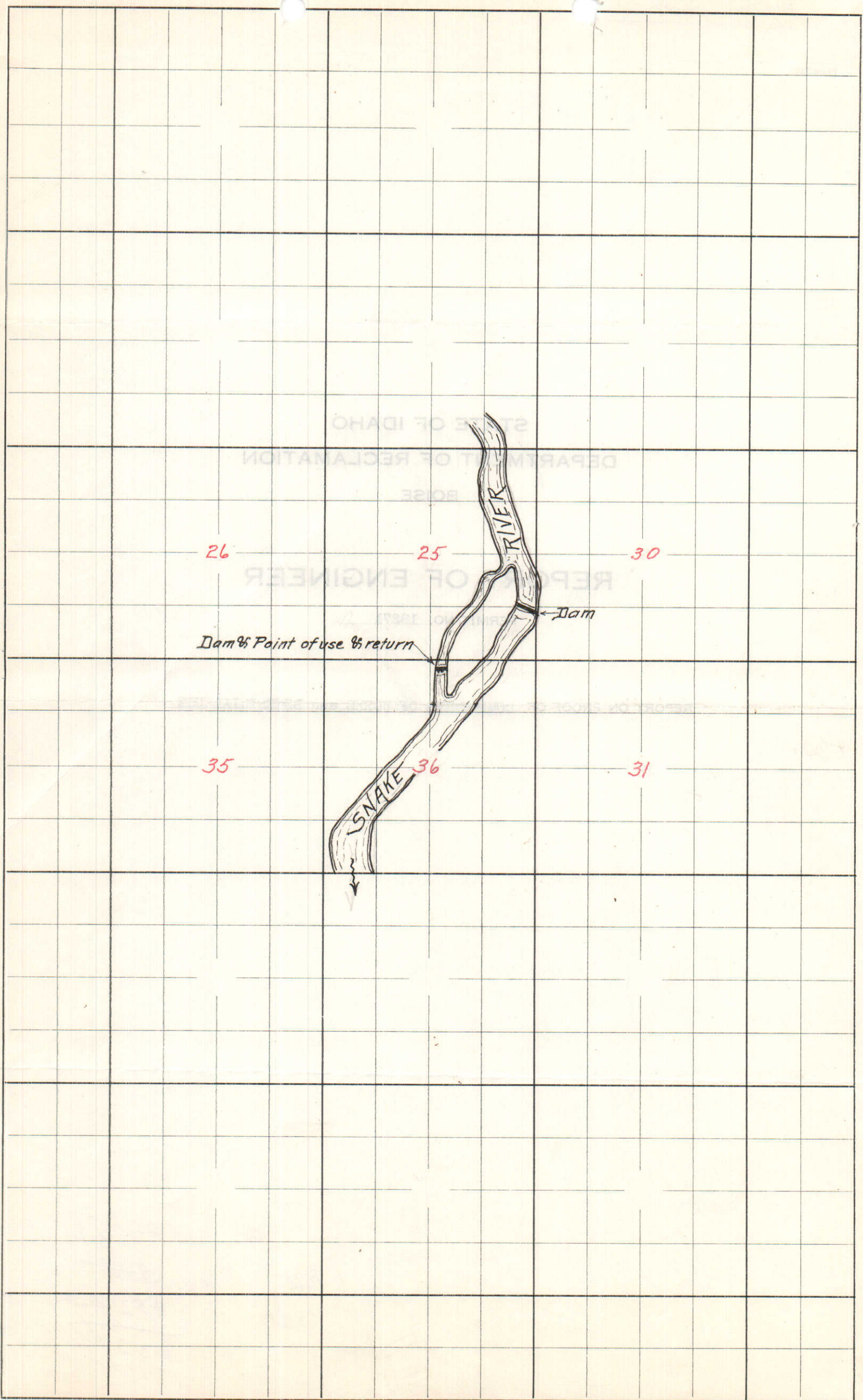
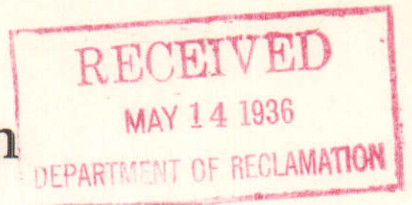




Proof of Publication



State of Idaho,
County of Bonneville } ss.

I, EDWIN F. MC DERMOTT, first being duly sworn, deposes and says: That I am the PRINCIPAL CLERK of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said The Post-Register being a consolidation of The Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers having been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of the notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for THREE (3) consecutive weeks, first publication having been made on the 27TH day of MARCH, 1936, last publication having been made on the 10TH day of APRIL, 1936, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Edwin F. McDermott

Subscribed and sworn to before me, this 11TH day of APRIL, 1936

Edw. Flora
Notary Public.

My commission expires FEBY. 6, 1938

STATE OF IDAHO DEPARTMENT OF RECLAMATION

Notice of Application to Appropriately Water in Accordance with the Provisions of House Bill 293, 1935 Session Laws.

NOTICE IS HEREBY GIVEN That on the 14th day of February, 1936, the CITY OF IDAHO FALLS, whose address is Idaho Falls, Bonneville County, Idaho, made application No. 25513 to appropriate 1500 cubic feet of water per second from Snake river for power purposes.

That the point of diversion is located: S. 62° 45' E. 550.5 feet distant from the N $\frac{1}{4}$ corner of Section 36, T. 3 N., R. 37 E., B. M., and is in Lot 7 of Section 36, T. 3 N., R. 37 E., B. M., County of Bonneville.

That the place of use of said water is located: S. 62° 45' E. 550.5 feet distant from the N $\frac{1}{4}$ corner of Section 36, T. 3 N., R. 37 E., B. M., in Lot 7 of Section 36, T. 3 N., R. 37 E., B. M.

That the point of return of said water is: Water is to be returned to Snake river at a point S. 38° 15' E. 1,000 feet distant from the N $\frac{1}{4}$ corner of Section 36, T. 3 N., R. 37 E., B. M., in Lot 7, of Section 36, T. 3 N., R. 37 E., B. M.

That any protests against the approval of this application should be filed in the Department of Reclamation within forty (40) days of the date of this notice; 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 23rd day of March, 1936.

R. W. FARIS,
Commissioner of Reclamation.
Date of first publication: March 27, 1936.

Date of last publication: April 10, 1936.
Last date for protest: May 2, 1936.

SERVICE of the foregoing, by copy, is hereby admitted this 24th day of March, 1936.

BARZILLA W. CLARK,
Applicant.
Pub. March 27, April 3-10, 1936.

CITY OF IDAHO FALLS

[illegible]

Permit Map No. 18265
As Approved
MAY 5 1936
R. W. FARIS
Commissioner of Reclamation

State of Idaho
License and Certificate of Water Right

Water License No. **18271**

Amount **1500 second feet**

Water District No. _____

Priority **February 14, 1936**

THIS IS TO CERTIFY that **CITY OF IDAHO FALLS**
of **Idaho Falls, Idaho**, made application for a permit to appropriate the
public waters of the State of Idaho, dated **February 14**, 19 **36**; that Permit No. **18271**
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1500 second feet, was issued thereunder on **March 14**, 19 **39**, showing that said works
were completed on the **21st** day of **May**, 19 **37**; and that on the **21st**
day of **May**, 19 **37**,

CITY OF IDAHO FALLS

of **Idaho Falls**, State of **Idaho**, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of **Snake River**
, a tributary of **Columbia River**, for the purpose of **power**
, under Use Permit No. **18271** of the **Commissioner of Reclamation**
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume **7**
of Licenses, at page **3940**, on the **14th** day of **March**, 19 **39**;

The right hereby confirmed dates from **February 14**, 19 **36**;

The Point of Diversion is located **S. 62° 45' E. 550.5 ft. distant from N $\frac{1}{4}$ cor. Sec. 36, T. 3 N.,
R. 37 E., B.M.**
in the **Lot 7** of **Sec. 36**, **Tp. 3 N.**, **R. 37 E.**, **B. M. Bonneville 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 **1500**
cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			Point of use of water: S. 62° 45' E. 550.5 feet distant from the N. $\frac{1}{4}$ corner of Section 36, Township 3 North, Range 37 East, B.M. (Upper Plant)		

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

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
this **14th** day of **March**, 19 **39**

JAMES SPONFORD

Commissioner of Reclamation

(SEAL)

01-2049

Address:
City Clerk, Idaho Falls.

No. 18271

3-23 1936
3-27 to 4-10 1936
5-2 1936

IF PROTESTED

APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

of Notice of Hearing 19
of Hearing 19
of Appeal Filed 19

Application No. 25513
Permit No. 18271
District No.

1. Name of Applicant: City of Idaho Falls, Idaho

Postoffice address: Idaho Falls County: Bonneville State: Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of capital stock:

(c) Amount paid in:

(d) Names and addresses of directors: (Municipal Corporation) Complete financial statement is in file

II. The financial resources of the applicant are:

(a) Cash on hand: Financial statement submitted

(b) Treasury stock:

(c) Bonds to be issued:

(d) Other resources:

2. Quantity of water claimed: 1500 cubic feet per second.

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

4. Location of point of diversion: S. 62° 45' E. 550.5 feet distant from the N $\frac{1}{2}$ corner of Section 36, T. 3 N., R. 37 E., B. M., and is in ~~the~~ Lot 7 of Section 36, T. 3 N., R. 37 E., B. M., County of Bonneville

5. Water is to be used for: Power

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

(a) Point of use of water: S 62° 45' E 550.5 feet distant from N $\frac{1}{2}$ corner of Section 36 T. 3 N., R. 37 E., B. M., in ~~the~~ Lot 7 of Section 36, T. 3 N., R. 37 E., B. M.

(b) Amount of power generated: 3600 H. P., under 22 feet head.

(c) Water is to be returned to Snake River at a point S. 38° 15' E. 1000 feet distant from the N $\frac{1}{2}$ corner of Section 36, T. 3 N., R. 37 E., B. M., in ~~the~~ Lot 7 of Section 36, T. 3 N., R. 37 E., B. M.

7. Estimated cost of works: \$ 275,000.00

8. Kind of works: Concrete dams, earth dikes, concrete power house

9. Height of dam 24 (Max) feet; length of dam at top 579 feet; length of dam at bottom 579 feet; material used in dam: Concrete

10. Size of headgate: Width (26 radial) 18 feet; height 20-6 ft., 6-8 feet.

11. Ditch: Width at bottom feet; width at water line feet; depth of water feet; dimensions of flume: 4 openings 14 feet by 18 feet each
Diameter of pipe inches; length of conduit miles.
Average grade per mile feet.

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

13. The time required for the complete application of the water to the proposed use is no additional years.

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

- only
15. (a) Is reservoir to be used? **Water ponded for head** / 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.

CITY OF IDAHO FALLS Applicant.

By Barzilla W. Clark Agent.
Mayor

Date of first receipt at Department of Reclamation: 3:00 P. M. February 14, 1936

Returned to applicant for correction: March 13, 1936

Corrected application received: March 23, 1936

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 18271
Recorded in Book 66 Page 18271 Approved May 15, 1936
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 \$ 3000.00 to be filed on or before July 14, 1936
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 November 15, 1936
The whole of said work to be completed on or before May 15, 1937
Beneficial use of water appropriated in accordance herewith, to be made on or before May 15, 1937

Witness my hand this 15th day of May, 1936.

R. W. FARIS Commissioner of Reclamation.

Remarks: This application is to supplement application of the City of Idaho Falls, Idaho, for 500 cubic feet per second and will be used through the same power house. One unit is now installed and in use, with all works built for its use and the building complete for the other unit. Beneficial use has been made of 900 cubic feet per second of the total amount since January 1929, through the one unit that is in place.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			Permit No. 18271 Certificate of Completion of Works TO ALL WHOM IT MAY CONCERN: This is to certify that CITY OF IDAHO FALLS, of Idaho Falls, County of Bonneville, and State of Idaho, the holder of Permit No. 18271, issued upon Application No. 25513 bearing date of priority of February 14, 1936, authorizing the diversion of 1500 second feet of the waters of Snake River, County of Bonneville, State of Idaho, for power purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1500 second feet of the waters of Snake River; that the point of diversion of said waters is S. 62°45' E. 550.5 feet distant from the N¼ corner of Section 36, T. 3 N., R. 37 E., B.M., in Lot 7 of Section 36, T. 3 N., R. 37 E. B.M. WITNESS MY HAND THIS 14th day of March, A. D., 1937. Proof of Completion of Works made May 21, 1937 Certificate of Completion of Works issued March 14, 1939 JAMES SPOFFORD Commissioner of Reclamation																

LICENSE ISSUED FOR 1500 SEC. FT.

page 3940

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

11- 2047/2049

City of Idaho Falls)

Project No. 2952-057

ORDER GRANTING EXTENSION OF TIME

(Issued July 28, 1997)

The licensee 1/ for the Gem State Hydroelectric Project has requested an extension of time to file as-built exhibit F drawing(s) pursuant to ordering paragraph (C) of the Commission's Order Modifying and Approving Revised Wetland Mitigation Plan issued on December 14, 1995. 2/ The project is located on the Snake River, in Bingham County, Idaho.

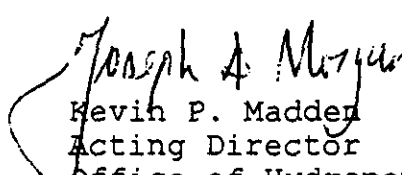
Paragraph (C) requires the licensee to file, for Commission approval, as-built exhibit F drawing(s) of the on-site wetland pond within 90 days after construction of the pond is completed. The drawings should clearly show the water conveyance features used to fill and release water from the pond and to irrigate wetland areas.

In support of its request, the licensee states that reconstruction of the wetland pond was delayed because of the unusual flooding that occurred this spring. The reason advanced by the licensee in support of the requested extension of time is reasonable and justifies the extension.

The Director orders:

(A) The deadline to file as-built exhibit F drawing(s), as required by the Commission's Order of December 14, 1995, is extended to August 30, 1997.

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


Kevin P. Madden
Acting Director

Office of Hydropower Licensing

1/ 25 FERC ¶62,345 (1983).

2/ 73 FERC ¶62,167 (1995).

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UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Department of Water Resources

City of Idaho Falls

)

Project No. 2952-053

ORDER GRANTING EXTENSION OF TIME

(Issued February 7, 1997)

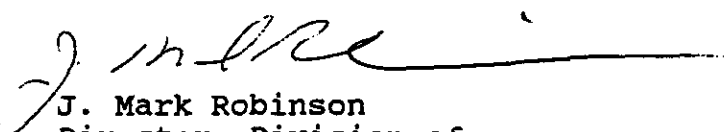
The licensee for the Gem State Project has requested an extension of time to file a riparian habitat mitigation monitoring plan pursuant to ordering paragraph (B) of the Commission's Order Modifying and Approving Revised Wetland Mitigation Plan issued on December 14, 1995. ⁰¹⁻²⁰⁰¹⁷⁻²⁰⁴⁹1/ The project is located on the Snake River, in Bingham County, Idaho.

The reason advanced by the licensee in support of the requested extension of time is reasonable and justifies the extension.

The Director orders:

(A) The deadline to file a riparian habitat mitigation monitoring plan is extended to March 1, 1997.

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


J. Mark Robinson
Director, Division of
Licensing and Compliance

^{1/} 73 FERC ¶ 62,167 (1995).

UPPER PLANT located 3 miles north of Idaho Falls with diversions in Sec. 25, T. 3 N., R. 37 E., B.M.

Water Right No.	Type of Water Right or Decree Name	Decree Date, File No., & Page No. in Decree	Priority Date	Flow in cfs	Subordination	
					Permit	License/Decree
01-02047	Permitted 12-19-1927 Licensed 2-11-1939		10-28-1927	500 ¹	No	No
01-04003	Idaho Falls Decree	9-03-1980, 01-B-4, p. 3	5-03-1930	580		No
01-02049	Permitted 5-15-1936 Licensed 3-14-1939		1-14-1936	1,080 ¹	No	No
01-07013	Permitted 3-05-1979 Field exam 3-17-1988		11-09-1977	2,600	For diversion to beneficial uses ²	
01-07023	Permitted 3-16-1979 Field exam 3-17-1988		2-15-1979	1,240	For diversion to beneficial uses ²	
Subtotal of non-subordinated water rights				2,160 cfs		
Total (using permitted quantities)				6,000 cfs		

The footnotes are numbered consecutively for the group of four powerplants operated by the city of Idaho Falls.
Revised on June 12, 1997.

¹ See City of Idaho Falls vs Carlson, 9-03-80, File 01-B-4; the Stipulation makes no change in license 01-02047, but it reduces the subsequent licensed right 01-02049 from 1,500 cfs to 1,080 cfs.

² Idaho Code 42-203B(6) allows for subordination to upstream "depletionary uses." Water Appropriation Rules, July 1, 1993, Rule 10.16 (010.16) defines a subordinated water right to be subject to depletion "for a purpose other than hydropower generation" (which appears to include recharge and non-hydropower storage). This type of language, which may clarify the status of recharge and non-hydropower storage, likely will be used at license time. A recent example is the condition placed on water license 01-07051 at Idaho Fall's Gem State Project which was licensed on 11-2-92 with the condition of subordination to future rights "other than hydropower." Idaho Code 42-4201A which states subsequent recharge rights are to be secondary to prior rights would have no bearing since the prior water right noted in this text would be a limited right in itself.

CITY PLANT located in the city of Idaho Falls with diversions in Sec. 24, T. 2 N., R. 37 E., B.M.

Water Right No.	Type of Water Right or Decree Name	Decree Date, File No., & Page No. in Decree	Priority Date	Flow in cfs	Subordination	
					Permit	License/Decree
01-00197	Rexburg Decree	12-16-1910, 01-B, p. 59	11-18-1898	(75) ³	No	
01-00040	Rexbury Decree	12-16-1910, 01-B, p. 10	4-20-1900	140 ⁴	No	
01-00041	Rexburg Decree	12-16-1910, 01-B, p. 11	10-22-1904	48 ⁴	No	
01-02014	Permitted 12-14-1907 Licensed 2-11-1918		12-03-1907	485 ⁵	No	No
01-00360	Idaho Falls Decree	9-03-1980, 01-B-4, p. 2	2-05-1915	388	No	
01-00361	Idaho Falls Decree	9-03-1980, 01-B-4, p. 3	7-18-1919	394	No	
01-04002	Idaho Falls Decree	9-03-1980, 01-B-4, p. 3	10-05-1923	485	No	
01-07015	Permitted 3-05-1979 Field exam 3-17-1988		11-09-1977	2,600	For diversion to beneficial uses ²	
01-07024	Permitted 3-16-1979 Field exam 3-17-1988		2-15-1979	1,460	For diversion to beneficial uses ²	
Subtotal of non-subordinated water rights				1,940 cfs		
Total (using permitted quantities)				6,000 cfs		

³ This Rexburg Decree water right in the name of G. G. Wright has not had an adjudication claim filed on it. This water right was not mentioned in the City of Idaho Falls vs Carlson Decree, 9-03-80, File 01-B-4, Findings of Fact and Conclusions of Law or the Stipulation. No transfer of ownership information or confirmation of this place of use is available. Evidently this power plant was dismantled; however, its exact location is unknown. Quantity not used in the totals.

⁴ Also see City of Idaho Falls vs Carlson, 9-03-80, File 01-B-4, Findings of Fact and Conclusions of Law, p. 4.

⁵ See City of Idaho Falls vs Carlson, 9-03-80, File 01-B-4; the Stipulation reduces the licensed right from 600 cfs to 485 cfs.

LOWER PLANT located 1/2 mile south of Idaho Falls with diversions in Sec. 25, T. 2 N., R. 37 E., B.M.

Water Right No.	Type of Water Right or Decree Name	Decree Date, File No., & Page No. in Decree	Priority Date	Flow in cfs	Subordination Permit License/Decree
01-00281	Woodville Decree ⁶	6-29-1929, 01-K, p. 26	12-29-1905	1,500 ⁴	No
01-00282	Woodville Decree ^{6,7}	6-29-1929, 01-K, P. 26	9-07-1915	(100)	No
01-04001	Idaho Falls Decree	9-03-1980, 01-B-4, p. 3	10-05-1940	1,240	No
01-07014	Permitted 3-05-1979 Field exam 3-17-1988		11-09-1977	(5,100) ⁸ 4,800 ⁹	For diversion to beneficial uses ²
01-07025	Permitted 3-16-1979 Field exam 3-17-1988		2-15-1979	(900) ⁸ (860) ¹⁰ 0 ⁹	For diversion to beneficial uses ²
Subtotal of non-subordinated water rights				2,740 cfs	
Total (using permitted quantities)				(8,740 cfs) ⁸	
Total (using turbine capacity)				(8,700 cfs) ¹⁰	
Total				7,540 cfs	

⁶ Listed in the name of Utah Power and Light Co.

⁷ This water right was issued for the Shelley power plant located 1 1/2 miles downstream from the Lower Plant in Sec. 34, T. 2 N., R. 37 E., B.M. The water right for this site now removed could not be transferred to the City's Lower Plant because an expansion of a water right is not allowed.

⁸ Permitted amount. See water right file 01-07013 for most related data.

⁹ Total of new flow, 4,800 cfs recommended for new license. Add 1,500 cfs + 1,240 cfs for old plant.

¹⁰ Maximum amount needed. City of Idaho Falls "preliminarily determined turbine flow capacities to be" 8,700 cfs. See letter of October 4, 1994, to their private attorney, Kent Foster, located in water right file 01-07025.

GEM STATE PROJECT located 4 miles south of Idaho Falls with diversions in Sec. 15, T. 1 N., R. 37 E., B.M.

Water Right No.	Type of Water Right or Decree Name	Decree Date, File No., & Page No. in Decree	Priority Date	Flow in cfs	Subordination	
					Permit	License/Decree
01-00283	Woodville Decree ⁶	6-29-1929, 01-K, p. 26	11-14-1924	(1,500) ¹¹	No	
01-07051	Permitted 12-18-1985 Licensed 11-2-1992 ⁶		4-09-1980	3,000	Yes	Yes ¹²
01-07018	Permitted 7-21-1982 Licensed 11-02-1992		3-17-1978	5,000	Yes	Yes ¹²
Subtotal of non-subordinated water rights				none		
Total (using permitted and turbine capacity quantities)				8,000 cfs ¹³		

¹¹ The Decree refers to a water permit number that never was developed into a license.

¹² This water right was licensed on 11-2-92 with the condition that it is subordinate to future rights "other than hydropower."

¹³ October 14, 1992, Memorandum to File 01-07051 indicates the turbine capacity found during the field examination is 8,000 cfs.

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UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION Department of Water Resources

City of Idaho Falls

Project No. 2952-0247
Idaho

ORDER GRANTING EXTENSION OF TIME

(Issued March 12, 1990)

The licensee for the Gem State Project has requested an extension of time to comply with ordering paragraph B of the Commission's Order Approving Riparian Habitat Mitigation Plan with Modification issued September 29, 1988. The reasons advanced by the licensee in support of the requested extension of time are reasonable and justify the extension.

The Director orders:

(A) The deadline for filing the first annual riparian habitat mitigation monitoring report according to ordering paragraph B is extended to December 31, 1990.

(B) This order is issued under authority delegated to the Director and is final unless appealed to the Commission under Rule 1902 within 30 days from the date of its issuance.

J. Mark Robinson

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

DC-A-5

01-7053/-0667 (Shelby Falls #2812)
01-7025/7024/7023/7022/7014/7013 (64 Falls #2812)
01-2047/2049 (2812)
01-4001/4003/01-0300/0301
(On 6-1-91)

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

City of Idaho Falls

Project No. 2842-012
IdahoORDER APPROVING REVISED EXHIBIT K DRAWINGS
(Issued October 19, 1989)

On October 3, 1988, the City of Idaho Falls, licensee for the Upper Power Plant Project, FERC Project No. 2842, filed revised Exhibit K drawings in response to a letter dated April 19, 1988 from the Director, Division of Project Compliance and Administration.

The Exhibit K drawings have been revised to more accurately reflect the project boundary under all operating conditions and conform to the Commission's Rules and Regulations.

The Director orders:

(A) The following revised Exhibit K drawings are approved and made a part of the license:

Exhibit	FERC No.	Drawing Title
K-1	2842-77	Project Boundary-Sheet 1 of 9
K-1	2842-78	Project Boundary-Sheet 2 of 9
K-1	2842-79	Project Boundary-Sheet 3 of 9
K-1	2842-80	Project Boundary-Sheet 4 of 9
K-1	2842-81	Project Boundary-Sheet 5 of 9
K-1	2842-82	Project Boundary-Sheet 6 of 9
K-1	2842-83	Project Boundary-Sheet 7 of 9
K-1	2842-84	Project Boundary-Sheet 8 of 9
K-1	2842-85	Project Boundary-Sheet 9 of 9

(B) Exhibit K drawing numbers 2842-3 and 2842-4 are superseded and removed from the license.

(C) Within 90 days of the date of issuance of this order, the licensee shall file an original of the approved Exhibit K drawings reproduced on silver or gelatin 35mm microfilm mounted on Type D (3 1/4" x 7 3/8") aperture cards for each drawing. In addition, the licensee shall file two Diazo-type duplicate aperture cards. The original set and one duplicate set of aperture cards should be filed with the Secretary of the Commission. The remaining duplicate set of aperture cards should be filed with the Commission's Portland Regional Office. The FERC drawing numbers (2842-77 through 2842-85) shall be shown in the margin below the title block of the microfilmed drawing and also in the upper right corner of each aperture card. The top

DC-A-8

*See
Attachment*

-2-

lines of the aperture cards shall show the FERC Exhibit (i.e., K-1, K-2), Project Number, Drawing Title, and date of this order.

(D) This order is issued under authority delegated to the Director and is final unless appealed to the Commission under Rule 1902 within 30 days from the date of this order. Failure to file a petition appealing this order to the Commission shall constitute acceptance of this order.

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

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OCT 26 1989

Department of Water Resources

POWER RIGHTS FOR CITY OF IDAHO FALLS
DIVERTING FROM SNAKE RIVER

✓ 0107066
✓ 0107025
✓ 0107024
✓ 0107023
✓ 0107015
✓ 0107014
✓ 0107013
✓ 0107018
✓ 0102047
✓ 0102049
0104001
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MAY 09 1989

01-7013-7015
01-7013/7023-01-7025
01-2047/2049

Department of Water Resources
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION 47 FERC 61,115

Before Commissioners: Martha O. Hesse, Chairman;
Charles G. Stalon, Charles A. Trabandt,
Elizabeth Anne Moler and Jerry J. Langdon.

City of Idaho Falls, Idaho) Project Nos. 2842-013 and
-017

ORDER DISMISSING REQUESTS FOR REHEARING AND APPROVING
AMENDMENT OF LICENSE AND REVISED EXHIBIT R

(Issued April 27, 1989)

By order issued June 24, 1988, the Director, Division of Project Compliance and Administration (Director), denied the request of the City of Idaho Falls, Idaho (licensee), filed March 22, 1988, to amend its license by deleting a requirement to install shore-to-shore buoy lines from the licensee's Exhibit R (recreation use plan) drawings for Project No. 2842. 1/ Based on recommendations and a site inspection by personnel of the Commission's Portland, Oregon Regional Office (PRO), the Director rejected the licensee's proposal to install warning signs in lieu of the required buoy lines. 2/ The Director noted that the PRO's

1/ See Order Approving in Part and Modifying in Part a Revised Exhibit R, 43 FERC ¶ 62,366 (1988). The Director's order also revised the Exhibit R to require: (1) seasonal installation of the buoy lines between May 1 and September 30 each year, beginning in 1989; and (2) permanent installation of (a) warning signs at four locations upstream from the buoy lines to warn boaters of the project's three dam locations and (b) warning horns at the spillway gates to alert persons downstream from the project of sudden water releases.

2/ The license for Project No. 2842 was issued on February 8, 1979. See 6 FERC ¶ 61,120 (1979). Article 42 of the license (id. at p. 61,219) required the licensee to file for Commission approval a revised Exhibit R within one year from the date of issuance of the license. The licensee's Exhibit R, as filed on May 30, 1980, and approved November 16, 1981 (17 FERC ¶ 62,240 (1981)), included buoy lines in the project drawings.

Project Nos. 2842-013
and 2842-017

-2-

site inspection revealed that recreational boaters were coming dangerously close to the project's diversion structures. 3/

On July 25, 1988, the licensee timely filed an appeal of the Director's order, challenging the buoy-line requirement. On July 26, 1988, the Bonneville County, Idaho Sheriff's Department (Department) filed a request for intervention in the proceeding and a late appeal of the Director's order. By order issued October 7, 1988, the Commission granted the Department's intervention request and denied the appeals. 4/ The Commission found that the project's ungated spillways posed a hazard for recreationists and that the buoy lines would provide a needed additional measure of safety that warning signs alone could not provide. 5/

3/ Project No. 2842 is located on the Snake River in Bonneville County, Idaho, and consists of three run-of-river hydroelectric developments designated Upper Plant, City Plant, and Lower Plant. Upper Plant includes two combination concrete and earthfill dams, one 600 feet long and 23 feet high and the other 470 feet long and 33 feet high, and a reservoir with 800 gross acre-feet of capacity and 100 acres of surface area. City Plant includes a concrete dam and diversion structure 1,970 feet long and 30 feet high and a reservoir with 400 gross acre-feet of capacity and 50 acres of surface area. Lower Plant includes a concrete dam 930 feet long and 16 feet high and a reservoir with 800 acre-feet of capacity and 100 acres of surface area.

4/ See 45 FERC ¶ 61,042 (1988). Based on the Department's contentions that the buoy lines might hinder its rescue operations in the Snake River near the project, the Commission also required the licensee to file, by November 7, 1988, and after consultation with the Department, either a request to change the location of the buoy lines, with appropriately revised Exhibit R drawings, or a letter stating that no change in the buoy-line locations is needed. Id. at p. 61,139, note 21. After two extensions of time (see notices extending deadline, issued November 15, and December 27, 1988 (unpublished)), the licensee filed its supplemental Exhibit R drawings on January 23, 1989.

5/ 45 FERC ¶ 61,042, *supra*, at p. 61,136-140. The Commission (id. at pp. 61,136-37) also based its decision on Section 12.42 of the Commission's regulations (18 C.F.R. § 12.42 (1988)), which states that,

(continued...)

Kent W. Foster of
HOLDEN, KIDWELL, HAHN & CRAPO
P.O. Box 129
Idaho Falls, Idaho 83401
Telephone: 523-0620

2020 2 20 PM 1:00

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

CITY OF IDAHO FALLS,	)	
a municipal corporation,	)	Case No. 27583
	)	
Plaintiff,	)	STIPULATION
	)	
vs.	)	
	)	
RONALD D. CARLSON,	)	
Watermaster, Water District	)	
No. 1, State of Idaho,	)	
	)	
Defendant.	)	

The plaintiff herein, City of Idaho Falls, a municipal corporation, by and through Kent W. Foster, a member of the law firm of Holden, Kidwell, Hahn & Crapo, its attorneys of record, and the defendant, Ronald D. Carlson, Watermaster, Water District No. 1., State of Idaho, by and through Josephine P. Beeman, Deputy Attorney General for the State of Idaho, his attorney of record, hereby stipulate and agree as follows:

I

That upon application of the plaintiff through its attorneys of record, the Court may hear this matter without further notice.

II

That each of the allegations of plaintiff's Complaint on file herein are true and correct, and that the prayer for relief of said Complaint should be granted.

III

That if the licensed water rights described in the attached documents are included in a future adjudication, the rates of diversion will be corrected as follows:

License No.	Rate of Diversion	
	<u>License Shows:</u>	<u>Should be:</u>
01-2014	600 cfs	485 cfs
01-2047	500 cfs	500 cfs (no change)
01-2049	1500 cfs	1080 cfs

IV

That on examination into this matter, the Court may enter its findings of fact and conclusions of law in the form attached hereto.

V

That upon the entry of its findings of fact and conclusions of law herein, the Court may enter its Decree in the form attached hereto.

DATED this 29th day of August, 1980.

HOLDEN, KIDWELL, HAHN & CRAPO
Attorneys for the Plaintiff,
City of Idaho Falls,

By: *Kent W. Foster*
Kent W. Foster
A Member of the Firm

DAVID H. LEROY
Attorney General, State of Idaho

By: *Josephine P. Beeman*
Josephine P. Beeman
Deputy Attorney General
Department of Water Resources
Attorney for Ronald D. Carlson,
Watermaster, Water District No. 1
State of Idaho ..

STATE OF IDAHO)
County of Bonneville) ss

I hereby certify that this Instrument is a full, true, and correct copy of the original thereof, on file in my office.

Dated Sept 17, 1980

RONALD LONGMORE
Clerk of the District Court and
Ex-Officio Recorder

By: *Ruth Howard*
Deputy

March 14, 1939

Re: Permit No. 18271

Hon. Chase A. Clark, Mayor,
City of Idaho Falls,
Idaho Falls, Idaho.

Dear Sir:-

We enclose herein Certificate of Completion of Works issued under the above numbered permit to appropriate 1500 second feet of the waters of Snake River, in Lot 7 of Section 36, Township 3 North, Range 37 East, Bonneville County, for power purposes:

Also License and Certificate of Water Right issued under the above numbered permit, confirming the right of the right of the City of Idaho Falls to use 1500 second feet of the waters of Snake River, with a date of priority of February 14, 1936, for power purposes.

The Department's Receipt No. 16915 for the \$457.00 fees on connection with these proofs is also enclosed.

Very truly yours,

JAMES SPOTFORD
Commissioner of Reclamation
By

JLA
Encs.

Chief Clerk.

18271

Letter sent

Form 23

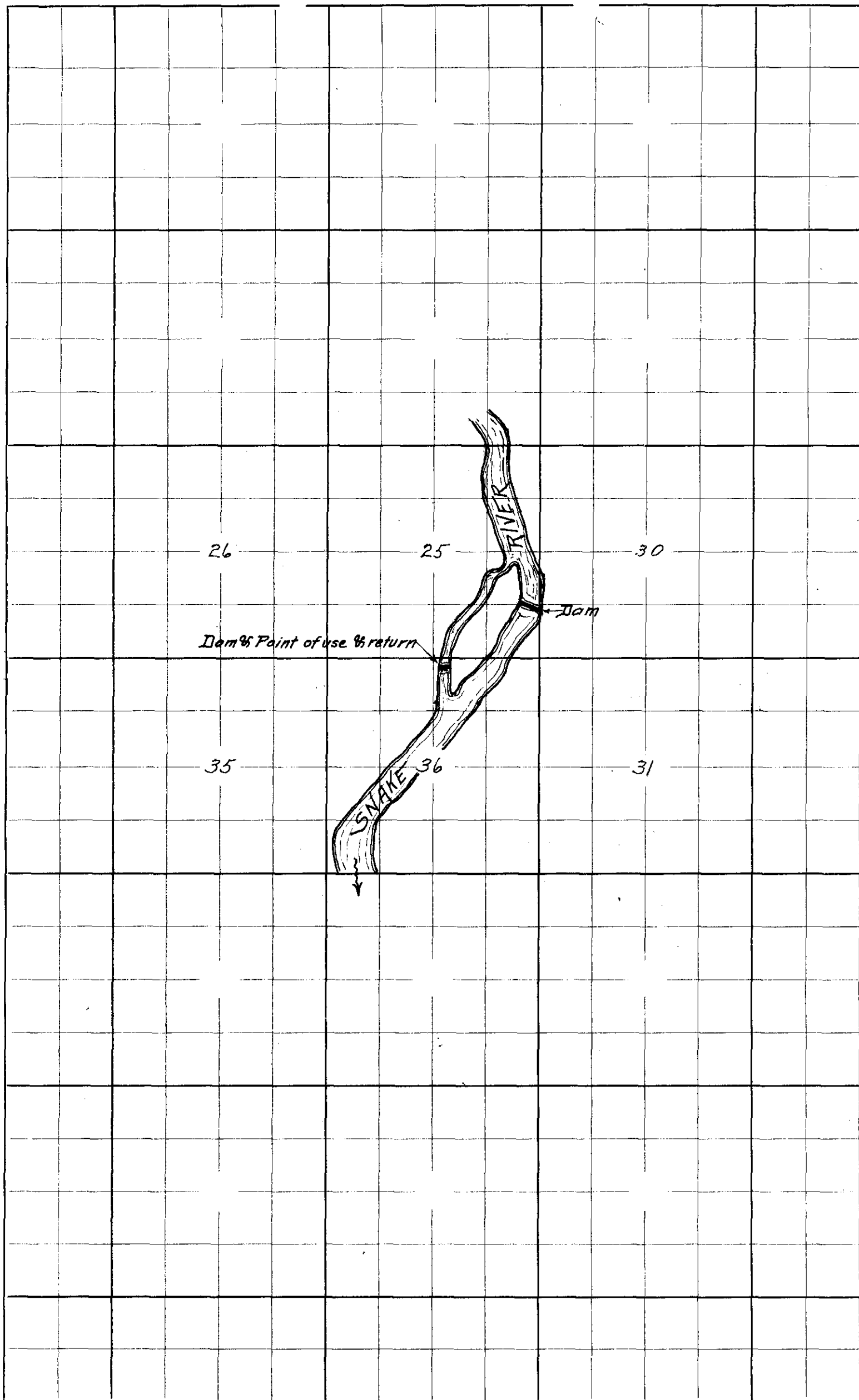
STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 1827A

REPORT ON PROOF OF COMPLETION OF WORKS and BENEFICIAL USE

OK. 1500 S.F. -
B.U. Fee 500 ✓
C.G.M. " 452.00 ✓
457.00



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 18271

This proof is for Completion of works & Beneficial Use

In Water District No.

1. Name of applicant CITY OF IDAHO FALLS
2. Source of water supply: SNAKE RIVER
3. Location of point of diversion: Is in the Lot 7 of Section 36
T. 3 N R. 37 E County of Bonneville

4. Describe works as they exist, giving dimensions and capacities of same: *Dams across two channels of Snake River, 1-30'x60' power house on west dam, 2-Leffel turbines of 1000. H.P. capacity each, 1-G.E. Generator (installed under this permit) of 1200 H.P. capacity, 150 R.P.M., 60 cycle, 2300 Volts. Power is distributed in Idaho Falls. Total plant capacity 2000. H.P.*

5. Water is used for: 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 for other than irrigation):

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

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

Remarks: *The dam across the main river channel is 580 ft. long & that upon the westerly channel is 490 ft. in length x 19 ft in height*

This examination was made on the 12th day of July, 1937.

(Signed)

Edw. A. Dolman
Examiner.

Permit No. 18271

Examination for...Completion of Works & Beneficial Use

County...Bonneville

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 a 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.
-

February 11, 1939

Re: Permit No. 18271
City of Idaho Falls.

Mr. T. R. Peters,
Purchasing Agent,
Idaho Falls,
Idaho.

Dear Sir:-

We have your letter of February 9th, and in compliance
therewith we are returning voucher for the \$457.00
fee in connection with the above permit, duly signed
and acknowledged.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation
By

Chief Clerk

JLA
Enc.

18271

City of Idaho Falls

OFFICE OF
THE PURCHASING AGENT

CHASE A. CLARK
MAYOR

LEE WALKER
CITY CLERK

JESSIE M. HANSON
CITY TREASURER

T. R. PETERS
PURCHASING AGENT

IDAHO FALLS, IDAHO

February 9, 1939

Department of Reclamation
Boise, Idaho

Gentlemen:

Re: Permit No. 18271

Reference is made to your letter of January 3, which was followed by other correspondence questioning the charges made in connection with the above permit.

It has been determined by our City Attorney that these charges are mandatory. We are, therefore, enclosing a claim made up covering said charges and will ask that the proper member of your Department sign the claim and have it notarized. After the claim is returned to this office, it will be presented to the City Council for authorization of payment.

Yours very truly,



T. R. PETERS
Purchasing Agent

TRP/jc

18271

COPY

February 6, 1939

Mr. Ralph L. Albaugh
Attorney at Law
Idaho Falls, Idaho

Re: Department of Reclamation
Permit No. 18271

Dear Mr. Albaugh:

In reply to your letter of January 20, 1939, after a check of the statute referred to therein, being Section 41 215 I.C.A. and a consultation with the Department of Reclamation, it is my understanding and belief that the fee charged is that imposed by that section.

After a close reading of Section 41-215 I.C.A., it is apparent that the section refers to two charges, one covered by the following language:

"For all ditches or canals having a capacity of ten cubic feet per second or less, such fee shall be five dollars. For all ditches or canals having a capacity of more than ten cubic feet per second, such fee shall be at the rate of thirth cents for each second foot of such capacity."

and the other charge is based upon the language of such Act thereafter following, reading as follows, to-wit:

"For examining the ditches and lands of the user at the time of making final proof of the application of water, a fee of two dollars shall be paid to the department, at the time of making such proof, for each legal subdivision of forty acres or fraction thereof to which such water may have been applied. For examining the ditches or other works and the place where water is used, when such use is not for irrigation, a fee of five dollars shall be paid the department at the time of making such examination and taking the proof of such use."

18271

In your case, as I understand the facts involved, both charges have been made. The charge for the rated carrying capacity is applicable as I read the statute to all types of works and after this examination a certificate of completion of the work is issued. Upon the examination of the use to which the water is placed, the license on final permit is issued upon which the right is based as a completed exercise of the powers of the department.

In checking this statute back to its inception, I find that the same identical language has been incorporated therein from the beginning and the Supreme Court's interpretation in the case of Idaho Power Company v. Stephenson, 16 Idaho, 418, 101 Pac. 821, I find that the same legal objections were raised to the payment of the fee in that case that you are now raising and the court determined that matter adverse to your contention, and as a judicial determination definitely settles the interpretation which may be placed upon this language.

As I find it, therefore, the charge made by the Department of Reclamation is mandatorily imposed by statute and is a legal fee which must be paid prior to the issuance of the documents therein referred to.

A copy of this opinion is being forwarded to the Department of Reclamation.

Very truly yours,

J. W. TAYLOR
Attorney General

JAT
LBQ MB

James Spofford, Commissioner

G. A. Bottolfsen, Governor

January 12, 1939

Re: Permit No. 18271

T. R. PETERS, Purchasing Agent
City of Idaho Falls
Idaho Falls, Idaho

Dear Mr. Peters:

We have your letter of January 11, 1939, in which you state that you are of the opinion that the fee in connection with proof of completion of works under the above-numbered permit is \$5.00. You base your assumption upon Section 41-215 of the Idaho Code Annotated which you quote as follows:

"For examining the ditches or other works and the place where such water is used, when such use is not for irrigation, a fee of five dollars shall be paid the department at the time of making such examination and taking the proof of such use: * * *"

However, the above quotation deals with the fees in connection with beneficial use proof and not completion of works proof.

You will note the first three sentences in Section 41-215 deal with the fee in connection with proof of completion of works. You will also note that these fees are computed at the rate of \$5.00 for the first ten second-feet of capacity and thirty cents for each additional second-foot of such capacity, therefore, the fees mentioned in our letter of January 6, 1939, are just and proper and should be submitted to the City Council for authorization of payment.

With best personal regards.

Very truly yours,

18271
PAUL H. BERG,
Deputy Commissioner of Reclamation

phb/de

City of Idaho Falls

OFFICE OF
THE PURCHASING AGENT

CHASE A. CLARK
MAYOR

LEE WALKER
CITY CLERK

JESSIE M. HANSON
CITY TREASURER

T. R. PETERS
PURCHASING AGENT

IDAHO FALLS, IDAHO

January 11, 1939

JAN 12 1939

Department of Reclamation

Mr. James Spoffort
Commissioner of Reclamation
State House
Boise, Idaho

Attention: Mr. Paul H. Berg

Dear Sir:

Reference is made to your letter of January 6, in regard to Permit No. 18271.

It is presumed you base your charges on Section 41-215, I.C.A., but our interpretation of this section is that it would require a fee of only \$5.00. We base our opinion on the following excerpts from the above section:

"For examining the ditches or other works and the place where such water is used, when such use is not for irrigation, a fee of five dollars shall be paid the department at the time of making such examination and taking the proof of such use: * * *"

"* * * and where the department of reclamation is not required to make an examination of the ditches or the lands of the user in order to determine that the water has been applied to a beneficial use, no fee for examining the ditches or lands of the user shall be paid to the department; * * *"

If we are correct in our interpretation, a remittance of \$5.00 will be mailed you upon receipt of your advice. Otherwise, the matter will have to be referred to the City Council for authorization of a larger payment.

Yours very truly,



T. R. PETERS
Purchasing Agent

TRP/jc

18271

A cting

xxxxxxx
James Spofford

xxxxxxxxxxxx
C. A. Bottolfson,

January 6, 1939

Re: Permit No. 18271

Mr. T. R. Peters, Purchasing Agent,
City of Idaho Falls,
Idaho Falls, Idaho.

Dear Mr. Peters:

We have your letter of January 5, in which you state that on December 2, 1935, receipt No. 15638 was issued to the City of Idaho Falls, in the amount of \$379.75, in connection with the above-numbered permit. This fee was paid as a filing fee on the date of the original filing of the above-mentioned application. Some time ago we made proof of completion of works and proof of beneficial use under this permit, and the fee in connection with these proofs is \$457.00. The fee for completion of works is figured at the rate of \$5.00 for the first 10 second feet and \$0.30 for each additional second foot. Therefore, the fee for completion of works would be \$452.00. The fee for beneficial use proof in connection with uses other than irrigation is \$5.00, irrespective of the amount of water appropriated.

We trust that this explains the reason for our notice of January 3, and upon receipt of these fees a certificate of completion of works and a licence will be issued.

With kindest personal regards, I am

Yours very truly,

JAMES SPOFFORD,
Commissioner of Reclamation

18271

PAUL H. BERN
Acting Deputy Commissioner

PHB:jf

City of Idaho Falls

OFFICE OF
THE PURCHASING AGENT

CHASE A. CLARK
MAYOR

LEE WALKER
CITY CLERK

JESSIE M. HANSON
CITY TREASURER

T. R. PETERS
PURCHASING AGENT

IDAHO FALLS, IDAHO

January 5, 1939

Mr. James Spoffort
Commissioner of Reclamation
State House
Boise, Idaho

Attention: Jeanne L. Anderson
Chief Clerk

Dear Sir:

We refer to your letter of January 3, to Mr. C. R. Black.

In checking up this matter, we find that on December 2, 1935 receipt No. 15638 was issued in favor of the City of Idaho Falls in the amount of \$379.75, in connection with permit No. 18271.

We were of the opinion that this covered all fees necessary in making final proof on this filing, but if this does not suffice, we would be pleased to know just how the fees are figured and how much additional will be required.

Yours very truly,



T. R. PETERS
Purchasing Agent

TRP/jc

18271

Acting

James Spofford ~~XXXXXXXX~~

~~XXXXXXXXXXXX~~
C. A. Bottolfson

January 3, 1939

Re: Permit No. 18271
City of Idaho Falls.

Mr. C. R. Black,
City Engineer,
Idaho Falls, Idaho.

Dear Sir:-

A short time ago we received the report of our field engineer on proof of completion of work and beneficial use under the above numbered permit.

Our engineer found that the works would be capable of diverting 1500 cubic feet per second of water from Snake River.

Upon receipt of the statutory fee, which amounts to \$452.00 for proof of completion of works, and \$5.00 for proof of beneficial use, a certificate of completion of works and license will be issued.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation
By

Chief Clerk

18271

June 19, 1937

Re: Permit 18271.

Hon. Chase A. Clark
Mayor of Idaho Falls
Idaho Falls, Idaho

Dear Mayor Clark:

This will acknowledge receipt of the depositions of the holder and the depositions of two witnesses, all in connection with proof of completion of works and beneficial use proof under the above permit. Will you please have the newspaper send this department an affidavit of publication of the notice in connection with these proofs.

Before final action can be taken in this matter, the law requires that a field examination be made by an engineer from this department. We are unable to say just when this examination will be made since the department has but one field engineer who makes examinations all over the state.

However, Mr. Tolman, Field Engineer for this department, will contact you at the time set for examination so that you may show him over the grounds. After his report is on file in this office, you will be further notified as to fees due before the issuance of your certificate of completion of works and license.

Very truly yours,

Deputy Commissioner of Reclamation

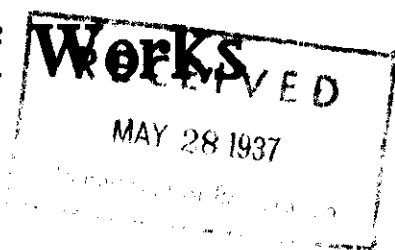
jl

18271

PERMIT NO. 18271

Proof of Completion of Works

DEPOSITION OF HOLDER



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

Ans. Charles Clark, Mayor, Idaho Falls, Bonneville County, 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. City of Idaho Falls, Idaho, Idaho Falls, Idaho.
Mayor.

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

Ans. 18271; 1500 second feet, from Snake River,
Point of Diversion, S 62-°45' E. 550.5 feet from N. cor. Sec. 36

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

Ans. Power.

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

Ans. Yes, 1500 second feet, July 20, 1936.

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. Diversion works completed and comply with 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. x x x x x x x x x x

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

Ans. 2- gates 14'x 14' each for each unit, capacity each 1000 sec. ft.
2- units installed, 1- control not in use. Total capacity
3000 sec. ft. utilized 2000 sec. ft.

(Sign here.)

Charles Clark
Mayor

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

County of Bonneville, State of Idaho, on this Twenty-first
day of May A. D. 1937

My Commission expires

Notary Public.

18271

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

Permit No. 18271

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. C.R. Black, Idaho Falls, Bonneville County, Idaho
City Engineer.

Ques. 2. Are you acquainted with City of Idaho Falls, Idaho, the holder of Permit No. 18271, authorizing the diversion of 1500 second-feet of the waters of Snake River, at Idaho Falls for Power purposes? How long have you known him, and where does he reside?

Ans. Lived here 24 years.

Ques. 3. Have you read or heard read said Permit No. 18271, 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. x x x x x x

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. Diversion dam on East channel, concrete with 20 radial gates.
Concrete dam and power house on west channel. 7 radial gates,
2-1800 H.P. units in power house. Machines use 2000 C.F.S.

(Sign here.)

C.R. Black

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 Idaho Falls, Idaho County of Bonneville, State of Idaho, on this Twenty-first day of May, A. D. 1937.

W. J. Bennett
CLERK OF THE DISTRICT COURT

18271

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

Permit No. 18271

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. M.P. Goudy, City Electrician, Idaho Falls, Bonneville County,
Idaho.

Ques. 2. Are you acquainted with City of Idaho Falls, Idaho, the holder of Permit No. 18271, authorizing the diversion of 1500 second-feet of the waters of Snake River, at Idaho Falls for Power purposes? How long have you known him, and where does he reside?

Ans. Yes.

Ques. 3. Have you read or heard read said Permit No. 18271, 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. x x x x x x x x x x x x x x x x

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. East Channel, Concrete diversion dam, 20-radial 18 ft wide.

West channel Concrete power house and dam, 7-radial gates

18 ft. wide.

(Sign here.)

M. P. Goudy

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 Idaho Falls, Idaho

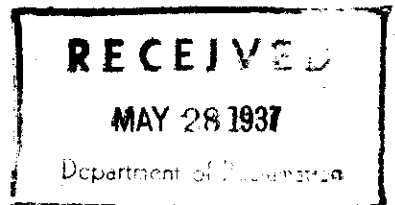
County of _____, State of Idaho, on this Twenty-first day of May, A. D. 1937

W. J. Buring

CLERK OF THE DISTRICT COURT

18271

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



Permit No. 18271

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Chase A. Clark, Idaho Falls, Idaho, Mayor, City of Idaho Falls, Idaho. Idaho Falls, Idaho.

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

Ans. City of Idaho Falls, City Hall, Idaho Falls, Idaho. Mayor.

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

Ans. 18271. Feb. 14, 1936. Feb. 14, 1936.

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

Ans. Snake River. Point of Diversion, S 62°-45'E. 550.5 feet from the N¹/₄ corner of Sec. 36 T.3 N., R.37 E.B.M. in Lot 7 Sec. 36 same T.&R.

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. 2- 14'x14' gates for each unit, capacity 1000 sec.ft. each to the two units completed. 1- control constructed for another unit which is not installed. Total capacity constructed 3000 sec.ft. capacity used 2000 sec.ft. Control gates at point of use.

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 used for power. Point of use, S 62°-45'E 550.5 feet from the N¹/₄-corner of Sec. 36 T.3 N., R. 37 E.B.M. and is located in Lot 7 of Sec. 36 T.3 N., R 37 E.B.M.

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

Ans. 2- 1800 H.P. identical James Leffel turbines installed in power house direct connected to G.E. generators. First unit put in operation 1929, second unit put in operation July 20, 1936. Water required for each unit for full load 1000 sec.ft.

18271

Ques. 8. What is the minimum amount of water required for the purpose specified above?
Ans. 2000 sec. ft.

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. City of Idaho Falls, Idaho.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.
Ans. First unit installed in 1929, second unit put in operation July 20, 1936. Full load requires 1000 sec. ft. of water for each machine.

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. Permit #16799, on Snake River, Bonneville County, for 500 Cu.ft.
Date of priority October 28, 1937, recorded in Book 60 of permits page 16799.

CITY OF IDAHO FALLS, IDAHO.

(Sign)

Shaw A. Clark, Mayor

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 Idaho Falls, Idaho, County of BONNEVILLE, State of Idaho, on this 21st day of May, A. D. 1937.

W. J. Bivins
CLERK OF THE DISTRICT COURT

My commission expires

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 18271

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. M. P. Gaudy - 45 - City Electrician
126 - 12th St., Idaho Falls - Idaho.

Ques. 2. Are you acquainted with City of Idaho Falls, Idaho, the holder of Permit No. 18271? How long have you known him and where does he reside?

Ans. Six years.

Ques. 3. Have you read or heard read said Permit No. 18271, 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. Snake River in Bonneville County. S 62°-45'E 550.5 feet from N
 $\frac{1}{4}$ -corner of Sec. 36 T.3 N., R.37 E.B.M. in Lot 7, Sec.36 T.3 N.,
R 37 E.B.M. Concrete diversion dam across east channel with 20
radial gates for water control, concrete dam and power house
across west channel with seven radial gates for control, three sets
of control gates for three units at the power house (two units
now in use and one set of gates for future use.) Point of use and
diversion identical.

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. 2000 sec.ft. to the two units now installed.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division 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 improvement which have been made as a direct result of said use.

Ans. Power. Bonneville County. S 62°-45'E 550.5 feet from the N
 $\frac{1}{4}$ -corner of Sec.36 T.3 N. R 37 E.B.M. in Lot 7 of Sec.36 T.3 N.,
R.37 E.B.M.

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

Ans. Two 1800 H.P. James Leffel turbines are instaled direct connected to two G.E. generators. each machine requires 980 sec.ft. of water for full load operation under best conditions. Machine No.1 was put in operation in 1929, and machine No.2 was put in operation July 20, 1936. Both machines are being operated most of the time.

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. XXXXXXXXXX

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

Ans. Only as a citizen of the City of Idaho Falls, Idaho, and as City Electrician.

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. Plant has been under my supervision sine coming the the City.

(Signed)

M. P. Gouley

I hereby certify that the foregoing testimony was read to the above subbscriber 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 Idaho Falls, Idaho, County of BONNEVILLE, State of Idaho, on this day of May 21st A. D. 1937.

W. J. Brewster
CLERK OF THE DISTRICT COURT Notary Public.

My commission expires _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 18271

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. C.R. Black, 46 years, Idaho Falls, Idaho, City Engr.

Ques. 2. Are you acquainted with City of Idaho Falls, Idaho, the holder of Permit No. 18271? How long have you known him and where does he reside?

Ans. Yes. Since 1913,

Ques. 3. Have you read or heard read said Permit No. 18271, 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. Snake River in Bonneville County. S62°-45'E 550.5 ft. from N--
1/4-corner of Sec. 36 T.3 N., R 37 E.B.M. in Lot 7 Sec. 36. T.3 N,
R. 37 E.B.M. Concrete diversion dam across East channel with 20
radial gates for water control, concrete dam and power house across
west channel with seven radial gates for control, three sets of
control gates for three units at power house. (Two sets now in use
one for future use.) Point of use and diversion identical.

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. 2000 sec.ft. to two units instaled.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division 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 improvement which have been made as a direct result of said use.

Ans. Power.

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

Ans. Two 1800 H.P. James Leffel turbines are installed direct connected to two G.E. generators. Each machine requires 980 sec.ft. of water for full load operation under best conditions. Machine No.1 put in operation in 1929, and No.2 was put in operation July 20, 1936. both machines are being operated most of the time.

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. X X X X X

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

Ans. Only as a citizen of the City of Idaho Falls, Idaho, and as City Engineer.

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. Plant has been under my observation since it was built.

(Signed)

C.R. Black

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 Idaho Falls, Idaho, County of BONNEVILLE, State of Idaho, on this day of May 21st, A.D. 1937.

W. J. Brown
CLERK OF THE DISTRICT COURT Notary Public.

My commission expires

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE
INSTRUCTIONS
PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO,
May 5, 1937

W. L. BREWRINK
Clerk of District Court
Idaho Falls, Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 18871

DEPOSITION OF PERMIT HOLDER,
DEPOSITIONS OF TWO WITNESSES.

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

1. On May 15, 1937, the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, at Idaho Falls before W. L. Brewrink

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly.

R. W. FARIS

Commissioner of Reclamation.

18271

State of Idaho
ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS
May 5, 1937

W. L. BREWRINK
Clerk of District Court
Idaho Falls, Idaho

Boise, Idaho,

Dear Sir:

I enclose herewith the following forms to be used in connection with proof of completion of works under Permit No. 18971

Deposition of Permit Holder,
Depositions of Two Witnesses.

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

1. On May 15, 1937, the date set for proof of completion of works, the enclosed deposition forms (one for permit holder and one each for two witnesses) should be filled out and sworn to, at Idaho Falls, Idaho before W. L. Brewrink, Clerk of the District Court

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly,

R. W. FARIS

Commissioner of Reclamation

18271

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date March 26, 1937

Re: Permit No. 18271

EDITOR, Post Register
Idaho Falls, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to May 15, 1937, the date set for proof, the expense of the publication to be paid by the applicant, City of Idaho Falls, 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.

Very truly yours,

R. W. FARIS

Commissioner of Reclamation

18271

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

Notice is hereby given that at Federal Building on the Fifteenth day of May, 1937, at 2:00 P.M. Idaho Falls, County of Bonneville State of Idaho, before W.L. Brewink, Clerk of Dist. Court. proof will be submitted of the completion of works for the diversion of 1500 cubic feet per second of the waters of Snake River and of the application to beneficial use of said water in accordance with the terms and conditions of Permit No. 18271, heretofore issued by the Reclamation Commissioner of / of the State of Idaho.

1. The name and postoffice address of the person or corporation, holding said permit, are City of Idaho Falls, City Building, Idaho Falls, Bonneville Co., Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of use, in accordance with the plans accompanying the application for such permit, is 1500 cubic feet per second.

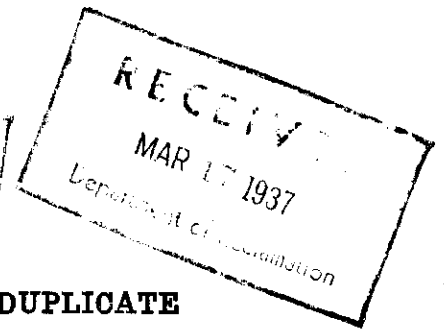
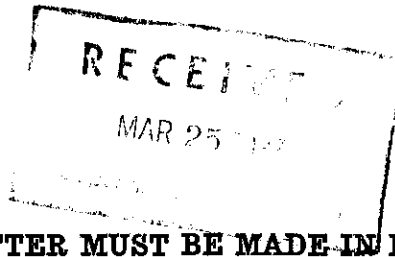
3. The use to which said water has been applied is ~~irrigation and domestic~~ Power purposes and the amount applied to beneficial use is 1500 cubic feet per second.

4. The place where said water is used is S. 62°-45' E. 560.5 feet distant from the N $\frac{1}{2}$ corner of Section 36, T 3 N. R 37 E.B.M. and is in Lot 7 of Section 36, T 3 N. R 37 E.B.M., Bonneville County.

5. The date of priority which said user is prepared to establish is Feb. 14, 1936 ~~May 15, 1937~~

R. W. FARIS

18271



NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) March 15, 1937

(P. O.) Idaho Falls, Idaho.

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

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

City of Idaho Falls, Idaho.

A B Ewart
Mayor.

(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.

C R Black
City Engineer.

~~XXXXXXXXXX~~

Barnilla W. Clark

March 22, 1937

Re: Permit No. 18271
City of Idaho Falls

C. R. BLACK, City Engineer
City of Idaho Falls
Idaho Falls, Idaho

Dear Sir:

Under date of March 17th, we received notice in duplicate for publication in connection with both of the proofs required under the provisions of Permit No. 18271. You have made provision in the notice for these proofs to be offered before Lynn Grandall, Deputy Commissioner of Reclamation.

It is quite true that Mr. Grandall is a Deputy Commissioner for the sole purpose of supervising the distribution of stored water, but this commission has nothing whatsoever to do with the administrative affairs of this office. Furthermore, we are advised that he is not authorized, under the law, to administer oaths.

We are therefore returning these notices to you with the suggestion that you designate some Notary Public in Idaho Falls or the clerk of a court of record, to take the proofs. When you have attended to this matter, kindly return the notices and publication will be made in accordance with your authorization.

Very truly yours

Deputy Commissioner of Reclamation

PLH/ej
encl

18271

March 11, 1937

~~XXXXXXXXXX~~

Barzilla W. Clark

Re: Permit No. 18871

C. R. BLACK, City Engineer
Idaho Falls, Idaho

Dear Mr. Black:

We are herewith enclosing a copy of Permit No. 18871
as per your request of March 10th. You will note that this right
covers the power plant mentioned in your letter.

Very truly yours

Chief Clerk & Office Engineer

PIH/ej
encl

18271

City of Idaho Falls

BARZILLA W. CLARK
MAYOR

LEE WALKER
CITY CLERK

JESSIE M. HANSON
CITY TREASURER

C. R. BLACK
CITY ENGINEER

OFFICE OF
CITY ENGINEER

IDAHO FALLS, IDAHO

RECEIVED

MAR 11 1937

Department of

March, 10, 1937.

Mr. R. W. Faris,
Commissioner of Reclamation,
Boise,
Idaho.

Dear Sir:-

Your forms for advertisement for completion of works and beneficial use on permit No. 18271 of the City of Idaho Falls, Idaho has been received.

Is this permit the one for 1500 c.f.s. for the power plant in Sec. 36 T 3 N R 37 E.B.M.? The City Clerk has been unable to locate the permit. Will you please send me a copy so that the forms can be completed and returned?

Yours truly,

C.R. Black

C.R. Black, City Engr.

18271

March 26, 1937

Re: Permit No. 18271

R. B. EWART, Mayor
City of Idaho Falls
Idaho Falls, Idaho

Dear Sir:

This will acknowledge receipt of notice in duplicate for publication in connection with proof of completion of works and beneficial use proof, and also your authorization to have the notice published in the Post Register, Idaho Falls, Idaho, all in connection with Permit No. 18271.

A copy of the notice has been mailed to the newspaper with instructions to publish it once a week for four consecutive weeks prior to May 15, 1937. About ten days prior to this date, depositions consisting of one for the holder and one each for two witnesses, will be mailed to W. L. Brewrink, Clerk of the District Court, Idaho Falls, so that he will have them in ample time for the proof.

On the date designated, you should appear at Mr. Brewrink's office with two disinterested witnesses, who are familiar with the terms of the permit and the works constructed thereunder, for the purpose of executing the depositions.

Very truly yours

R. W. PARIS
Commissioner of Reclamation

by
Chief Clerk

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE
MAR 8 - 1937

CITY CLERK
CITY OF IDAHO FALLS
Idaho Falls, Idaho

Dear Sir:—

I enclose herewith blank notice of proof of application of water to beneficial use under your permit No. 18271, which should be filled out and returned to this office at least 60 days before the date upon which you wish to make proof. The date for proof, as set out in your permit, is May 15, 1937, and, if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Yours truly,

R. W. FENNIS
GEO. N. CARTER,
Commissioner of Reclamation.

14271

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

CITY CLERK, CITY OF IDAHO FALLS
Idaho Falls, Idaho

Boise, Idaho
MAR 8 - 1937

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. 18271

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 May 15, 1937. 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,

R. W. FARIS

Commissioner of Reclamation.

18271

May 7, 1936

18271

Re: Application No. 25813
City of Idaho Falls

CITY CLERK,
City of Idaho Falls,
Idaho

Dear Sir:

Several weeks ago an application was filed in this office for a permit to appropriate water for a third unit of your power plant at Mesa Falls. Notice was given of the application, as required by law, through the Post Register of Idaho Falls. Among other things, the notice required that anyone desiring to protest the application should do so within 40 days of the date of the notice. May 2nd was the last date for filing such protests and since none were filed the application may be approved immediately upon receipt of an affidavit of publication from the newspaper. Will you kindly contact the editor of the paper, procure the required instrument and mail it to this office at your earliest convenience so that a permit can be issued for the water claimed.

Very truly yours,

R. W. PARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Mgr.

PLH/rg

18271

March 23, 1936

18271

Re: Application No. 25513

MR. C. R. BLACK, City Engineer
Idaho Falls,
Idaho

Dear Sir:

I have your letter of March 21st and have corrected both the application and the maps, which you submitted, as per your request. The point of diversion and point of use are both described at the location of the dam, while the point of return is still as it was originally shown.

The application and the maps are, therefore, in order and we are submitting herewith notices in duplication which has been prepared in accordance with the provisions of House Bill 293, 1933 Session Laws. Will you kindly have the Mayor acknowledge service upon both copies and return them to this office just as quickly as you can conveniently do so. Immediately upon their receipt one copy will be forwarded to the Post Register in Idaho Falls with instructions to publish it once a week for three consecutive weeks, as required by law prior to the last date for protest which is May 2nd.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH/rg
Encl.

18271

City of Idaho Falls

BARZILLA W. CLARK
MAYOR

LEE WALKER
CITY CLERK

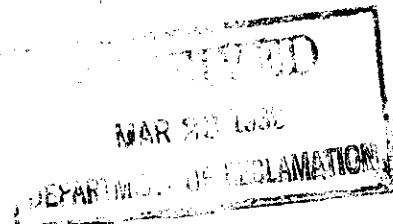
JESSIE M. HANSON
CITY TREASURER

C. R. BLACK
CITY ENGINEER

OFFICE OF
CITY ENGINEER

IDAHO FALLS, IDAHO

March 21, 1936.



Mr. R. W. Faris,
Commissioner of Reclamation,
Boise, Idaho.

Re:- Application for Permit
City of Idaho Falls,

Dear Sir:-

In answer to your letter of March 13, 1936 in regard to the application of the City of Idaho Falls, Idaho to appropriate for power purposes on Snake River I wish to make the following explanation.

The actual point of use as you mention is really to point designated as S 62°-45' E 550.5 feet from the N $\frac{1}{2}$ corner of Sec. 36 T. 3 N., R. 37 E.B.M. This point is really in ~~the~~ one of the channels of the River. The City built a dam on the east channel to raise the head and to divert the water through the west channel to the Power House. It was necessary for the City to build dikes both on the west side of this channel and along the Island to confine the river to the old channel during high water, also it is necessary to shoot out rock in the tail race below the Power House to prevent backing the water up on the draft tubes.

On account of the necessity of these improvements in the river channel I thought it advisable to make the designations of diversion and return as noted. If you consider the other description sufficient will you please make the necessary corrections or return both applications to me for correction.

Yours truly,

C. R. Black.

C. R. Black, City Engr.

March 13, 1936

Re: Application for Permit
City of Idaho Falls

MR. C. R. BLACK, City Engineer
Idaho Falls,
Idaho

Dear Sir:

Some time ago we wrote to you relative to the above application, requesting you to advise us as to why the point of diversion, under this application, had been described in the application as it is shown. We stated, at that time, that if your diversion were correctly described that, no doubt, you would have to have some type of conduit to convey the water from the point of diversion to the place of use at the dam. To date we have heard nothing from you and as we are anxious to go ahead with the application, we would very much appreciate hearing from you with regard to this matter.

Since writing to you, I am of the impression that the reason you designate your point of diversion as being N. 46° 28' E. 3,160' distant from the S $\frac{1}{4}$ corner of Section 25, T. 3 N., R. 37 E., B. M., rather than at the lower point, is because you, apparently, did not consider the western channel of the stream as being a natural water course. We are aware of the fact that the City has constructed a dam shortly below that point to force more water through the west channel at the low water period. However, since the channel has not been artificially constructed, we consider it a natural channel and, therefore, your point of diversion necessarily should be described at the lower point, which is S. 62° 45' E. 550.5' distant from the N $\frac{1}{4}$ corner of Section 36, T. 3 N., R. 37 E., B. M.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH/rg

18271

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date.....**MARCH 25, 1936**

Re: Application No. 25513
City of Idaho Falls

EDITOR, POST REGISTER
Idaho Falls,
Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for ~~three~~ consecutive weeks prior to.....**MAY 2, 1936, which is** the ~~last date for payment~~ expense of the publication to be paid by the applicant,.....

.....**CITY OF IDAHO FALLS, IDAHO FALLS, 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.

Very truly yours,

R. W. PARIS

Commissioner of Reclamation

18271

RECEIVED
MAY 2 1936
DEPARTMENT OF RECLAMATION

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

NOTICE OF APPLICATION TO APPROPRIATE WATER IN ACCORDANCE WITH THE PROVISIONS
OF HOUSE BILL 293, 1935 SESSION LAWS

NOTICE IS HEREBY GIVEN That on the 14th day of February, 1936, the CITY OF IDAHO FALLS, whose address is Idaho Falls, Bonneville County, Idaho, made Application No. 25513 to appropriate 1500 cubic feet of water per second from Snake River for power purposes.

That the point of diversion is located: S. 62° 45' E. 550.5 feet distant from the N $\frac{1}{2}$ corner of Section 36, T. 3 N., R. 37 E., B. M., and is in Lot 7 of Section 36, T. 3 N., R. 37 E., B. M., County of Bonneville.

That the place of use of said water is located: S. 62° 45' E. 550.5 feet distant from the N $\frac{1}{2}$ corner of Section 36, T. 3 N., R. 37 E., B. M., in Lot 7 of Section 36, T. 3 N., R. 37 E., B. M.

That the point of return of said water is: Water is to be returned to Snake River at a point S. 38° 15' E. 1,000 feet distant from the N $\frac{1}{2}$ corner of Section 36, T. 3 N., R. 37 E., B. M., in Lot 7, of Section 36, T. 3 N., R. 37 E., B. M.

That any protests against the approval of this application should be filed in the Department of Reclamation within forty (40) days of the date of this notice; 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 23rd day of March, 1936.


Commissioner of Reclamation

Date of first publication

Date of last publication:

Last date for protest: May 2, 1936

SERVICE of the foregoing, by copy, is hereby admitted this 24th day of March, 1936.


Applicant

By _____
Agent

18271

February 15, 1936

Re: Application for Permit
City of Idaho Falls

MR. C. R. BLACK,
City Engineer,
Idaho Falls, Idaho

Dear Sir:

A new application, in the name of the City of Idaho Falls, to appropriate 1500 second feet of water from Snake River for power purposes, was received in this department February 14th.

In checking over the application I find that you described the point of diversion as being N. 46° 28' E. 3,160' distant from the S $\frac{1}{4}$ corner of Sec. 25, T. 3 N., R. 37 E., B. M. I am of the opinion that you gave the point of diversion, in the original application, as being S. 62° 45' E. 550.5' distant from the N $\frac{1}{4}$ corner of Sec. 36, T. 3 N., R. 37 E., B. M. This is, of course, the same point from which the bearing was taken for the other description.

In checking over your maps, I note that the first bearing is labeled the point of diversion, but the second is likewise shown on the map. It appears to me that the bearing, S. 62° 45' E. 550.5' distant from the N $\frac{1}{4}$ corner of Sec. 36, correctly describes the point of diversion, since this tie is to the dam and it appears, from the whole set up, that you plan to generate power merely by means of the dam and your turbines, without a conduit. If your diversion will actually be N. 46° 28' E. 3,160' distant from the S $\frac{1}{4}$ corner of Sec. 25, then you most certainly will have to have a conduit of some nature to convey the water from this point to the point of proposed development.

You, no doubt, kept prints of both sheets of the tracing and I will appreciate it if you will check over them, at your earliest convenience, and advise me with reference to this matter. In the mean time the application will be held awaiting your reply.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH/rg

18271

8. Have there been any defaults or postponements in the payment of principal or interest? Yes. Only on Special Improvements District Bonds, which are not a general obligation of the city.

Amount still due \$133,860.67

The above bonds are Special Improvement Obligations only. No city General Obligation Bonds have ever been in default.

9. Amount of general obligation bonds maturing during next 5 years:

Fiscal year ending April 30, 1935.

	1935	1936	1937	1938	1939
Serial bonds	\$15,500.00	\$36,500.00	\$31,500.00	\$33,500.00	\$21,500.00
Term bonds	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>
Total	\$15,500.00	\$36,500.00	\$31,500.00	\$33,500.00	\$21,500.00

AFFIDAVIT

I, Fred E. Ring; Special Auditor, being first duly sworn, says:

1. That the affiant has been authorized by the above-named applicant to furnish financial information to the Federal Emergency Administration of Public Works to support the application of said applicant, dated April 30, 1935;

2. That the information supplied on the above form and in the attached exhibits and statements is true, correct, and complete to the best of his knowledge and belief.

Fred E. Ring

Special Auditor for the city

Sworn to before me this 28th day of June 1935

Lee Walker

Notary

My Commission expires May 8, 1937.

AFFIDAVIT

I, C. R. Black, hereby certify that this is a true and correct copy of the financial statement of the City of Idaho Falls, Idaho as prepared and certified by Fred E. Ring.

C. R. Black

City Engineer

Sworn before me this 27 day of August 1935

Lee Walker
Notary

My Commission expires May 8, 1937

Notary Public for the State of Idaho,
Boise, Idaho Falls, Idaho
My Commission Expires May 8, 1937

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6. AD VALOREM TAX LEVIES & COLLECTIONS
Last two fiscal years:

Fiscal years ending
April 30, 1935
1933 1934

Taxes are due each November and become delinquent each December and June

Amount of Current taxes levied	\$59,455.44	\$55,465.66
Amount of Current taxes Collected	\$27,690.73	\$30,626.65 (1)
Amount of Delinquent taxes Collected	<u>\$20,798.32</u>	<u>\$ 1,715.61</u>
Total amount taxes collected	\$48,489.05	\$32,342.46
(1) Last one-half current taxes not due until 4th. Monday in June 1935.		

7. CASH RECEIPTS AND DISBURSEMENTS:

Fiscal years ending
April 30, 1935
1934 1935

Receipts- Ad valorem taxes	\$56,479.97	\$66,155.71
Licenses, Fines, Fees, Etc	\$ 2,360.33	\$ 2,838.64
State or County aid	None	None
From sale of bonds	None	None
From temporary loans	None	None
Other receipts		
Electric light & water rentals	\$249,396.39	\$282,278.30
Other receipts		
Special Improvement Districts	<u>\$ 263.58</u>	<u>\$ 797.02</u>
Total Receipts	\$308,500.27	\$351,979.67
Disbursements- Ordinary expenses	\$254,048.90	\$229,670.78
Bond payments	\$ 22,500.00	\$ 27,000.00
Interest payments	\$ 11,751.59	\$ 9,946.28
Temporary loans paid	None	None
Capital outlay	\$ 21,279.91	\$ 24,095.04
Other Expenses		
Special Improvement Disbursements	<u>276.95</u>	<u>1,715.60</u>
Total Disbursements	\$309,857.35	\$352,427.70
Current deficit	\$ 1,357.08	\$ 448.03
Cash balance previous year	\$ 46,174.23	\$ 44,817.15
Cash balance end of year	\$ 44,817.15	\$ 44,369.12
Unpaid bills end of year	None	None

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CERTIFIED FINANCIAL STATEMENT OF THE CITY OF IDAHO FALLS, IDAHO
AS OF APRIL 30, 1935

1. ASSESSED VALUATION OF TAXABLE PROPERTY
 (Current year, 1934)

\$4,561,732.00

Percentage assessed value is of actual value 45 percent.

2. OUTSTANDING DEBT AS OF April 30, 1935:

Bonds:	Amount	Notes, Etc.	Amount
General Obligation bonds to be paid from taxes	\$191,500.00	Bond Anticipation Notes	None
General Obligation bonds (Payable from taxes but paid from revenues)	None	Tax Anticipation Notes	None
Special Assessment Bonds (Not an obligation of city)	\$133,860.67	Warrants (Cash Warrants) No registered warrants outstanding	<u>\$25,265.22</u>
Total Funded Debt	\$325,360.67	Total floating debt	\$25,265.22

3. SINKING FUND AS OF April 30, 1935

	For bonds payable from taxes	Other bonds
Free Cash	\$14,277.69	\$1,566.40
Cash in closed banks	None	None
Invested in applicants bonds	None	None
Other investments	<u>None</u>	<u>None</u>
Total Sinking Fund	\$14,277.69	\$1,566.40

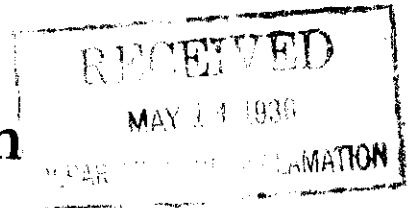
4. Overlapping Tax- Outstand. Assessed ing Authorities: Debt Val.

County Bonneville	\$499,500.00	\$14,504,452.00
City, Town, or Village	None	None
School District Independent No. 1	\$355,000.00	\$ 5,996,684.00

5. Ad Valorem tax Current Year 1934

	Rate per \$1000
State Idaho	\$ 4.50
County Bonneville	15.50
City, Town, Village	13.00
School District Independ. No. 1	20.00
Other Districts	<u>None</u> <u>\$53.00</u>

Proof of Publication



State of Idaho, }
County of Bonneville } ss.

I, EDWIN F. MC DERMOTT, first being duly sworn, deposes and says: That I am the PRINCIPAL CLERK of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said The Post-Register being a consolidation of The Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers having been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of the notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for THREE (3) consecutive weeks, first publication having been made on the 27TH day of MARCH, 1936, last publication having been made on the 10TH day of APRIL, 1936, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 11TH day of APRIL, 1936

[Signature]
Notary Public.

My commission expires FEBY. 6., 1938

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Application to Appropriation of Water
in Accordance with
Act of House Bill 293.
LAW
HEREBY GIVEN
this 14th day of February,
1936, by the
CITY OF IDAHO FALLS,
located in Idaho Falls, Bonneville County, Idaho, made application No. 26613 to appropriate 1000 cubic feet of water per second from Snake river for power purposes.
That the point of diversion is located: S. 62° 45' E. 550.5 feet distant from the NW corner of Section 36, T. 3 N., R. 37 E., B. M., and is in Lot 7 of Section 36, T. 3 N., R. 37 E., B. M., County of Bonneville.
That the place of use of said water is located: S. 62° 45' E. 550.5 feet distant from the NW corner of Section 36, T. 3 N., R. 37 E., B. M., in Lot 7 of Section 36, T. 3 N., R. 37 E., B. M.
That the point of return of said water is: Water is to be returned to Snake river at a point S. 38° 15' E. 1000 feet distant from the NW corner of Section 36, T. 3 N., R. 37 E., B. M., in Lot 7 of Section 36, T. 3 N., R. 37 E., B. M.
That any protest against the approval of this application should be filed in the Department of Reclamation within forty (40) days of the date of this notice; 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 22nd day of March, 1936.
R. W. FARTH,
Commissioner of Reclamation.
Date of first publication: March 27, 1936.
Date of last publication: April 10, 1936.
Last date for protest: May 2, 1936.
Witness my hand and the seal of the Department of Reclamation at Washington, D. C., this 22nd day of March, 1936.
R. W. FARTH,
Commissioner of Reclamation.
Pub. March 27, April 3-10, 1936.

CITY OF IDAHO FALLS

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 18271

City of Idaho Falls

Boise, Idaho,

May 15, 1936

Dear Sir:

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

Encl. Office receipt for \$379.75

R. W. FARIS

Commissioner of Reclamation.

18271

FORM NO. 0

[illegible]

SCALE: 2 INCHES EQUAL 1 MILE. DRAW PLAN IN INK