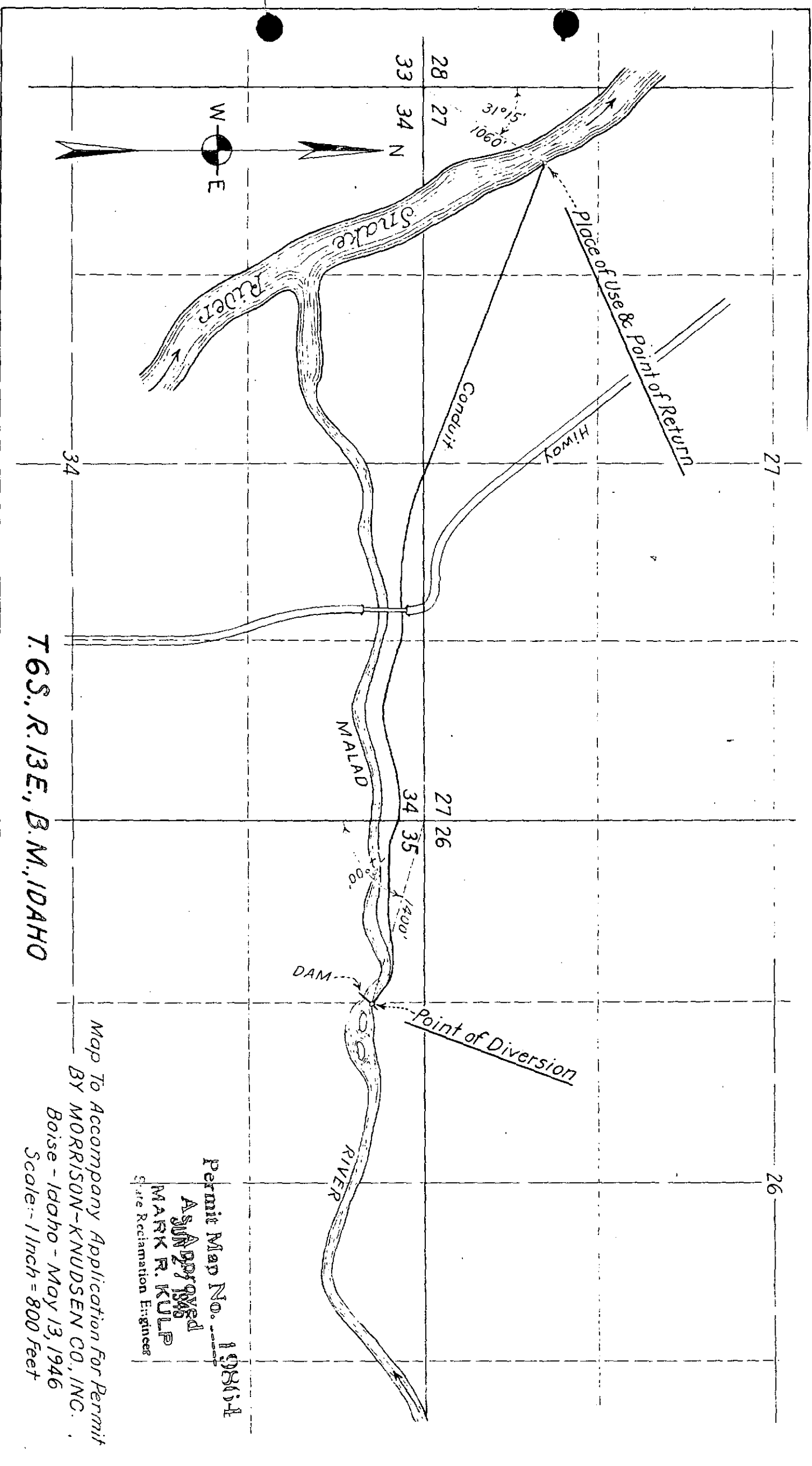


Permit No. 1000001
As Approved
JUN 27 1946
RECEIVED
BOISE, IDAHO

Map To Accompany Application For Permit
BY MORRISON-KNUDSEN CO., INC.
Boise - Idaho - May 13, 1946
Scale: - 1 Inch = 800 Feet

T.6S., R.13E., B.M., IDAHO

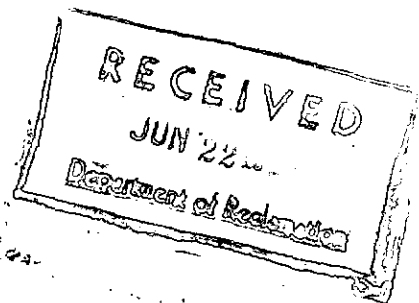
14807



A-6488

19864

11.80



STATE OF IDAHO
DEPARTMENT OF RECLAMATION

NOTICE OF APPLICATION TO
APPROPRIATE THE PUBLIC
WATERS OF THE STATE OF
IDAHO, IN ACCORDANCE WITH
THE PROVISIONS OF SECTION
41-203, IDAHO CODE ANNO-
TATED

NOTICE IS HEREBY GIVEN
That on the 14th day of May, 1946,
Morrison-Knudsen Company, Inc.,
of Boise, Idaho, made application
to appropriate One Thousand Two
Hundred Fifty (1,250) cubic feet
per second of the waters of Malad
River, a tributary of Snake River,
for power purposes.

That the point of diversion of
said water is located approximately
1,400 feet distant from the North-
west corner of Section 35, Town-
ship 6 South, Range 13 East, B. M.,
and in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said
section.

That the point of use of said
water is located approximately
1,060 feet distant from the South-
west corner of Section 27, Town-
ship 6 South, Range 13 East, B. M.,
and in Lot 2 of said section.

That any protests against the ap-
proval of this application must be
filed in the Department of Recla-
mation, 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 objections to the approval
of the said application.

Dated this 16th day of May, 1946.

MARK R. KULP

State Reclamation Engineer

Date of first publication: May 23

Date of last publication: June 6

Last date of protest: June 25, 1946

SERVICE of the foregoing, by
copy, is hereby admitted this 17th
day of May, 1946.

MORRISON-KNUDSEN
COMPANY

By Carroll F. Zapp
Its Secretary

19864

Affidavit of Publication

STATE OF IDAHO

County of Gooding

ss

VICTOR W. LEMON being duly sworn, says that he is of lawful
age and is the editor of THE WENDELL IRRIGATIONIST, a weekly
newspaper of general circulation published at Wendell, in the County
of Gooding, State of Idaho; that the attached printed copy hereto
annexed was published in THE WENDELL IRRIGATIONIST, in the
regular edition thereof and not in a supplement, for 3 con-
secutive weeks, commencing on the 29th day of May
and ending on the 6th day of June 1946

Victor W. Lemon, Editor

Subscribed and sworn before me this 1st day of June 1946.

S. D. M. O'Connell
Notary Public in and for the County of Gooding
State of Idaho

My commission expires Jan. 1, 1948

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Applications Nos. 27374-27378

Date: May 20, 1946

The Wendell Irrigationist

Wendell, Idaho

Gentlemen:

Enclosed you will find notice for publication
once a week for ~~four~~^{three} consecutive weeks prior to ~~beginning~~^{beginning} with your
next issue ~~the date set for proof~~ the expense of the
publication to be paid by the applicant, Morrison-Knudsen
Company, Inc. of Boise, Idaho, to whom
you should furnish affidavit of publication on or prior to
the date set for proof.

Please acknowledge receipt of this notice, and
furnish this office with a copy of the first publication.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

By

Chief Clerk

19864

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) May 17, 1946

(P. O.) Boise, Idaho

STATE RECLAMATION ENGINEER :
TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

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

MORRISON-KNUDSEN COMPANY, INC.

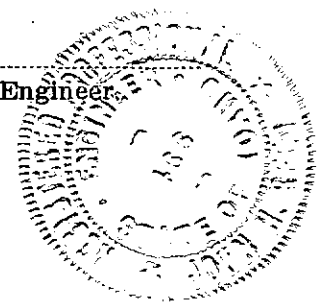
Garrett Zapp
Secretary.

(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.

John H. Reed
Lic. 750 H66

Engineer.



19864

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

NOTICE OF APPLICATION TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO,
IN ACCORDANCE WITH THE PROVISIONS OF SECTION 41-203, IDAHO CODE ANNOTATED

NOTICE IS HEREBY GIVEN That on the 14th day of May, 1946, Morrison-Knudsen Company, Inc., of Boise, Idaho, made application to appropriate One Thousand Two Hundred Fifty (1,250) cubic feet per second of the waters of Malad River, a tributary of Snake River, for power purposes.

That the point of diversion of said water is located approximately 1,400 feet distant from the Northwest corner of Section 35, Township 6 South, Range 13 East, B.M., and in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said section.

That the point of use of said water is located approximately 1,060 feet distant from the Southwest corner of Section 27, Township 6 South, Range 13 East, B.M., and in Lot 2 of said section.

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 objections to the approval of the said application.

Dated this 16th day of May, 1946.

Mark R Kulp

MARK R. KULP
State Reclamation Engineer

Date of first publication:

Date of last publication:

Last date of protest: June 25, 1946

SERVICE of the foregoing, by copy, is hereby admitted this 17th
day of May, 1946.

MORRISON-KNUDSEN COMPANY

By

Garroll Zapp
Its Secretary.

19864

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

NOTICE OF APPLICATION TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO,
IN ACCORDANCE WITH THE PROVISIONS OF SECTION 41-203, IDAHO CODE ANNOTATED

NOTICE IS HEREBY GIVEN That on the 14th day of May, 1946, Morrison-Knudsen Company, Inc., of Boise, Idaho, made application to appropriate One Thousand Two Hundred Fifty (1,250) cubic feet per second of the waters of Malad River, a tributary of Snake River, for power purposes.

That the point of diversion of said water is located approximately 1,400 feet distant from the Northwest corner of Section 35, Township 6 South, Range 13 East, D. M., and in the NE¹/₄ NW¹/₄ of said section.

That the point of use of said water is located approximately 1,060 feet distant from the Southwest corner of Section 27, Township 6 South, Range 13 East, B.M., and in Lot 2 of said section.

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 objections to the approval of the said application.

Dated this 16th day of May, 1946.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

Date of first publication:

Date of last publication:

Last date of protest: June 25, 1946

SERVICE of the foregoing, by copy, is hereby admitted this _____
day of May, 1946.

MORRISON-KNUDSEN COMPANY
By

Its _____

19869

**Notice for Publication
NOTICE OF PROOF
APPLICATION FOR WATER
TO BENEFICIAL USE**

Notice is hereby given that at 10 a.m. on the 14th day of June, 1949, at 1220 Idaho Street, Boise, County of Ada, State of Idaho, before Geo. H. Petersen, Notary Public, proof will be submitted of the application to beneficial use of 1,250 cubic feet per second of the waters of Malad River, a tributary of Snake River, in accordance with the terms and conditions of Permit No. 19864 heretofore issued by the State Reclamation Engineer of the State of Idaho.

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

The use to which said water has been applied is Electrical power generation.

The amount applied to beneficial use is 1,250 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) Point of use of water: approximately 1,060 feet distant from Southwest corner of Section 27, T. 6 S., R. 13 E., B.M., in Lot 2 of Section 27, T. 6 S., R. 13 E., B.M. (Lower Malad Power Plant in Gooding, County, Idaho)

The name of the canal or ditch or other works by which said water is conducted to such place of use is a concrete flume and penstock. (Lower Malad Power Plant name.)

The right to take water from such works is based upon Permit No. 19864.

The source of supply from which such water is diverted is Malad River, approximately 1,400 feet distant from the Northwest corner of Section 35, T. 6 S., R. 13 E., B.M. and in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, T. 6 S., R. 13 E., B.M., County of Gooding, Idaho.

The date of priority which said user is prepared to establish is May 14, 1946.

MARK R. KULP,
State Reclamation Engineer