

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE
REPORT OF ENGINEER
PERMIT NO. 1278

26

25

30

Point of Diversion

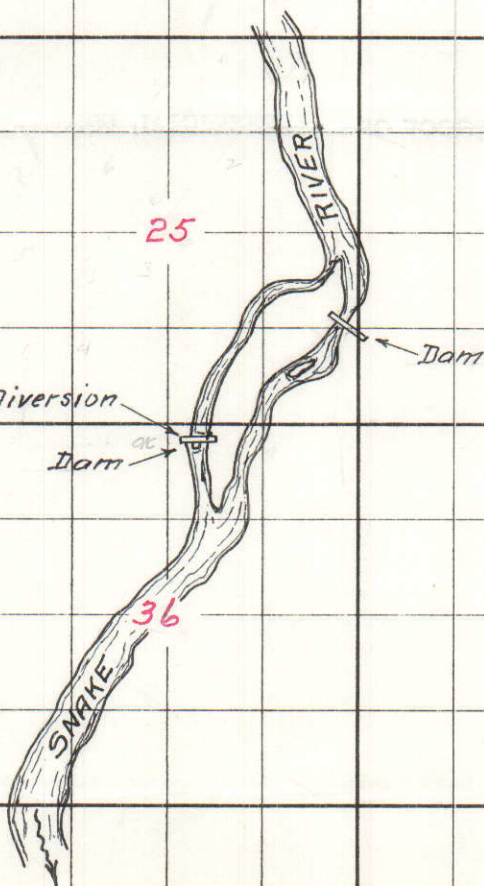
Dam

Dam

35

36

31



Proof of Publication

RECEIVED

DEC 23 1937

Department of Reclamation

State of Idaho,
County of Bonneville } ss.

I, EDWIN F. McDERMOTT

PRINCIPAL CLERK

, first being duly sworn, deposes and says: That I am the 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 FOUR consecutive weeks, first publication having been made on the 3RD day of NOVEMBER, 1937, last publication having been made on the 24TH day of NOVEMBER, 1937, 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 26TH day of NOVEMBER, 1937

Edwin F. McDermott
Al Shora
Notary Public.

My commission expires FEBY 6, 1937

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

Notice is hereby given that at 10:00 A. M. on the 17th day of December, 1937, at Idaho Falls, County of Bonneville, State of Idaho, before Mable Patterson, Notary Public, proof will be submitted of the application to beneficial use of 500 cubic feet per second of the waters of Snake River in accordance with the terms and conditions of Permit No. 16799 heretofore issued by the Department of Reclamation of the State of Idaho.

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

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

The amount applied to beneficial use is 500 c. f. s.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) Power plant located in channel of Snake River adjacent to Lot 7 Section 36 T 3 N R 37 E.B.M. and 0/00 of dam is S 62°-45'E 550.5 feet from the south 1/4-corner of Section 25 T 3 N R 37 E.B.M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is natural channel of Snake River.

The right to take water from such works is based upon Permit No. 16799.

The source of supply from which such water is diverted is Main stream Snake River.

The date of priority which said user is prepared to establish is October 23, 1927.

PAUL L. HENRY,
Deputy Commissioner
of Reclamation.
Pub. Nov. 3-10-17-24, 1937.

16799

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 GENERAL MANAGER 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 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 FOUR (4) consecutive weeks, first publication having been made on the 4TH day of JANUARY, 1932, last publication having been made on the 25TH day of JANUARY, 1932, 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 26TH day of JANUARY, 1932.

Notary Public.

My commission expires FEBY. 6, 1934.

NOTICE FOR PUBLICATION
Notice is hereby given that at 2 p. m., on the 30th day of January, 1932, at Idaho Falls, County of Bonneville, State of Idaho, before Harry H. Payne proof will be submitted of the completion of works for the diversion of 500 cubic feet per second of the waters of Snake River in accordance with the terms and conditions of a certain permit heretofore issued by the Department of Reclamation of the State of Idaho.
1. The name of the person or corporation holding said permit is City of Idaho Falls, Bonneville Co., Idaho. 2. The postoffice address of such person or principal place of business of such corporation is Idaho Falls, County of Bonneville, State of Idaho. 3. The number of such permit is 16,799, and the date set for the completion of such work is Dec. 19, 1934. 4. Said water is to be used for power purposes. 5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 3000 cubic feet per second. 6. The amount of lands for which said water is available is x x x acres, particularly described as follows:
(Signed) R. W. FARIS,
Commissioner of Reclamation.
Pub. Jan. 4-11-18-25

16799

State of Idaho
License and Certificate of Water Right

Water License No. 16799

Amount 500 second feet

Water District No.

Priority October 28, 1927

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 October 28, 1927; that Permit No. 16799
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
500 second feet, was issued thereunder on April 11, 1932, showing that said works
were completed on the 30th day of January, 1932; and that on the 17th
day of December, 1937,

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, for the purpose of Power
, under Use Permit No. 16799 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 3919, on the 11th day of February, 1939;

The right hereby confirmed dates from October 28, 1927;

The Point of Diversion is located 550 ft. S. 62°45' E. from N. $\frac{1}{4}$ cor. Sec. 36, T. 3 N., R. 37 E., B.M.
in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ 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 500
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 is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, Twp. 3 N., Range 37 E., B.M.		

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

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
this 11th day of February, 1939

(SEAL)

JAMES SPOFFORD

Commissioner of Reclamation

(SEAL)

01-209

APPLICATION FOR PERMIT 01-2047 TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 23712

Permit No. 16799

District No.

1. Name of Applicant: City of Idaho Falls,

Postoffice address: Idaho Falls, County: Bonneville, State: Idaho.

I. If applicant is a corporation, give:

(a) Date and place of incorporation: August 26, 1891, Idaho Falls, Idaho.

(b) Amount of capital stock:

(c) Amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are:

(a) Cash on hand:

(b) Treasury stock:

(c) Bonds to be issued:

(d) Other resources:

2. Quantity of water claimed: 500 cubic feet per second.

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

4. Location of point of diversion: $550\frac{1}{2}'$ S. $62^{\circ}45'$ E. feet distant from the $N\frac{1}{4}$ corner of Section 36, T. 3 N., R. 37 E., B. M., and is in the $NW\frac{1}{4}NE\frac{1}{4}$ 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: $550\frac{1}{2}'$ S. $62^{\circ}45'$ E. feet distant from $N\frac{1}{4}$ corner of Section 36, T. 3 N., R. 37 E., B. M., in the $NW\frac{1}{4}NE\frac{1}{4}$ of Section 36, T. 3 N., R. 37 E., B. M.

(b) Amount of power generated: 1500 H. P., under $24\frac{1}{2}$ feet head.

(c) Water is to be returned to Snake River at a point $550\frac{1}{2}'$ S. $62^{\circ}45'$ E. feet distant from the $N\frac{1}{4}$ corner of Section 36, T. 3 N., R. 37 E., B. M., in the $NW\frac{1}{4}NE\frac{1}{4}$ of Section 36, T. 3 N., R. 37 E., B. M.

7. Estimated cost of works: \$143,000.00.

8. Kind of works: Dam and ditch.

9. Height of dam 30 feet; length of dam at top 350 feet; length of dam at bottom 100 feet; material used in dam: concrete.

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

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

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

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

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

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

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

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

City of Idaho Falls, *Applicant.*

By Barzilla W. Clark, Mayor. Agent.

Date of first receipt at Department of Reclamation: 9 A. M., Oct. 28, 1927.

Returned to applicant for correction: Oct. 28, 1927.

Corrected application received: December 15, 1927.

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 16799.

Recorded in Book 60: Page 16799. Approved December 19, 1927.

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

Bond in the sum of \$ 1000.00 to be filed on or before February 17, 1928.

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

One-fifth of the work above specified to be completed on or before June 19, 1930.

The whole of said work to be completed on or before December 19, 1932.

Beneficial use of water appropriated in accordance herewith, to be made on or before December 19, 1937.

Witness my hand this 19th day of December, 1927.

GEO. N. CARTER.
Commissioner of Reclamation.

Remarks:

14.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			PERMIT NO. 16799 CERTIFICATE OF COMPLETION OF WORKS TO ALL WHOM IT MAY CONCERN: This is to certify that Barzilla W. Clark of Idaho Falls, County of Bonneville, and State of Idaho, the holder of Permit No. 16799, issued upon Application No. 23712 bearing date of priority of October 28, 1927, authorizing the diversion of 500 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 500 second feet of the waters of Snake River; that the point of diversion of said waters is 550½ feet S. 60° 45' E. from the North ¼ Corner of Section 36, Twp. 3 N., Range 37 E. B. M. Witness my hand this 11th day of April, A. D. 1932. R. W. FARIS Commissioner of Reclamation Proof of Completion of Works made January 30th, 1932 Certificate of Completion issued April 11, 1932																
LICENSE ISSUED FOR 522 SEC. FL. P. 3919																			

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

RECEIVED
APR 02 1998

City of Idaho Falls

Project No. 2952-058

Department of Water Resources

Project No. 2952-058 -2-
The Director orders:
(A) The following drawings, filed on August 28, 1997, showing the wetland and riparian habitat mitigation facilities at Gem State Hydroelectric Project are approved and made part of the license:

ORDER APPROVING AS-BUILT EXHIBIT F
(Issued March 27, 1998)

On August 28, 1997, City of Idaho Falls filed as-built Exhibit F drawings for the Gem State Hydroelectric Project, located on the Snake River, in Bingham County, Idaho.

BACKGROUND

Ordering paragraph (C) of the Order Modifying and Approving revised Wetland Mitigation Plan 1/ requires the licensee to file as-built Exhibit F drawings showing the wetland and riparian habitat mitigation facilities of the project after completion of construction.

REVIEW

We reviewed the as-built Exhibit F drawings and found that the Pond Modification Plan drawing (sheet 2 of 7) did not show the two fishing jetties as described in the approved wetland mitigation plan. 2/ In a March 12, 1998 letter, the licensee explained that it eliminated the jetties for safety reasons. The jetties were originally proposed to extend into deep water and could pose a safety hazard for children. Fishing in the pond is still available from the shoreline. The licensee filed copies of May 2, 1996 and June 3, 1996 letters indicating it coordinated with the Commission's Portland Regional Office and state and federal resource agencies.

The as-built Exhibit F drawings correctly describe and show the wetland and riparian habitat mitigation facilities, as described in the approved wetland mitigation plan. These exhibits conform to the Commission's Rules and Regulations and are approved by this order.

1/ 73 FERC ¶ 62,167.

2/ "A Revised Program to Mitigate Impacts to Wetlands, Riparian Areas, and Wildlife Resources for the Gem State Hydroelectric Project, FERC No. 2652", CH2M HILL for the City of Idaho Falls, filed on September 18, 1995 and supplemented on November 22, 1995.

EXHIBIT NO.	FERC DRAWING NO.	DRAWING TITLE
	2952-	
F-27	91	Project Location, Index to Drawings, Test Pit Logs
F-28	92	Pond Modification Plan
F-29	93	Pond Cross Sections and Details
F-30	94	North Mitigation Site Plan
F-31	95	Pump Station Details
F-32	96	Miscellaneous Details
F-33	97	Miscellaneous Details

(B) Within 90 days of the date of issuance of this order, the licensee shall file three original sets of aperture cards of the approved drawings. The drawings should be reproduced on silver or gelatin 35 mm microfilm. The microfilm should be mounted on Type D (3 1/4" x 7 1/8") aperture cards.

Prior to microfilming, the FERC Drawing Number (2952-91 through 2952-97) shall be shown in the margin below the title block of the approved drawing. After mounting, the FERC Drawing Number should be typed in the upper right corner of each aperture card. Additionally, the Project Number, FERC Exhibit Number (i.e., F-27, F-28, etc.), Drawing Title, and date of this order should be typed in the upper left corner of each aperture card. See Figure 1.

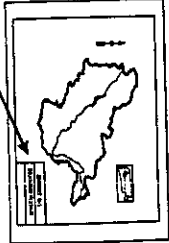
Project Number	Exhibit Number	Drawing Title	FERC Drawing Number
Project 1134, Exhibit G-1, Project Boundary			FERC Dwg 1234-01
Dec 1, 1979			
Order Issuance Date			
			
Type D (3' x 7' x 1/2") Aperture Card			

Figure 1. Sample Aperture Card Format

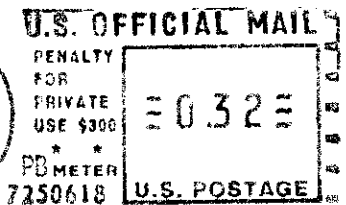
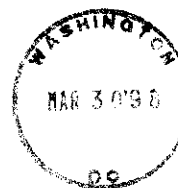
Two sets of aperture cards should be filed with the Secretary of the Commission. The remaining cards should be filed with the Commission's Portland Regional Office.

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

Carol L. Sampson
 Carol L. Sampson
 Director
 Office of Hydropower Licensing

FEDERAL ENERGY REGULATORY COMMISSION
 WASHINGTON, D.C. 20426

OFFICIAL BUSINESS
 PENALTY FOR PRIVATE USE. \$300



P-2952 101465
 DIRECTOR
 IDAHO DEPARTMENT OF WATER RESOURCES
 1301 NORTH ORCHARD ST. (ZIP 83706-2237)
 POST OFFICE BOX 83720-0098
 BOISE, ID 83720-0098

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.

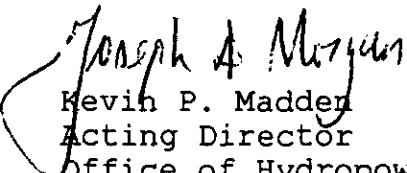
Paragraph (C) requires the licensee to file, for Commission approval, as-built exhibit F drawing(s) of the on-site wetland pond within 90 days after construction of the pond is completed. The drawings should clearly show the water conveyance features used to fill and release water from the pond and to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

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 Total (using permitted quantities)				2,160 cfs 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
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 Total (using permitted quantities)				1,940 cfs 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.

61-2047

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

City of Idaho Falls

)

Project No. 2952-055

ORDER GRANTING EXTENSION OF TIME

(Issued March 3, 1997)

The licensee 1/ for the Gem State 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.

The licensee states that the construction will be completed this spring as soon as the weather will permit.

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 June 2, 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).

RECEIVED
MAR 10 1997
Department of Water Resources

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FEB 18 1997

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. ^{1/} 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).

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

City of Idaho Falls

Project No. 2842-012
Idaho

ORDER 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 1/8") 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.

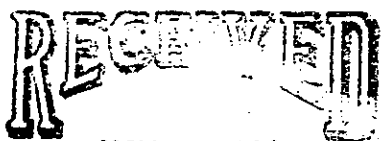
J. Mark Robinson
J. Mark Robinson
Director, Division of Project
Compliance and Administration

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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
0104003
0100360
0100361



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. 2/

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

10 20 2 00 PM '81

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

RECEIVED

MAY 30 1991

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

01-2047
EERC 1 62, 172

Department of Water Resources
City of Idaho Falls, Idaho

Project No. 2952-032
Idaho

ORDER AMENDING REPORT ON RECREATIONAL RESOURCES

(Issued May 23, 1991)

On December 31, 1990, and supplemented on March 15, 1991, the City of Idaho Falls, licensee for the Gem State Project, filed a report on the monitoring results for boating activity on the project's lower reservoir. This report was filed pursuant to paragraph A of an order issued by the Commission on August 15, 1990. Essentially this order authorized the licensee to open the lower reservoir to motorized boating during the 1990 boating season and required the licensee to monitor the activity and file a report on the monitoring results with recommendations on whether or not the area was suited for such activity. The report indicates that the lower reservoir appears to be well suited for motorized boating and there were no complaints registered concerning motorboat activity.

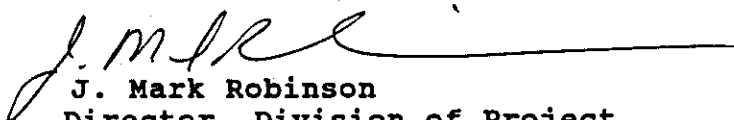
As required by the August order, the U.S. Department of the Interior, the Idaho Department of Parks and Recreation, and the Bonneville County Sheriff's Department (BCSD) were asked to comment on the report however, only the BCSD responded. By letter dated January 7, 1991, the BCSD responded in support of motorboat activity on the lower reservoir. The BCSD stated that there have been no problems with the use of motorized boats in the lower reservoir.

Because the use of motor boats on the lower reservoir has been successfully tested and no apparent problems are anticipated, the project's Report of Recreational Resources should be amended to allow for such activity.

The Director orders:

(A) The Report on Recreational Resources for the subject project should be amended to allow motorboating on the lower reservoir.

(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 Project
Compliance and Administration

01-2047

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

-2-

City of Idaho Falls

Project No. 2952-031
Idaho

ORDER REQUIRING ADDITIONAL WATER QUALITY MONITORING

(Issued May 17, 1991)

By letter dated November 29, 1990, the City of Idaho Falls (licensee) filed the results of a water quality monitoring study conducted pursuant to article 45 of the Gem State Project license. Article 45, as amended by order dated July 23, 1990, requires the licensee to monitor water temperature and dissolved oxygen (DO) levels in the project bypass reach during 1989 and 1990. These studies are needed to determine if changes in project facilities or operation are necessary to maintain state water quality standards and protect aquatic resources in the project bypass reach.

Article 45 requires the licensee to conduct water quality monitoring one to two hours before dawn, early in the morning, at noon, and between 1500 and 1600 hours on clear, hot summer days. In addition, monitoring was to take place at flows of 20, 50, 100, 150, and 200 cubic feet per second (cfs). Based on the study results, the Commission reserved the right to change project operation and require additional monitoring to ensure maintenance of the DO and water temperatures needed to protect the fish resources in the bypass reach.

The licensee's filing included monitoring results from 1989 and 1990. The 1990 data were generally collected as required by the licensee's approved monitoring plan. However, the 1989 data did not meet the requirements of the licensee's plan. In 1989 the licensee recorded water quality data only at flows of ten cfs and did not perform any pre-dawn sampling. The purpose of the monitoring program was to establish what relationship, if any, existed between quantity of flow release and water quality in the bypass reach. The 1989 data do not provide adequate information to evaluate this relationship.

The USFWS also expressed concerns about the adequacy of the water quality monitoring at the project in letters dated December 5, 1990 and April 1, 1991. By letter dated May 8, 1991, the licensee responded to the USFWS. The licensee agreed to perform additional water quality monitoring in the project bypass reach during the summer of 1991, in accordance with the data collection and reporting requirements of the plan previously approved by the Commission.

DC-A-7

Additional water quality monitoring would ensure that the collected data are adequate to establish what relationship, if any, exists between quantity of flow release and water quality in the bypass reach. The licensee should conduct DO and water temperature monitoring during the summer of 1991, in accordance with the data collection and reporting requirements approved by Commission order dated July 23, 1990. The licensee should file the 1990 and 1991 monitoring results and a report regarding project-induced changes in water quality with the Commission by November 30, 1991.

The Director orders:

(A) The licensee shall conduct dissolved oxygen and water temperature monitoring in the project bypass reach during the summer of 1991, in accordance with the data collection and reporting requirements approved by Commission order dated July 23, 1990. The licensee shall file the 1991 monitoring results and a report describing project-induced changes in water quality with the Commission by November 30, 1991. Based on the study results, the Commission reserves the right to modify project facilities and operations, and to require additional monitoring to ensure maintenance of dissolved oxygen and water temperatures sufficient to protect the fish resources in the project bypass reach.

(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.

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

RECEIVED
MAY 21 1991

Department of Water Resources

February 11, 1939

Re: Permit No. 16799
City of Idaho Falls.

Mr. Lee Walker, City Clerk,
Box No. 220,
Idaho Falls, Idaho.

Dear Sir:-

We are herewith enclosing License and Certificate of Water Right issued under the above numbered permit, confirming the right of the City of Idaho Falls to use 500 second feet of the waters of Snake River, with a date of priority of October 28, 1927, for power purposes in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, Township 3 North, Range 37 East.

The Department's Receipt No. 16864 for the \$5.00 fee paid in connection with final proof is also enclosed.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

By

Chief Clerk.

JLA
Encs.

16799

James Spofford, Commissioner

C. A. Bettolfsen, Governor

January 27, 1939

Re: Permit No. 16799
City of Idaho Falls.

✓
Hon. Chase C. Clark, Mayor,
City of Idaho Falls,
Idaho Falls, Idaho.

Dear Sir:-

A short time ago we received the report of our field engineer on examination for beneficial use under the above numbered permit.

Our engineer found that the works would be capable of conducting to the place of use 500 cubic feet per second.

The statutory fee amounts to \$5.00, and upon receipt of this fee, a license will be issued.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation
By

JLA

Chief Clerk

16799

November 9
1931

Re: Permit No. 16799

Fidelity and Deposit Company
P. O. Box 255
Salt Lake City, Utah

Gentlemen:

In reply to your letter of the 4th inst., we quote the opinion of the Attorney General of Idaho on the matter of releasing bonds:

"If the principal refuses to pay the premium fee, the surety has the right to cancel the bond as to the subsequent liability, but the Commissioner of Reclamation could not release the surety."

It has been the policy of this office that, a surety company having thus canceled a permit bond as to subsequent liability, for failure to pay premium, and having so notified the Department of Reclamation, to serve notice on the Holder of the permit in question to show cause why said permit should not be canceled for failure to comply with Sec. 5570, Compiled Statutes of Idaho, relating to bond provision.

The required appearance not being made within 40 days from date of notice, the permit may be canceled and copy of the cancellation order sent to the surety company, whereupon, such surety company can draw its own conclusions regarding its liability under the bond.

Possibly, cancellation of a permit places it in the same status as issuance of a certificate of completion of works, but the Department is not informed of that fact and the statutes are silent upon the subject.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____

PH/LP

16799

FIDELITY AND DEPOSIT COMPANY

OF MARYLAND

FIDELITY *and* SURETY BONDS
BURGLARY *and* PLATE GLASS INSURANCE

Continental Bank Building
SALT LAKE CITY, UTAH

SIDNEY C. FULD
Manager



Telephone
Wasatch 969

Nov. 4, 1931.

*app. 2 371 2
per 16799*

Commissioner of Reclamation,
Capitol Building,
Boise, Idaho.

Re: #3453540 - City of Gooding
Water Permit Bond.

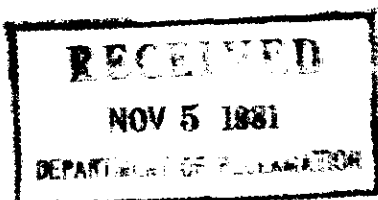
Dear Sir:

We are advised that the City has given up this
filing for power purposes, and I would appreciate it if
you would send us a release, releasing bond as to future
acts.

Yours very truly,

Sidney C. Fuld
Sidney C. Fuld,
Manager.

SCF/G.



16799

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

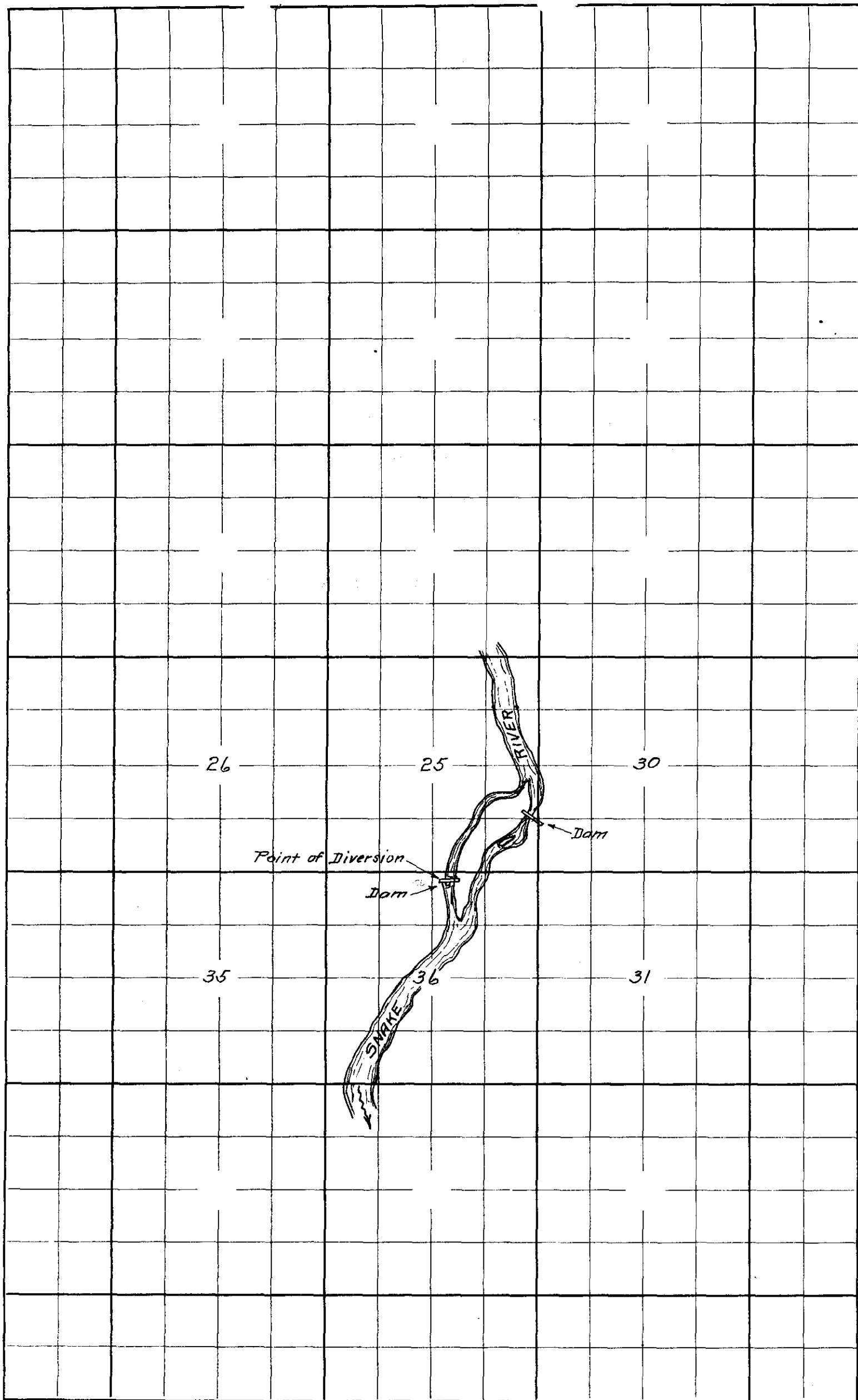
REPORT OF ENGINEER

PERMIT NO. 16799

REPORT ON PROOF OF BENEFICIAL USE

at 500 mft/sec

3.2 sec 5th



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

16799

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 16799

This proof is for 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 NW 1/4 of Section 36

T. 3 N. R. 37 E., B.M. County of Bonneville.

4. Describe works as they exist, giving dimensions and capacities of same: Two 1200 H.P. Liffel type turbines, 150 R.P.M. 2300 volts 60 cycle. (General Electric) Power house 30x60 inside Mead. 3600 H.P. developed under 20 foot head. Two dams that across the East channel has 20-20x6' radial gates and the West dam has 7-20x8' gates of similar type

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): 550 ft. S. 62°45' E. from N 1/4 corner of Sec. 36, T. 3 N., R. 37 E., B. M., in NW 1/4, Sec. 36, T. 3 N., R. 37 E., B. M.

(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: Power is used for general municipal purposes throughout the City of Idaho Falls

This examination was made on the 13th day of June, 1938

(Signed) Fred J. Dolman

Examiner.

16799

City of Idaho Falls

56

Permit No. 16799

Examination for 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.
-

January 11, 1938

Re: Permit No. 16799.

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

Dear Sir:

This will acknowledge receipt of the deposition of the holder, depositions of two witnesses, and the affidavit of proof of publication from the newspaper, all in connection with beneficial use proof under the above permit.

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 or your city engineer may show him over the works. After his report is on file in this office, you will be further notified as to fees due before the issuance of your license.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By

Chief Clerk

Proof of Publication

State of Idaho,
County of Bonneville

} ss.

I, EDWIN F. MCDERMOTT,

....., 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 consoli-
dation, for more than seventy-eight (78) weeks and said Post-Register having been published contin-
uously and uninterruptedly from the date of such consolidation, up to and including the last publi-
cation of the notice hereinafter referred to.

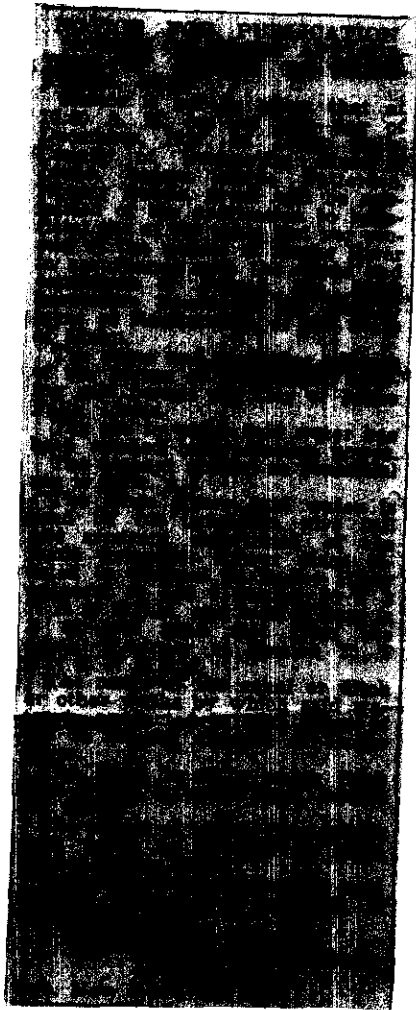
That the notice, of which a copy is hereto attached and made a part of this affidavit, was
published in said Post-Register for FOUR..... consecutive weeks, first publication having
been made on the 3RD..... day of NOVEMBER....., 1937, last
publication having been made on the 24TH..... day of NOVEMBER....., 1937, 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 26TH day of NOVEMBER, 1937

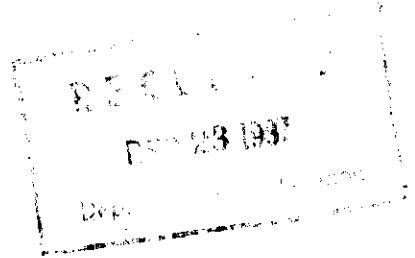
Al Shora
Notary Public.

My commission expires FEBY 6, 1937



16799

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO.



PERMIT NO. 16799

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Chase A. Clark, 54, Idaho Falls, Idaho, Lawyer, P.O. Box 1260.

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. Duly elected and qualified Mayor of the City of Idaho Falls, Idaho.

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

Ans. Permit #16799, approved Dec. 19, 1927. March 1, 1929.

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

Ans. West channel of Snake River, 5501' from the N. E. corner of Sec. 36 T 3 N R 37 E.B.M. and is in the NW 1/4 NE 1/4 of Sec. 36 T 3 N R 37 E.B. in Bonneville Co. Idaho.

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

Ans. A concrete dam with 7- 8' by 18' radial gates, and power house in west channel, 2- openings 14' by 14' for each unit in power house. Reinforced concrete dam with 20-6" by 18" radial gates in east channel. West channel will carry 8,000 c.f.s. and each unit of the two unit controls will carry 1,000 c.f.s. to the units. Point of use and point of diversion coincide.

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. Power. Used in power house located 5501' S 62° 45' E of the N. E. corner of Sec. 36 T 3 N R 37 E.B.M. and in the NW 1/4 NE 1/4 of Sec. 36 T 3 N R 37 E.B.M. in Bonneville Co., Idaho.

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

Ans. The water is utilized in the power house which is an integral part of the dam in the west channel through 2- Jeffel water wheels direct connected to 2 E generators, each having a capacity of 1,800 H.P.

16799

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

Ans. 980 c.f.s. for full load and full head for each unit.

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. Permit granted to the City of Idaho Falls, Idaho, under former Mayor. I was elected and qualified in the Spring of 1937.

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

Ans. 1,000 c.f.s. was used by unit No. 1 March 1, 1929, and 1,000 c.f.s. was used through unit No. 2 July 20, 1936, each unit has been in continuous use since being put in service.

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. Proof was made on an additional 1,500 c.f.s. for this purpose and at this point May 15, 1937, which with this 500 c.f.s. covers the amount of water put to beneficial use to date.

(Sign)

Sham a Clair

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 County of Bonneville State of Idaho, on this 17th day of December A. D. 1937.

Walter J. Johnson
Notary Public

My commission expires

Oct. 10 - 1939

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED

MAY 29 1937

PERMIT NO. 16799

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. Addis A. McLaughlin, Age 53,

420 W. 15th, Idaho Falls Power Plant Operator 420 W. 15th, Idaho Falls, Id

Ques. 2. Are you acquainted with City of Idaho Falls, Idaho, the holder of Permit No. 16799? How long have you known him and where does he reside?

Ans. Yes, I have lived in Idaho Falls, Idaho for 27 years.

Ques. 3. Have you read or heard read said Permit No. 16799, 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. West channel of Snake River, 550 1/2' S 62°-45'E from the N 1/4 corner of Sec. 36 T 3 N R 37 E.B.M. and is in the NW 1/4 of Sec. 36 T 3 N R 37 E.B.M., in Benneville Co. The conveying channel is the west channel of the two channels of the River at this point. The East channel has a reenforced concrete dam with 20 6' by 18' radial gates for flood control, the west channel has a reenforced concrete dam with 7 8' by 18' radial gates for flood control with the power House in the middle of the stream.

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. 8,000 c.f.s. have been carrying 2,000 c.f.s. for power use.

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. Water is used for power purposes at the power house, located at 550 1/2' S 62°-45'E of the N 1/4 corner of Sec. 36 T 3 N R 37 E.B.M. being in the NW 1/4 of Sec. 36 T 3 N R 37 E.B.M.

16799

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

Ans. 2,000 c.f.s. of water is being used for generating power. the first unit of 1,800 H.P. was installed and put into service in 1929, the second unit of 1,800 H.P. was put into service July 20, 1936. Each of these units have been in constant use since they were installed. The first unit was in operation March 1, 1929.

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. No irrigation

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

Ans. None except I am a citizen of the City of Idaho Falls, Idaho, and have worked in the Electric Light Department since 1921.

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

Ans. I was inspector for the City of Idaho Falls, Idaho during the construction of the plant in question, and have worked as operator in the Electric Light Dept., at the same plant since that time.

(Signed)

Addis R. McLaughlin

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, County of Bonneville, State of Idaho, on this day of December, 17, A. D. 1937.

My commission expires

June 10, 1941

Notary Public for the State of Idaho,
Residence, Idaho Falls, Idaho.
My Commission Expires June 10, 1941.

Jewell H. Chaney
Notary Public

Maude Patterson
Notary Public

My Commission Expires Oct 10 1939

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 16799----

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, age 47, Idaho Falls, Idaho, City Engr. City of Idaho
Falls, Idaho.

Ques. 2. Are you acquainted with The City Of Idaho Falls, Idaho, the holder of Permit No. 16799? How long have you known him and where does he reside?

Ans. I have lived in the City of Idaho Falls, Idaho since 1913.
and have been City Engineer 8 years.

Ques. 3. Have you read or heard read said Permit No. 16799, 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. West channel of Snake River, 550 $\frac{1}{2}$ ' S 62-45'E from the N- $\frac{1}{4}$ corner
of Sec. 36 T 3 N R 37 E.B.M. and is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 36 T 3 N R
37 E.B.M. in Bonneville Co. Conveying channel is natural channel

A reenforced concrete dam with 20 6' by 18' radial flood gates is located in E
channel, and concrete dam with 7 radial gates and power house in W
channel.

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. 8,000 C.F.S. capacity, have been carrying for use 2,000 C.F.S.

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. Water is used for power purposes, at the power house, located
550 $\frac{1}{2}$ ' S 62-45'E from the N- $\frac{1}{4}$ corner of Sec. 36 T 3 N R 37 E.B.M.
and located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ 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 1,800 H.P. units have been installed at the site. The first was put into use in 1929 and the second put into use on July 20, 1936. Each unit utalizes approximately 1,000 c.f.s. and both have been in continuous use since instalation. The first unit was in operation March 1, 1927

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. No irrigation

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

Ans. None except as City Engineer of the City of Idaho Falls, and a citizen of the City.

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

Ans. I was engineer in charge of the development of the project and have been in constant contact with the project from its inception.

(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, County of Bonneville, State of Idaho, on this day of December Seventeenth A. D. 1937.

Thaddeus J. J. J.

Notary Public.

My commission expires

Oct. 10 - 1939

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

BOISE, IDAHO,
December 10, 1937

Mabel Patterson
Notary Public
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. 16799

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 December 17, 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, Idaho before Mabel Patterson, Notary Public.

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

When these have been received, together with report of 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.

16799

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date November 1, 1937

Re: Permit No. 16799.

THE POST-REGISTER
Idaho Falls, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to December 17, 1937, the date set for proof, the expense of the publication to be paid by the applicant, City of Idaho Falls,

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

16799

November 1, 1937

Re: Permit No. 16799.

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

Dear Mayor Clark:

This will acknowledge receipt of notice in duplicate for publication in connection with 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. 16799.

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 December 17, 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 Mable Patterson, Notary Public, Idaho Falls, Idaho, so that she will have them in ample time for the proof.

On the date designated you should appear at Miss Patterson'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,

Deputy Commissioner of Reclamation

j1

16799

NOV 1 1937

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) October 20, 1937.

(P. O.) Idaho Falls, Bonneville County, 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

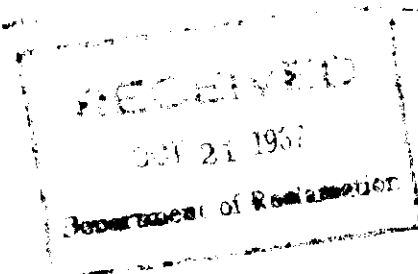
Chase A. Clark
Mayor

(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.



16799

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

Notice is hereby given that at 10:00 A. M. on the 17th day of November, 1937,
 at Idaho Falls, County of Bonneville, State of Idaho, before
Mable Patterson, Notary Public, proof will be submitted of the
 application to beneficial use of 500 cubic feet per second of the waters of
Snake River in accordance with the terms and conditions of Permit No. 16799
 heretofore issued by the Department of Reclamation of the State of Idaho.

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

City of Idaho Falls, Idaho

The use to which said water has been applied is generating power

The amount applied to beneficial use is 500 c.f.s.

The place where said water is used (if for irrigation, give full and accurate description of the
 lands irrigated) Power plant located in channel of Snake River

adjacent to Lot 7 Section 36 T 3 N R 37 E.B.M. and 0/00 of dam is
S 62°-45'E 550.5 feet from the south $\frac{1}{4}$ -corner of Section 25 T
3 N R 37 E.B.M.

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

The right to take water from such works is based upon Permit No. 16799

The source of supply from which such water is diverted is.....

Main stream Snake River

The date of priority which said user is prepared to establish is October 28, 1927
~~January 30, 1932.~~

16799

Paul Z. Henry
 Deputy Commissioner of Reclamation.

October 28, 1937

Re: Permit 16799.

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

Dear Mayor Clark:

On October 21st we received notice for publication of your intention to submit final proof under the above permit on the 17th day of November.

Proof cannot be offered on that date, since there will not be time for publication prior to that time. We have therefore taken the liberty of changing the date for submitting proof to December 17th, which is well within the time provided for offering this proof.

Such proof was to be offered before Lee Walker, City Clerk; but upon conferring with Mr. Crowley of the Attorney General's Office, I find that clerks of cities of the second class, of which Idaho Falls is one, are not empowered to administer oaths, although I understand from Mr. Crowley that it has long been a practice of Idaho Falls.

In view of the question that is raised by Mr. Crowley, do you not think it would be well to designate some notary public, or perhaps the Probate Judge, to take these proofs? I am herewith returning these papers and suggest that you insert another name.

If you will kindly return them as soon as possible, we shall get a copy of the notice back to the newspaper so that publication can begin at once.

Very truly yours,

Deputy Commissioner of Reclamation

PLH:jl
Encl.

16799

October 19, 1937

Re: Permit No. 16799.

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

Dear Sir:

I have your letter of October 17th wherein you say that the record in the office of the City Clerk of Idaho Falls shows that proof was to be submitted before Harry Payne on January 30, 1932, and that the depositions were forwarded to Boise on that date.

What you say is true, but the depositions that were executed had reference to proof of completion of works rather than beneficial use proof.

Both of these proofs are required in connection with all permits. The first one has reference purely to the completion of the necessary diversion works; while the beneficial use proof is proof of the actual usage of the water to generate power, or any other use it might be, as set forth in the permit.

The proof of which you were notified must therefore be made in order to protect the priority date under this right.

Very truly yours,

Deputy Commissioner of Reclamation

PLH:jl

16799

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

Oct. 17, 1937.

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

Dear Sir:-

In reference to the forms for proof of application of water to beneficial use under City of Idaho Falls, Idaho permit No. 16799 the records in the City Clerks Office show that proof was to be submitted before Harry Payne, City Clerk on Jan. 30, 1932 and that the depositions were forwarded to Boise on that date.

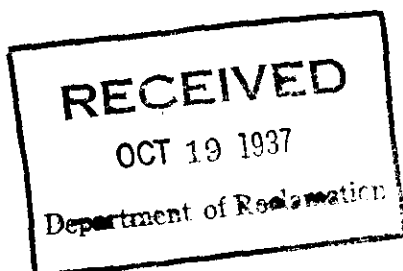
If the records are not complete and proof must be resubmitted please advise immediately. I believe you made the field investigation personally.

Yours truly,

C.R. Black

C. R. Black, City Engr.

Idaho Falls, Idaho.



16799

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

October 8, 1937

Hon. Chase A. Clark
Mayor of 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. **16729**....., 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 **Dec. 19, 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. FARIS
~~GEO. N. CARTER~~
Commissioner of Reclamation.

16799

April 19, 1932

RE: PERMIT NO. 16799

BRADLEY-SHEPARD AGENCY
Owyhee Hotel Building
Boise, Idaho

Gentlemen:

This is to inform you that the certificate for COMPLETION OF WORKS on the above numbered permit was issued April 11, 1932. This Department does not have the authority to release the Bonding Co. from further liability according to a decision from the Attorney General's office. However, since the bond is merely to insure good faith on the part of the permit holder to carry the work through to completion according to the terms of the permit, it seems reasonable to assume that the issuance of the certificate for COMPLETION OF WORKS should release the bond.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk

PH/LP

16799

16799

April 11, 1932

MR. BARZILLA W. CLARK
Idaho Falls, Idaho

Dear Sir:

Enclosed herewith is your Certificate of Completion of Works on Permit No. 16799; and also your office receipt for \$150.00.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Clerk

LP

16799

April 11, 1932

Re: PERMIT NO. 16799

SHEPHERD BRADLEY AGENCY
Owyhee Hotel Building
Boise, Idaho

Gentlemen:

In accordance with your request of recent date, we are furnishing you with a letter stating that the certificate for COMPLETION OF WORKS on the above mentioned permit was issued on April 11, 1932. This Department does not have the authority to relinquish the Bonding Company from further liability in the matter of the bond of the City of Idaho Falls according to a decision reached by the Attorney General. However, since the bond is merely to insure completion of the diversion works in accordance with the terms of the permit, the issuance of the certificate should suffice to relinquish the Bonding Company.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk

PH:LP

16799

April 5, 1932

Re: PERMIT No. 16799

Mr. HARRY H. PAYNE,
City Clerk,
Idaho Falls, Idaho

Dear Sir:

Your check in the sum of \$150.00, for proof of completion of works on the above mentioned permit, has been received. Your Certificate of Completion of Works will be mailed to you as soon as the proof can be recorded. Our office receipt will be attached to the Certificate.

Very truly yours,

R. W. FARIS,
Commissioner of Reclamation

By _____
Chief Clerk

PH/mt

16799

City of Idaho Falls

BARZILLA W. CLARK
MAYOR

HARRY H. PAYNE
CITY CLERK

ALVINA M. WILSON
CITY TREASURER

OFFICE OF
THE CITY CLERK

IDAHO FALLS, IDAHO,

April 2, 1932

R. W. Ferris
Commissioner of Reclamation
Boise, Idaho.

Dear Sir:

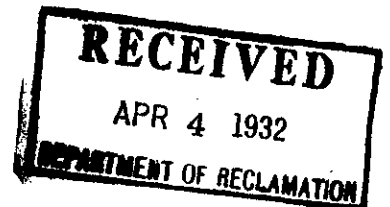
Please find inclosed our check No. 8887
in the sum of \$150.00, payment in full, com-
pletion of works, Permit No. 16799 covering 500
second feet of water for power purposes.

Kindly send me receipt for same.

Respectfully yours
City of Idaho Falls

Harry H. Payne
City Clerk

16799



February 9th, 1932

Re: Permit No. 16799

Mr. Barnilla W. Clark, Mayor
City of Idaho Falls
IDAHO FALLS, IDAHO

Dear Sir:

The Engineer's report which covers the Completion of Works under the above permit has been filed in this Department. Upon receipt of a \$150.00 fee, we will issue your certificate for proof of Completion of Works for the diversion of 500 cubic feet per second.

The fee for proof of Completion of Works is computed at the rate of 30¢ for each second foot of water that is being diverted.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk

PH/LP

16799

February 2, 1932

Re: Permit No. 16799

Mr. Barzilla W. Clark, Mayor
IDAHO FALLS, IDAHO

Dear Sir:

We are in receipt of the following papers in connection with the above permit issued to the City of Idaho Falls, to-wit: DEPOSITIONS OF THE HOLDER for proof of COMPLETION OF WORKS, DEPOSITIONS of two witnesses for proof of COMPLETION OF WORKS, and the AFFIDAVIT OF PUBLICATION for COMPLETION OF WORKS. These papers will be placed on file until the time when the engineer from this office can make an examination of your diversion works. At such time you will be further notified as to fees due, before your certificate for COMPLETION OF WORKS is issued.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk

PH/LP

16799

Proof of Publication

State of Idaho, }
County of Bonneville } ss.

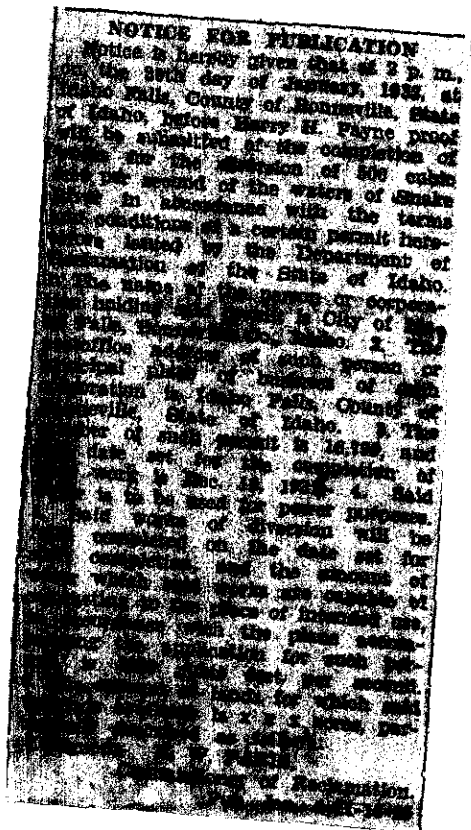
I, EDWIN F. MC DERMOTT, first being duly sworn, deposes and says: That I am the GENERAL MANAGER of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said 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 FOUR (4) consecutive weeks, first publication having been made on the 4TH day of JANUARY, 1932, last publication having been made on the 25TH day of JANUARY, 1932, 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 26TH day of JANUARY, 1932.

Notary Public.

My commission expires FEBY. 6, 1934.



16799

PERMIT NO. 16799

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. Barzilla W. Clark, Idaho Falls, 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 Falls, Bonneville Co., Idaho.
Duly elected and qualified as Mayor of the City of Idaho Falls,
Idaho.

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

Ans. Permit No. 16799. Dated Dec. 17, 1927. 500 cu. ft. per sec.
from Snake River, 550 ft. S62° 45' E from N. cor. Sec. 36 T3N R37E BM

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. To be used for power purpose.

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

Ans. Water turned into works for use Feb. 1929, present use
about 1000 cu. ft. per sec.

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. Works completed and comply with terms of permit, for one unit.

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. House for second unit complete except floors and machinery
instalation.

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

Ans. Concrete dam and power house on west channel, concrete dam on
east channel, Gates to each unit, 2- 14' by 14' carrying 1000 c.f.s.
at a velocity of 2.55 ft. per sec. Unit No. 1 1800 HP. Unit No. 2
to be same capacity. Channel to power house about 3000 cu. ft. per sec.
Cost: \$225,000.00. Built as per plans and specifications.

(Sign here.)

Barzilla W. 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 *Idaho Falls*,

County of *Bonneville*, State of Idaho, on this *30*
day of *January* A. D. 19*28*.

Larry Payne
Notary Public for the State of Idaho
Residence, Idaho Falls, Idaho
My Commission Expires May 6, 1933

My Commission expires

16799

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

Permit No. 16799

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. D.R. Robinson, City Electrician, Idaho Falls, Idaho.

Ques. 2. Are you acquainted with City of Idaho Falls, Idaho, the holder of Permit No. 16799, authorizing the diversion of 500 second-feet of the waters of Snake River, Sec. 36, T3N R37EBM, Bonneville Co., at Idaho Falls for Power purposes? How long have you known him, and where does he reside?

Ans. 13 years, Idaho Falls, Idaho.

Ques. 3. Have you read or heard read said Permit No. 16799, 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. No irrigated land.

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. Concrete diversion dam and power house on west side, concrete diversion dam on east channel, flood control gates installed, 1800 HP turbine and generator installed in unit No. 1, power house complete for unit No. 2 except floors and machinery, flood control dikes in place, capacity of channel above power house 3000 cu. ft. per sec. 2-14' by 14' openings for each unit permitting use of 1000 c.f.s. at a velocity of 2.55 ft. per sec. Built as per plans and specifications.

(Sign here.)

D.R. Robinson

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.

County of Bonneville, State of Idaho, on this 30th day of January, A. D. 1932.

Jerry Payne

Notary Public for the State of Idaho,

Residence, Idaho Falls, Idaho

My Commission Expires May 8, 1933

16799

Permit No. 16799

Proof of Completion of Works**DEPOSITION OF WITNESS**

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

Ans. C.R. Black, Civil Engineer, Idaho Falls, Idaho.

Ques. 2. Are you acquainted with City of Idaho Falls, Idaho, the holder of Permit No. 16799, authorizing the diversion of 500 second-feet of the waters of Snake River, Sec. 36 T3N R36EBM, Bonneville Co. Ida. at Idaho Falls for power purposes? How long have you known him, and where does he reside?

Ans. 18 years, Idaho Falls, Idaho

Ques. 3. Have you read or heard read said Permit No. 16799, 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. No irrigated land

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 and power house west side, Concrete dam east channel, both of concrete, flood control gates installed, 1800 HP turbine and generator installed in unit No. 1; building for unit in place except floors, 2-14' by 14' openings for each unit. Flood control dikes in place. Capacity of channel to power house about 3000 cu. ft. per sec. Openings to flume permit use of 1000 c.f.s. at a velocity of 2.55 ft. per sec. Built as per plans and specifications.

(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, County of Bonneville, State of Idaho, on this 30th day of January, A. D. 1932.

Jerry L. Payne

16799

State of Idaho

ENGINEERING DEPARTMENT

BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

January 32, 1932

Mr. Harry Payne
Notary Public
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. 16799

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 January 30, 1932, 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 Harry Payne, Notary Public

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

When these have been received, together with report of 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. PARIS

Commissioner of Reclamation

16799

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date December 29, 1931

Post Register
Idaho Falls, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to January 30, 1932, the date set for proof, the expense of the publication to be paid by the applicant, B. W. Clark, Mayor, City of Idaho Falls

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

16799

December 29, 1931

Re: Permit No. 16799

B. W. Clark, Mayor
Idaho Falls, Idaho

Dear Mr. Clark:

Your notice in duplicate for publication for proof of completion of works on the above numbered permit has been received. One copy of the notice has been mailed to the Post Register for publication.

We changed the date you are to offer proof, from January 22nd to January 30th, so that there would be ample time for publication before date set for proof.

We will mail depositions to Harry H. Payne, Notary Public, about January 25th.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____

PH/LP

16799

Idaho Falls Idaho.
Dec. 20, 1931.

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

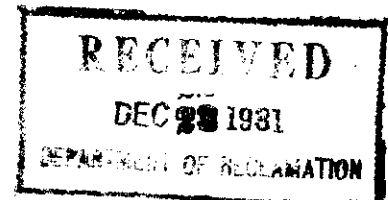
Dear Sir:-

I am enclosing herewith duplicate notices for publication of proof of completion of works on Permit No. 16799, for the City of Idaho Falls, Idaho, with the time set for Jan. 22, 1932, before Hary H. Payne, Notary Public, Idaho Falls, Idaho.

I am also enclosing Form No. 11 authorizing the publication of the same at the expense of the City of Idaho Falls, Idaho.

Yours truly,
City of Idaho Falls, Idaho.

By C. R. Black
City Engineer.



16799

16799

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) December, 18, 1931

(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.

Bazella W. Clark
Mayor, City of Idaho Falls, Idaho.

(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
Engineer.

16799

Notice for Publication

Notice is hereby given that at 2:00P. ^{30th}~~22nd~~ day of January
32 1932, at Idaho Falls, County of Bonneville, State of Idaho,
 before Harry H. Payne proof will be submitted of the completion of works
 for the diversion of 500 cubic feet per second of the waters of Snake River

in accordance with the terms and conditions of a
 certain permit heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is
City of Idaho Falls, Bonneville Co. Idaho.

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

3. The number of such Permit is 16799, and the date set for the completion of such work is
Dec. 19, 1931

4. Said water is to be used for Power purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water
 which said works are capable of conducting to the place of intended use, in accordance with the plans accompany-
 ing the application for such permit, is 3000 cubic feet per second.

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

Commissioner of Reclamation.

16 799

December 16, 1931

Re: Permit No. 16799

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

Dear Sir:

Enclosed herewith are duplicate notices for publication of your proof of completion of works on Permit No. 16799. The proof of completion of works must be published once a week for four consecutive weeks on any proof which involves more than 6.4 second feet of water. When you have completed the notices, return them to us with form 11 which is an authorization for us to publish it at your expense. When we receive the notices, we will forward one of them to the newspaper designated by you for publication. We will mail depositions (one holder and two witnesses) to the Notary Public before whom you will go to offer your proof, about a week before the date when your proof is to be made.

After the depositions have been properly executed mail them to us with the affidavit of publication from the newspaper and we will place them on file without final action until an examination can be made by the field engineer at which time you will be notified of the fees due before your certificate for proof of completion of works is issued.

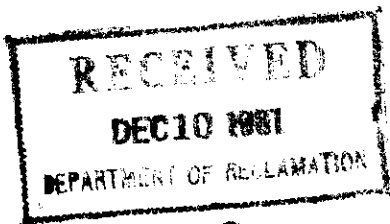
Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____

PH/LP
Encl.

16799



Idaho Falls, Idaho.
Dec. 8, 1931.

Commissioner of Reclamation,
Boise, Idaho.

Dear Sir:-

I am enclosing herewith proof of completion of works for the City of Idaho Falls, Idaho, on permit # 16799 which filing is for 500 cu.ft. per sec. for power purposes on Snake River in Sections 25 and 36 T 3 N R 37 E.B.M.

I am sending under separate cover the tracings and two sets of blue prints of the plans of the project as it now stands. The electrical machinery is in operation in Unit #1, developing 1800 H.P. and using for full load approximately 1000 cu.ft. per second of water. The building is in place for a second unit which will be a duplicate of the one installed.

For both units we will want a right for 2,500 c.s.f. Can we, when we install the next unit make filing and proof with the plans and specifications now on file by reference to the same?

Yours truly,
City of Idaho Falls, Idaho.

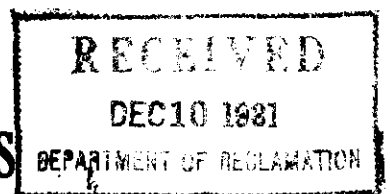
By C.R. Black
C.R. Black,
City Engineer.

16799

Permit No. 16799

STATE OF IDAHO
Department of Reclamation

PROOF OF COMPLETION OF WORKS



AFFIDAVIT OF HOLDER

STATE OF IDAHO,

} ss.

County of BONNEVILLE

City of Idaho Falls, being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to Appropriate the Public Waters of the State of Idaho, No. 16799, and that his postoffice address is Idaho Falls State of Idaho

Second: That the name of the stream from which said water is to be diverted is

Snake River

Third: That the point of division of said water is

550 1/2 feet S62°45'E from the North corner of Sec. 36 T. 3 N. R. 37 E.B.M.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Dec. 19, 1932, 19

Fifth: That the use for which said water is intended is Power purposes

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of works: 2 dams, 3 dikes, and a two unit powerhouse with

(Reservoir, dam, ditch, flume, pipe or otherwise.)

one 1800 H.P. hydro-electric unit installed and house for second complete

II. Dimensions of work:

(a) Height of dam #1 - 21' feet, length of dam at top #1 - 579' feet, length of dam at bottom same feet. Material used in construction Reinforced concrete.

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir none acre feet.

(c) Size of headgate: Width 14' feet, height 14' feet.

(d) Conduit none width at bottom none feet, width at water line none feet, depth of water none feet; diameter of pipe none inches, average grade per mile is none feet. Length of conduit is none miles.

Seventh: That said works are capable of conducting to the place of intended use 5000 second feet of water.

Eighth: That water appropriated under said permit is available for acres of land described as follows: Power propose only

Ninth: Remarks: That as shown on plans two dams were required to raise to water level for powerplant. Both dams are in natural channels of Snake River. Radial gates 18' by 6' are installed in the East channel dam and 6 radial gates 18' by 8' in the West channel dam to control the water elevation, as many gates are raised as are necessary to maintain a constant head water condition.

Forzella W. Clark
Mayor, City of Idaho Falls, Idaho.

Subscribed and sworn to before me this day of May, 1931

Harry H. Payne
Notary Public.

My commission expires

Notary Public for the State of Idaho,
Residence, Idaho Falls, Idaho.
My Commission Expires

16799

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

Permit No. 16799

This proof is for COMPLETION OF WORKS

In Water District No. 36

1. Name of applicant Barzilla Clark, Mayor for City of Idaho Falls
2. Source of water supply: Snake River
3. Location of point of diversion: Is in the NW ¹/₄ NE ¹/₄ of Section 36
T. 3 N. R. 36 E. B. M. County of Bonneville
4. Describe works as they exist, giving dimensions and capacities of same: Concrete dam and power house across west channel of Snake River, concrete dam across main East Channel. Plant designed for two units 1800 H. P., each using 1000 second feet of water. Unit No. 1 now installed and in operation, as per plans and specifications on file in the Department of Reclamation
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: Plant fully completed for first unit and comply, in all respects, with the terms of the Permit. Certificate of Completion of Works should issue accordingly.

This examination was made on the 22nd day of January, 1931

(Signed)

Examiner.

16799

City of Idaho Falls

Permit No. 16799

Examination for COMP. OF WORKS

County Bonneville

INSTRUCTIONS TO EXAMINERS

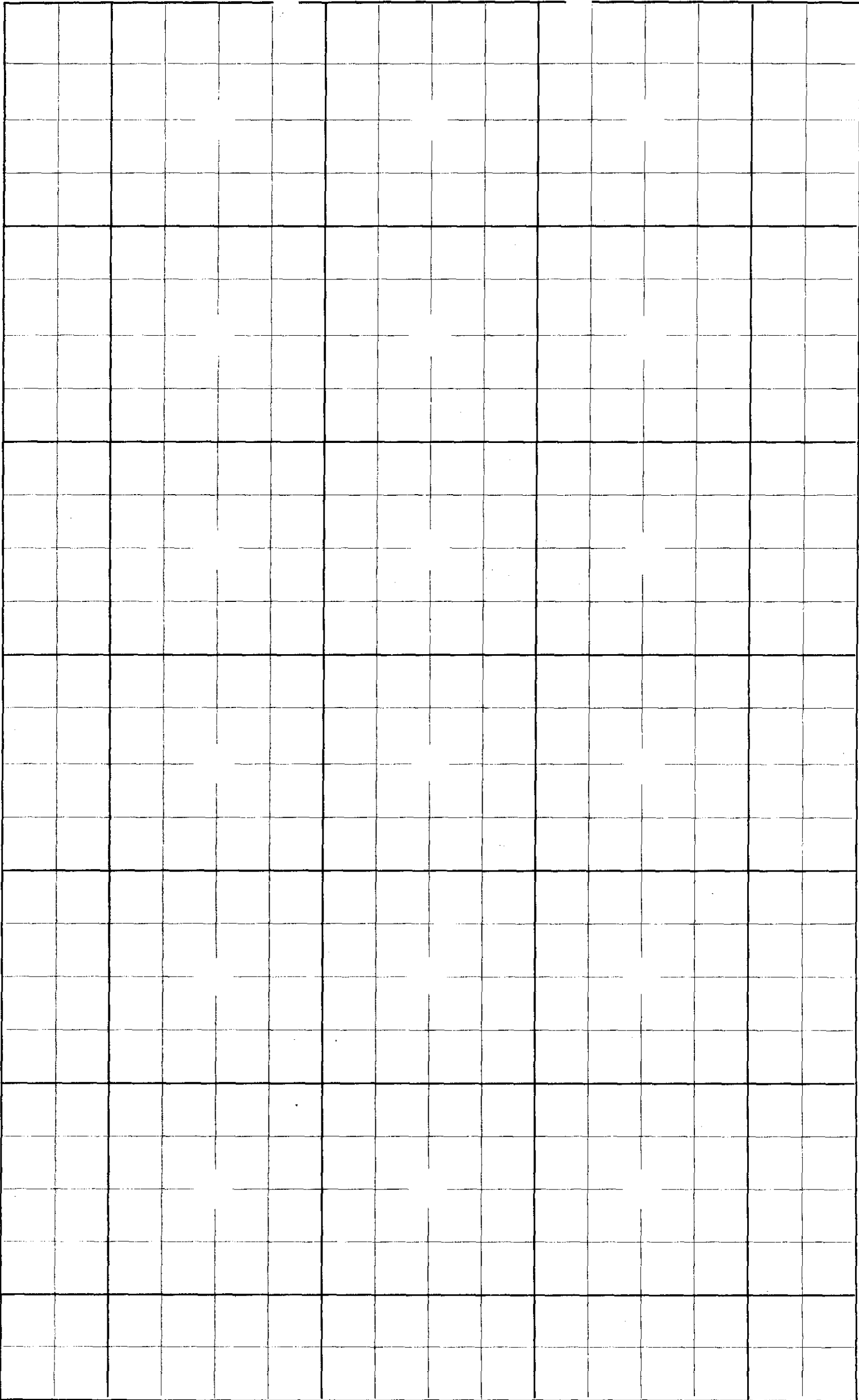
1. Always carefully note the location of the point of diversion and accurately plat same.
 2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
 3. Make a map showing the correct location of streams and ditches, and the 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.
-

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 16799

REPORT ON PROOF OF COMPLETION OF WORKS



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

November 26, 1930.

Re: Permit No. 16799

Harry F. Payne, City Clerk,
Idaho Falls, Idaho.

Dear Sir:-

Referring to your letter of the 24th inst. would say that we have been advised by the Bradley Sheppard Agency that the premium on the bond in question had been paid hence the permit is in good standing upon our records. No further steps will be taken in the matter of cancellation.

Very truly yours,
GEO. N. CARTER
Commissioner of Reclamation.

By _____
Chief Clerk.

16799

City of Idaho Falls

BARZILLA W. CLARK
MAYOR

HARRY H. PAYNE
CITY CLERK

ALVINA M. WILSON
CITY TREASURER

OFFICE OF
THE CITY CLERK

IDAHO FALLS, IDAHO.

November 24, 1930

Mr. Geo. N. Carter
Boise, Idaho.

Dear Sir:

Your letter received regarding Permit No. 16799. and that you are holding said Permit subject to cancellation, on account of Bond Premium not being paid.

The reason said Bond Premium was not paid, was no fault of the City of Idaho Falls, as this should have been paid by Mr. Chas Upham, of Idaho Falls. In taking this matter up with him he stated that he would send it in at once, and I understand he has done so last Friday November 21st.

Trusting this delay will not inconvenience the City of Idaho Falls in any way. I am

Respectfully yours


City Clerk

16799

NOTICE OF APPEARANCE

To Commissioner of Reclamation,
Boise, Idaho.

Dear Sir:

Receipt of notice that Permit No. 16799
is held for cancellation, under the provisions of
Section 5594, Compiled Statutes of Idaho, is
acknowledged.

I hereby enter an appearance and will offer proof
to show that the works required thereunder were fully
completed on the date proof of completion of works
was due.

Dated at Idaho Falls, this 26th
day of November, 1930.

Idaho Falls
Applicant
By Harry Payne
Agent.

16799



INCORPORATED 1898

MARYLAND CASUALTY COMPANY

F. HIGHLANDS BURNS, PRESIDENT.

CABLE ADDRESS "MARCASCO"

PLEASE ADDRESS REPLY TO WRITER
AND QUOTE CAPTION

HOME OFFICE. - BALTIMORE

BRADLEY SHEPPARD AGENCY

General Agents

Owyhee Hotel Building

BOISE

--

IDAHO

November 22, 1930.

State Dept. of Reclamation,
State House,
Boise, Idaho.

Attention Myron Swendsen.

In Re Permit No. 16799
City of Idaho Falls

Dear Myron:

This is to inform you that we have received payment of premium for the bond for the above numbered permit and that as far as we are concerned, this permit is in good order.

Kindly disregard our recent letter in which we stated this project had been completed and suggesting you get a proof of completion.

Very truly yours,

BRADLEY SHEPPARD AGENCY,

BY:

RS:LS

16799

November 20, 1930

Mr. Bradley Sheppard
Maryland Casualty Company
Boise, Idaho

Dear Bradley:

With regard to bond on water permit for the City of Idaho Falls to the State of Idaho, I am enclosing to you herewith my check for the premium on this bond, and I will bill the City accordingly. Apparently this is an oversight on the part of your office and mine, by not having seen to it that this bond was renewed, regardless of any argument that the City might have with the State over the completion of this project.

As matters now stand the City has completed the dam at their power plant, which is covered by this bond, but I presume no final papers have been filed with the Department, and, therefore, the matter is unfinished business with the Department, and the bond must remain in force.

Will you, therefore, kindly arrange with the Department of Reclamation to post the necessary bond or continue the one in force, that is now on deposit with them. Please acknowledge receipt of this letter, and oblige

Yours truly,

Agent

CJU:MR
CC Myron Swendsen
Department of Reclamation
Boise, Idaho

16799

CHAS. J. UPHAM

WM. H. UPHAM

CHAS. J. UPHAM & SON

LOANS : INSURANCE

IDAHO FALLS, IDAHO

November 20 , 1930

Mr. Myron Swendsen
Department of Reclamation
Boise, Idaho

Dear Sir:

Am enclosing carbon copy of letter sent to Mr. Bradley Sheppard,
of the Maryland Casualty Company, Boise, Idaho.

Very truly yours,

Chas. J. Upham,

Agent

MR
ENCL.

16799

Wells Mike's

Post Office Department

OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300

REGISTERED ARTICLE

No. 4491

INSURED PARCEL

No. _____

POSTMARK	DELIVERING
AND DATE OF DELIVERY	

Return to

Street and Number,
or Post Office Box,

BOISE,

IDAHO.

Post Office Department

OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300

REGISTERED ARTICLE

No. 4491

INSURED PARCEL

No. _____

POSTMARK DELIVERING

AND DATE OF DELIVERY

Return to

Street and Number,
or Post Office Box,

BOISE,

IDAHO.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

November 17, 1930

Re: Permit No. 16799

To City Clerk

Idaho Falls, Idaho

It appearing to the Commissioner of Reclamation that the terms and conditions of Permit No. 16799,
to appropriate the Public Waters of the State of Idaho, have not been complied with as to keeping up
the premium on the bond filed for completion of works under said permit,

you are hereby notified in compliance with Sec. 5594, Compiled Statutes of Idaho, that said Permit No. 16799
is hereby held for cancellation.

You are hereby required to show cause before the Commissioner of Reclamation on or before forty days
from date of this notice why said Permit should not be cancelled.

Said Permit No. 16799 claims the use of 500 cubic feet per second of the
waters of Snake River, with point of diversion located
in the NW 1/4 of NE 1/4, Sec. 36, Twp. 3 N., R. 37 E., B.M., Bonneville Co., and
was approved December 19, 1927.

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this
17th day of November, 1930

GEO. N. CARTER

Commissioner of Reclamation.

By Myron Swenson
Assistant.

16799

all Dec 17



INCORPORATED 1898

MARYLAND CASUALTY COMPANY

F. HIGHLANDS BURNS, PRESIDENT.

CABLE ADDRESS "MARCASCO"

PLEASE ADDRESS REPLY TO WRITER
AND QUOTE CAPTION

HOME OFFICE. - BALTIMORE

BRADLEY SHEPPARD AGENCY

General Agents

Owyhee Hotel Building

BOISE

--

IDAHO

November 15, 1930.

State Department of Reclamation,
State House,
Boise, Idaho.

Attention Myron Swendsen.

Dear Myron:

In Re Permit Bond No. 16799--City of Idaho Falls,

Since talking with you about the above bond, we have received notice from our Idaho Falls agent that the above project is now completed and has been for a year past.

However a premium charge of \$10.00 under this bond remains unpaid and no proof of completion has been furnished your office.

We would appreciate it if you would write calling the attention of the permittee to the fact that either a premium is due and payable under this bond or proof of completion should be furnished in order that we may secure our release.

With kind personal regards, I am,

Very truly yours,

BRADLEY SHEPPARD AGENCY,

BY:

16799

RS:LS

December 23, 1929

RE: Permit Nos. 16799 - 16689

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

Dear Sir:

In reply to your letter of the 20th inst., would say that it will be necessary to renew the bond on permit No. 16799, as the proof of completion of works is not due until December 19, 1932.

If the Mesa Falls filing you referred to is permit No. 16689, it will not be necessary to renew the bond, as the proof of completion of works has been filed in this office. The certificate, however, will not be issued until the report of our examining engineer has been made.

Very truly yours,

GEO. N. CARTER
Commissioner of Reclamation

By
Chief Clerk

PG

16799

City of Idaho Falls

RZILLA W. CLARK
MAYOR

HARRY H. PAYNE
CITY CLERK

ALVINA M. WILSON
CITY TREASURER

L. F. HANSON
CHIEF OF POLICE

T. R. PETERS
PURCHASING AGENT

OFFICE OF
THE PURCHASING AGENT

IDAHO FALLS, IDAHO.

December 20, 1929.

State of Idaho,
Commissioner of Reclamation,
Boise, Idaho.

Dear Sir:

Will you kindly inform this office whether or not it will be necessary to renew the bond given by this city in connection with the filing on Snake River near Idaho Falls?

We would also like to know if a bond is required on the Mesa Falls filing, and, if so, in what amount.

Very truly yours,



Purchasing Agent.

16799

February 2, 1928.

Re: Permit No. 16799-City of Idaho Falls.

Messrs. Sheppard & Falk,
Agents, Maryland Casualty Co.,
Boise, Idaho.

Gentlemen:

Surety bond in the sum of \$1000.00 for
completion of works under the above numbered
permit has this day been approved and filed
under the permit in this office.

Very truly yours,

GEO. N. CARTER,
Commissioner of Reclamation,

By

Chief Clerk.

B:P

16799

Bond.

KNOW ALL MEN BY THESE PRESENTS, That the City of Idaho Falls, a municipal corporation of Idaho Falls, Idaho, as principal, and the Maryland Casualty Company, corporation,

as surety, are held and firmly bound unto the State of Idaho in the full and just sum of One Thousand & No/100- - - - - (\$1,000.) Dollars, lawful money of the United States, to the payment of which sum, well and truly to be made, said principal and surety bind themselves, their heirs, administrators, executors and assigns, jointly and severally, under the terms and conditions hereinafter set forth.

The terms of this obligation are such that, whereas the above named principal on the 28th day of October, 1927, filed in the office of the Commissioner of Reclamation in Boise, Idaho, a certain application for permit to appropriate the public waters of the State of Idaho, the said application being thereupon numbered No. 23712, in accordance with which said application the Commissioner of Reclamation granted and issued to the said principal herein a certain permit numbered No. 16799, a full, true and complete copy of which application No. 23712 and permit No. 16799, is of record in the office of the Commissioner of Reclamation in Book 60 of Permits, at Page 16799.

Now, if the above bounden principal shall faithfully carry to completion the said works of diversion as specified in said application No. 23712 and permit No. 16799, in the manner and form prescribed therein and within the time therein allowed, then the above obligation to be void, otherwise to remain in full force and effect.

IN WITNESS WHEREOF, The said principal and surety have hereunto set their hands and seals, this 18th day of January, 1928.

WITNESSES:

Attest:
Ed. Underhill
City Clerk

City of Idaho Falls (SEAL)
Barzella W. Clark (SEAL)
Mayor

Countersigned:

By Bruce Shippard
Resident Agent
Residing at Boise, Ida.
STATE OF IDAHO,

MARYLAND CASUALTY COMPANY (SEAL)
Bruce Shippard
Attorney in Fact.

County of ss:

of and
whose names
are subscribed to the within and foregoing obligation as sureties thereto, each being duly sworn, upon oath for himself deposes and says:

That he is a resident and freeholder of the State of Idaho, and that he is worth the sum named in said obligation, to wit, \$, over and above all his debts and liabilities, exclusive of prop-

APPROVED

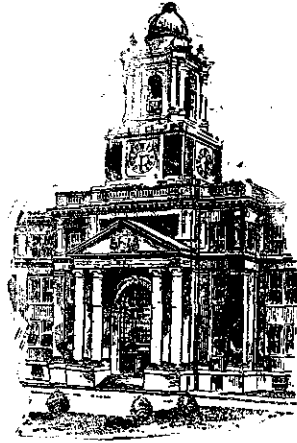
JAN 2 1928

Subscribed and sworn to before me this

day of , 19

16799

BOND OF
Maryland Casualty Company
BALTIMORE



ON BEHALF OF

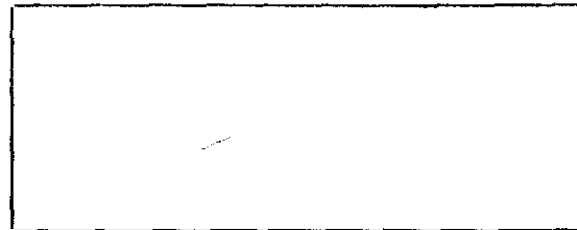
-CITY OF IDAHO FALLS-

IN FAVOR OF

STATE OF IDAHO

Amount \$ 1,000

Dated 18th day of January 1928



JANUARY 16, 1928.

Re: Permit No. 16799-City of Idaho Falls.

Mr. Chas. J. Upham,
Idaho Falls, Idaho.

Dear Sir:

As per your request of the 13th instant, we
are mailing you herewith form of bond used in the
matter of completion of works under a permit.

Very truly yours,

GEO. N. CARTER,
Commissioner of Reclamation,

By

Chief Clerk.

B:P

Enc.

16799

DIRECTORS
O.D. FISHER, CHAIRMAN. W.L. MCCORMICK
J.A. HUMBIRD J.P. MCGOLDRICK
FRANK B. MARTIN GEO. J. OSGOOD
A.W. MIDDLETON C.D. STIMSON
HENRY MCCLEARY W.H. TALBOT

H. K. DENT
PRESIDENT

GENERAL INSURANCE COMPANY OF AMERICA

SEATTLE

CHAS. J. UPHAM

AGENT

IDAHO FALLS, IDAHO

IDAHO FALLS, IDAHO

January 13, 1928.

16799

Mr. Geo. N. Carter,
Commissioner of Reclamation,
Boise, Idaho.

Attention: Mr. Myron Swendsen.

Dear Mr. Carter:

The City of Idaho Falls is required to give the State of Idaho a bond in the sum of \$1000.00 which is the matter of some correspondence between your office and the City of Idaho Falls.

I have been requested by the City to furnish this bond through the Maryland Casualty Co. and I ask that you kindly furnish me with the blank bond to be executed to meet your requirements.

Yours very truly,

Chas. J. Upham

CJU"D

16799

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise

Permit No. 16799

December 20, 1927.

NOTICE

You are advised that in order to keep this permit in force a bond in the sum of \$ **1000.00** must be filed in the office of the Commissioner of Reclamation on or before February 17 1928 conditioned upon faithfully carrying to completion the works of diversion as specified in said permit and in the application therefor.

GEO. N. CARTER.

Commissioner of Reclamation

16799

Curry Engineers

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

Permit No. 16799
Barzilla W. Clark, Mayor,
Idaho Falls, Idaho.

Boise, Idaho, **December 20, 1927.**

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.

GEO. N. CARTER.

Commissioner of Reclamation.

16799

THE IDAHO IRRIGATION DISTRICT

GENERAL OFFICE

DILL-WINN BUILDING

IDAHO FALLS, IDAHO

DIRECTORS:

HIRAM A. NIELSON, SHELLEY, R. F. D. No. 1
JOHN D. SEYFERT, IDAHO FALLS, R. F. D. No. 6
PETER OLSEN, SHELLEY R. F. D. No. 1

OFFICERS:

H. A. NIELSON, PRESIDENT, SHELLEY, R. F. D. No. 1
A. J. CHRISTENSEN, SECRETARY-TREASURER
BOX 388, IDAHO FALLS, IDAHO
WM. MEPPEN, MANAGER, IDAHO FALLS, R. F. D. No. 5

Oct. 28th. 1927.

(appl. Retd for maps.)
Commissioner of Reclamation,

Boise, Idaho.

Att:- G. N. Carter,

Dear Sir:-

Supplementing the Application for Permit, filed with you recently by Mayor Clark for the City of Idaho Falls, we find that it will be necessary to correct the description by including the opposite side of the River this being covered by the proposed dam site and I am therefore citing this description which is as follows-

In the Southwest Quarter (S W $\frac{1}{4}$) of Section Twenty Five (Sec. 25) Township Three (Twp. 3) North of Range Thirty Seven (R 37) East of Boise Meridian.

In a short time we will have accurate ties to these descriptions and furnish you all data necessary.

Yours truly,

A. J. Christensen

A. J. Christensen,
City Engineer
Idaho Falls, Ida.

16799

16799

Applic No. 23712
16799

October 28, 1927

MR. MARZILLA W. CLARK
Mayor, City of Idaho Falls
Idaho Falls, Idaho

Dear Sir:

This will acknowledge receipt of your communication of October 26, transmitting application for permit to appropriate five hundred cubic feet per second of the waters of Snake River, City of Idaho Falls, applicant.

One of the prerequisites to giving an application a date of priority and preliminary filing status is that the location of the point of diversion must be described by legal subdivision. In the application as filed unfortunately the number of the township north is not given. I assume that same is three north, range 37 east, inasmuch as that appears to be in the vicinity of Idaho Falls, and I also observe that the point of use and return of the water is in township 3 north. I am, therefore, taking the liberty of inserting the numeral 3 in the place provided in the form for the township number. If this is not the proper township, please advise immediately and an amendment likely can be made - certainly so in case there are no rival filings at this particular site.

Otherwise the application appears to be sufficiently complete to entitle it to a priority date. I take it that you or the city engineer are familiar with the map requirements and that same will be met.

Sixty days are allowed from date of return of application within which to complete same, in order that the application may be approved, recorded and become a permit.

The application, having received its preliminary filing date, is returned herewith for completion in accordance with the foregoing.

Yours very truly,

Commissioner of Reclamation

GNC:E
Enclosure

City of Idaho Falls, Idaho

OFFICE OF
BARZILLA W. CLARK
MAYOR

October 26, 1927.

Mr. Geo. N. Carter,
Commissioner of Reclamation,
Boise, Idaho.

Dear Sir:

In accordance with instruction in your letter of October 24, application on the printed form is enclosed. The City Engineer will make survey within a few days and a map will be mailed you as soon as it can be completed.

Very truly yours,

Barzilla W Clark
Mayor.

Encl.

16799