

NOTICE OF PROOF OF APPLICATION OF WATER TO BENEFICIAL USE.

Notice is hereby given that at 10 a. m. on the 28th day of November, 1919, at Boise, county of Ada, state of Idaho, before E. C. Hersted, notary public, proof will be submitted of the application to beneficial use of 1400 cubic feet per second of the waters of Snake river in accordance with the terms and conditions of permit No. 4168 heretofore issued by the state engineer of the state of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are Idaho Power Company, P. O. Box 1537, Boise, Idaho.

2. The use to which said water has been applied is in generating electrical energy.

3. The amount applied to beneficial use is 1400 cubic feet per second.

4. The place where said water is

used (if for irrigation, give full and accurate description of the place irrigated) About 600 feet below railroad bridge and upon block 63 of village of American Falls, Idaho.

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is American Falls east side power station.

6. The right to take water from such works is based upon permit No. 4168.

7. The source of supply from which such water is diverted is Snake river and the reservoir created by American Falls dam.

8. The date of the priority which said user is prepared to establish is September 3, 1908.

W. G. SWENDSEN,

10-3-4t Comm. of Reclamation.

AFFIDAVIT OF PUBLICATION

I, Kirby Lorraine, Editor of the

AMERICAN FALLS PRESS, published weekly at American Falls,

Idaho, do solemnly swear that a copy of the notice, as per clipping attached, was

published weekly in the regular and entire issue of said newspaper, and not in

any supplement thereof, for four consecutive weeks,

commencing with the issue dated October 3rd, 1919

and ending with issue dated October 24, 1919

Kirby Lorraine

on this 17th day of November, 1919

W. G. Swendsen
Notary Public

Residing at American Falls, Idaho

4168

AFFIDAVIT OF PUBLICATION

I, John R. Jones, manager of the American Falls Press, published weekly at American Falls, Idaho, do solemnly swear that a copy of the notice, as per clipping attached, was published weekly in the regular and entire issue of said paper, and not in a supplement thereof, for five consecutive ^{issues} weeks, commencing with the issue dated October 16 1913, and ending with the issue dated November 13 1913.

NOTICE OF PUBLICATION

Notice is hereby given that at 10 a. m., on the 26th day of November, 1913, at Boise, County of Ada, State of Idaho, before State Engineer of Idaho, proof will be submitted of the completion of works for the diversion of 6000 cubic feet per second of the waters of Snake River, at American Falls, in accordance with the terms and conditions of a certain permit heretofore issue by the State Engineer of the State of Idaho.

1. The name of the person or corporation holding said permit is Southern Idaho Water Power company.

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

3. The number of such permit is 4168, and the date set for the completion of such work is November 28, 1913.

4. Said water to be used for power purposes.

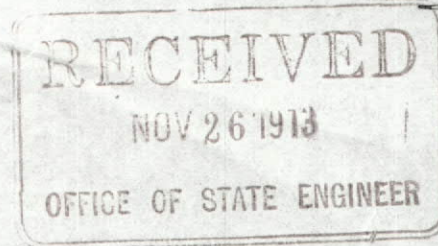
5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 6000

John R. Jones

Subscribed and sworn to before me

this 22nd day of November 1913.

Blair
Notary Public.



4168

License and Certificate of Water Right

Water License No. 4168

Amount 1400 sec. ft.

THIS IS TO CERTIFY that American Falls Power Company
of Pocatello, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated September 3, 1908; that Permit No. 4168
was issued under said application; that Certificate of Completion of works, with a carrying capacity of 6000
second feet, was issued thereunder on December 17, 1913, showing that said works
were completed on the 26th day of November, 1913; and that on the 28th
day of November, 1913.

Idaho Power Company
of Boise, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation
~~State Engineer~~ of Idaho, of a right to the use of the waters of Snake River,
a tributary of Columbia River, for the purpose of generating electric power,
under Use Permit No. 4168 of the ~~State Engineer~~ Commissioner of Reclamation,
waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the ~~State~~
Commissioner of Reclamation
~~Engineer~~ of Idaho and entered of record in Volume 5 of Licenses, at page 2529, on the 5th
day of February, 1920.

The right hereby confirmed dates from September 3, 1908:

The Point of Diversion is located
in the SW ¼ SE ¼, Sec. 30, Tp. 7 S., R. 31 E., B.M.

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 1400 cubic feet per second.

Description and location of use: At the town of American Falls, Idaho.

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated

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.

Commissioner of Reclamation
WITNESS the seal and signature of the ~~above~~ ^{above} affixed at Boise, Idaho, this 6th day of February, 1900

Dr. H. Standen

No. 5638.

01-2017

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: American Falls Power Company.

Postoffice address: Pocatello, Idaho.

County: Bannock State: Idaho.

I. If applicant is a corporation, give:

(a) Date and place of incorporation: June 14, 1905, State of Idaho.

(b) The amount of capital stock: \$3,000,000.

(c) The amount paid in: \$70,000

(d) The names and addresses of directors: J. H. Brady, D. W. Standrod, W. S. Chaney,
R. H. Tschudy, and C. C. Dietrich, all of Pocatello, Idaho.

II. The financial resources of the applicant are:

(c) Bonds to be issued: \$2,000,000.

2. The quantity of water claimed is six thousand cubic feet per second.

3. Source of water supply: Snake River.

Counties of Blaine and Oneida.

4. Location of point of diversion: American Falls, in SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 30 Twp. 7 S. R. 31 E.

5. To be used for:

II. Mining, power, manufacturing or transportation purposes:

(a) To be used for: Mining, power and manufacturing and transportation.

(b) Amount of power to be generated: 30,000 horse power.

(c) At what point: American Falls, Oneida County, Idaho, about 600 ft. below
crossing O.S.L.R.R. Co. Bridge.

(d) Is water to be returned to any stream: Yes.

(e) If so, name stream and locate point of return: Snake River below power house.

6. Estimated cost of works: \$150,000.00

7. Description of works for diversion:

I. Kind of works: Dam.

II. Dimensions of works:

(a) Height of dam 5 to 15 feet, length of dam at top 1600 feet, length of dam at
bottom 1600 feet. Material used in construction: Stone and concrete.

(c) Size of headgate: Width 124 feet, height 23 feet.

(d) Length of conduit is ...miles, and it crosses the following quarter sections:

Water will be delivered direct from dam to power house to point described in

5 II (c) above which is the point of intended use.

8. Time required for the completion of the construction of such work is 5 years.

9. Time required for the complete application of the water to the proposed use is 4
additional years.

BE IT KNOWN, That the undersigned hereby makes application for a permit to appro-

appropriate the public waters of the State of Idaho as herein set forth.

American Falls Power Company,

Applicant.

By C. C. Dietrich....Secretary.

APPROVAL OF STATE ENGINEER.

The number of this permit is 4168.

Date of first receipt of application 12.00 M. September 3, 1908.

Returned to applicant for correction October 3, 1908.

Corrected application received November 23, 1908.

Recorded in Book 11 Page 4168 Approved November 28, 1908.

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 grant the same, subject to the following limitations and conditions:

Good and sufficient bond to be filed in the sum of \$10,000 on or before January 27, 1909.

One-fifth of the work above specified to be completed on or before June 5, 1911.

The whole of said work to be completed on or before November 28, 1913.

The time for proof of beneficial use of water appropriated in accordance herewith, to extend to November 28, 1917.

Witness my hand this twenty-eighth day of November, 1908.

Jas. Stephenson, Jr.,

State Engineer.

THIS INDENTURE, Made and entered into this first day of September, in the year of our Lord One thousand nine hundred twelve, by and between the American Falls Power Company, a corporation duly organized and existing under the laws of the State of New Jersey, and qualified to do business and hold property in the State of Idaho, party of the first part, and the Southern Idaho Water Power Company, a corporation organized and existing under the laws of the State of Delaware, and duly qualified to do business and hold property in the State of Idaho, party of the second part:

WITNESSETH: That whereas the said party of the first part, in pursuance of the statutes in such cases made and provided, has acquired and now is the owner of certain water rights, power sites, power plants, franchises and other real and personal property within the State of Idaho; and,

WHEREAS, The Board of Directors of said corporation duly assembled, duly adopted the following resolution:

"WHEREAS, The American Water Works and Guaranty Company, a corporation existing under the laws of the State of New Jersey, offered in writing to purchase from the American Falls Power Company, all of the water rights, power plants, franchises, and all other property of every kind and nature now owned by the said American Falls Power Company, within the State of Idaho, and has offered to pay for the same by issuing and delivering \$748,950.00 of the fully paid up capital stock of the Southern Idaho Water Power Company, a corporation existing under the laws of the State of Delaware, out of a total issue of \$1,500,000.00 of said capital stock; and,

"WHEREAS, the Stockholders of this corporation having on this day, at their special meeting, adopted a resolution authorizing the Board of Directors, to accept the said offer and to sell all of the above described property, and to authorize its proper officers to execute and deliver the deed of this corporation, conveying all its said property to the said Southern Idaho Water Power Company, and,

"WHEREAS, this corporation deems it to be for the best interests of this corporation and all of its stockholders that said offer be accepted, and the conveyance of said properties be made in pursuance thereto:

"NOW THEREFORE, BE IT RESOLVED That the president, James H. Brady, and the Secretary, C.C. Dietrich, be and they are hereby authorized and directed for and on behalf of this corporation and under its corporate name and seal, and for its benefit, make, execute and deliver unto the said Southern Idaho Water Power Company, a corporation existing under the laws of the State of Delaware, a good and sufficient conveyance with clause of general warranty, to be dated September 1, 1912, transferring and conveying all of the property above described as belonging to this corporation, and to accept and receive therefor \$748,950.00 of the fully paid up capital stock of the said Southern Idaho Water Power Company, taken at the par value thereof."

NOW THEREFORE, In pursuance of said resolution aforesaid, and in consideration of the issuance and delivery of the capital stock of said corporation therein mentioned, and in consideration of the sum of One (\$1.00) Dollar, lawful money of the United States of America, in hand paid to the said party of the first part, by the said party of the second part, the receipt whereof is hereby acknowledged, and for other valuable considerations,

the said party of the first part has granted, bargained, sold, assigned, transferred and set over, and by these presents does, grant, bargain, sell, assign, transfer and set over unto the party of the second part, its successors and assigns forever, all those certain properties situated in the County of Power, State of Idaho, the said Power County having heretofore been created out of a portion of Oneida and Blaine Counties, and more particularly described as follows, to wit:

PARCEL NO. 1: All of Lots Numbered seven (7), eight (8), nine (9), ten (10), eleven (11), twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17), eighteen (18), nineteen (19), twenty (20), twenty one (21), twenty two (22), twenty three (23), twenty four (24), twenty five (25), twenty six (26), and twenty seven (27), of Block sixty Three, of the Townsite of American Falls, in Power County, State of Idaho, according to the official plat thereof filed and recorded in the office of the County Recorder of said Oneida County, State of Idaho, on the 21st day of July, 1897, being the same property which vested in the American Falls Power Company, party of the first part hereto by decree of condemnation against the American Falls Power, Light and Water Company, and the Royal Trust Company, defendants, dated January 22nd, 1906, and recorded in Book "B" of Judgments at page 338, in the office of the County Recorder of Oneida County, State of Idaho, and the final order of condemnation in said suit, dated January 23rd, 1906, and recorded in said Recorder's office in Book "B" of Judgments at page 340, and being the same property in which certain rights were acquired by the American Falls Power Company, by assignment of contracts from the American Falls Water Power Company, dated July 1st, 1901, and recorded in the Recorder's office of Oneida County, in Book "Q" of Deeds, page 266.

PARCEL NO. 2. All rights in the waters of Snake River at points in the County of Power formerly Oneida and Blaine, State of Idaho, at or near American Falls, by virtue of a conveyance from I. S. Mabey and wife, dated November 27th, 1899, and recorded January 23, 1900, in Book "O" of Deeds, page 349, and by virtue of certain notices claiming said waters, duly recorded in Oneida County, January 23rd, 1900, April 1st, 1901, and May 15th, 1901, being the same property which the American Falls Water Power Company, a corporation of the State of Wisconsin, by deed dated July 1, 1901, and recorded in the Recorder's office of Blaine County, Idaho, in Book "52" of Deeds at page 60, granted and conveyed unto the party of the first part hereto.

PARCEL NO. 3. All the right, title and interest of the party of the first part in and to Permit No. 4168, issued by the State Engineer of Idaho unto the American Falls Power Company, dated November 28, 1908, and being for the diversion of the waters of Snake River at American Falls in the State of Idaho, to the extent of 6000 cubic feet per second.

PARCEL NO. 4. That certain Power Plant for the generating of electrical power, situated in Block sixty three (63) of the Townsite of American Falls in Power (formerly Oneida County) State of Idaho, together with the diversion dam, storage power house building, head works, penstocks, draught tubes, tail races, water wheels,

electrical generators, exciters, Switchboards, transformers, circuit breakers, and all other appliances, mechanical or electrical, existing in and about the said dam and power house or used in connection therewith.

PARCEL, NO. 5. All the right, title and interest of the party of the first part, hereto, in and to Ordinance No. 19, of the Village of American Falls, passed by the Board of Trustees of said Village on the 7th day of July, 1908, together with all the rights, and privileges conferred upon the party of the first part hereto, thereby.

TOGETHER WITH ALL AND SINGULAR, The buildings, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversions, remainders, rents, issues and profits thereof, and also all the estate, right, title, and interest, property, possession, claim and demand whatsoever, as well in law as in equity of the said party of the first part, of, in and to the same, and every part and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD, All and singular, said plants, works and other properties, and rights, privileges and franchises hereby conveyed or intended so to be, together with all and singular, the reversions, remainders, rents, issues, and profits, thereof, unto the said party of the second part, its successors and assigns forever.

And the said party of the first part and its successors, the said premises in the quiet and peaceable possession of the said party of the second part, its successors and assigns against the said party of the first part, and its successors, and against all and every person and persons whomsoever lawfully claiming or to claim the same, or any part thereof, Shall and will warrant and by these Presents forever defend.

IN WITNESS WHEREOF, The American Falls Power Company, the party of the first part, hereto, by virtue of the authority conferred by resolution of its Board of Directors and by resolution of its stockholders duly adopted, has caused its corporate name and seal to be hereunto affixed by the hand of its President and its secretary, the day and year first above written.

AMERICAN FALLS POWER COMPANY,

By.. James H. Brady,

President,

and... C. C. Dietrich,

Secretary.

(SEAL)

STATE OF IDAHO,)
COUNTY OF BANNOCK,) SS.

On this 20 day of March, 1913, before me, a Notary Public in and for said County, personally appeared James H. Brady, known to me to be the President, and C.C. Dietrich known to me to be the Secretary of the American Falls Power Company, the corporation that executed the foregoing instrument, and acknowledged to me that said corporation executed same.

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

(SEAL)

Thos. F. Terrell,
Notary Public

My Commission expires on the 11 day of March 1914.

Received and filed for record in the office of the State Engineer at
Boise, Idaho, at 9.00 A.M. October 16, 1913.

F.P. King,

State Engineer.

Proof of Completion of works made November 26, 1913.

Certificate of completion of Works issued December 17, 1913.

PERMIT NO. 4168.

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that Southern Idaho Water Power Company of Boise, County of
Ada, and State of Idaho, the holder of Permit No. 4168, issued upon Application No.
5638, bearing date of priority of September 3, 1908, authorizing the diversion of
6000 second feet of the waters of Snake River, Counties of Blaine and Oneida, State
of Idaho, for electric 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 6000 second-feet of the waters of Snake River;
that the point of diversion of said waters is at American Falls in the SW $\frac{1}{4}$ of SE $\frac{1}{4}$
Sec. 30, Twp. 7 S. R. 31 E. B. M., and that the place of intended use of said water
is at American Falls, Oneida County, Idaho, about 600 feet below the crossing of the
Oregon Short Line Railroad Company's Bridge.

Witness my hand this 17th day of December, A. D. 1913.

F. P. KING,

State Engineer of the State of Idaho.

STATE OF IDAHO)
 (ss.
 COUNTY OF POWER)

I, Paul Bulfinch, the duly qualified Recorder of Power County, Idaho, do hereby certify as follows, to-wit:

That Deed, Dated July 31, 1916, by Southern Idaho Water Power Company, a corporation of the State of Delaware, to Electric Investment Company, a corporation of the State of Delaware, appears upon the records of Power County, Idaho, in Book 19 of Deeds at Page 593, having been recorded on August 14, 1916.

That the said Deed includes, with other properties, "All of the lands and premises, real and personal, franchises and rights of the Power Company situated and located in the counties of Bannock, Bingham and Power, in the State of Idaho, including that certain hydro electric power plant situated at American Falls, upon the Snake River in Power County, in the State of Idaho, with all real estate, water rights and other property appurtenant thereto or connected therewith".

That Deed dated July 31, 1916, by Electric Investment Company, a corporation of the State of Delaware, to Idaho Power Company, a corporation of the State of Maine, appears upon the records of Power County, Idaho, in Book 19 of Deeds at Page 594, having been recorded upon August 14, 1916.

That said Deed includes, with other properties, "All the lands, premises and property, real and personal, franchises and rights situated and located in the counties of Bannock, Bingham and Power, in the State of Idaho, conveyed to Electric Investment Company by that certain deed dated July 31, 1916, made by Southern ^{Idaho} Water Power Company, a Delaware corporation, as grantor, to Electric Investment Company, now of record, or about to be recorded, in said counties, to which said deed reference is hereby made for a more particular description of said real estate, franchises and rights."

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office this 30th day of Jan., 1917.

(SEAL). Paul Bulfinch,
Recorder.

Received and filed for record in the office of the State Engineer, at Boise, Idaho, at 9:00 A. M. Feb. 1, 1917.

J. H. Smith,
State Engineer.

Upon proper request of the holder of the above numbered permit, I have this 28th day of February, 1917, extended the time for beneficial use of water thereunder to the 28th day of November, 1919.

J. H. Smith,
State Engineer.

AMERICAN FALLS POWER PLANT (East Side Plant) owned by Idaho Power Co. and located adjacent to the town of American Falls.

Water Right No.	Water Right and Date	Remarks	Priority Date	Flow in cfs	Subordination Permit License/Decree
A01-10382 Transfer #464 (6-17-1929)	Beneficial Use Claim on 10-23-1996 for 6,000 cfs	(From West Side Plant to East Side Plant) Microfilm file 01-B	7-15-1901	253	Not likely
A01-10383 Transfer #463 (6-17-1929)	Beneficial Use Claim on 10-23-1996 for 2,000 cfs	(From Island Plant to East Side Plant) Microfilm file 01-B	8-01-1901	611	Not likely
01-02017	Permitted on 11-28-1908 Licensed on 2-05-1920		9-03-1908	1,400 ¹	Not found No
01-02032	Permitted on 7-05-1919 Licensed on 7-21-1924		3-08-1919	4,600 ¹	No No
01-02046	Permitted on 1-18-1927 Licensed on 12-23-1971		10-15-1926	2,000 ²	No No
A01-10384	Claimed on 10-23-1996		1-01-1929 ³	136 ²	Probably ^{4,5}
01-07128	Application		10-23-1996	7,850	
Subtotal of non-subordinated assumed water rights (probable amount)				8,864 cfs ⁶ (9,000 cfs maximum)	
Subtotal (using licensed rights of record)				8,864 cfs	
Total				16,850 cfs ⁷	

¹ For the East Side Plant located in the SW 1/4, SE 1/4, Sec 30, T. 7 S., R. 31 E., B.M. The Report of Engineer states 1200 cfs was used at the time of the field examination. The older Island Plant and the West Side Plant were sold to the United States of America in 1923. See p. 4 & 11 of the June 15, 1923, contract of Idaho Power Co. and the USA (I1r-733) entered into subsequent to the 1921 American Falls storage water rights request. The 1923 agreement changed the water rights in transfers 464 and 463 and in licenses 01-02017 and 01-02032 only to the extent that the agreement provided, in essence, for the prior filling of American Falls Reservoir and "existing storage."

² The location for the license is listed as the NW 1/4, NE 1/4, Sec. 31, T. 7 S., R. 31 E., B.M. The license, issued in 1971, indicates the total project capacity is 9,000 cfs. Copy of June 14, 1954, letter in file 01-02032 from IPC secretary, A. C. Inman to U.S. Representative Hamer Budge indicates total water rights are 8,000 cfs. February 26, 1971, letter in file 01-02046 from IPC secretary, James E. Bruce to Department of Water Administration indicates total water rights are 9,000 cfs. Surface water put to beneficial use prior to May 20, 1971, can acquire a water right without an application for a permit.

³ An adjudicated claim priority date will be the verified date the diversion started, not the date the new project construction was decided upon or even started as in the preceding (10-15-1926) application for permit and subsequent license.

⁴ The state established by a ratified constitutional amendment of Article XV, Section 3, on November 6, 1928, the authority to "regulate and limit the use" of water for power purposes. Regardless of the issue spurring the constitutional amendment, the general pattern of using subordination language on the permits and licenses did not start until 1952. See permit for C.J. Strike (02-02080). Idaho Power Co. may or may not forgo claiming non-subordination privileges in its water right claim particularly if the diversion under the claim did not start until after the November 6, 1928, constitutional amendment.

⁵ See footnote 3 for the Minidoka Powerplant table.

⁶ Idaho Code 42-203B(5) provides that the State can enter into agreements with holders of water rights for power purposes to define that portion of their water rights that are to be non-subordinated to upstream depletions. Such an agreement with Idaho Power Co. in 1984 for the projects below Milner Dam provided for much lower non-subordinated rights than the total of the original water rights. A similar agreement for the American Falls project and the Minidoka Project with respectively Idaho Power Co. and the Bureau of Reclamation would provide a legal basis for the past allowance of subsequent upstream diversions including ground water diversions.

⁷ By telephone on about September 16, 1996, the Idaho Power Co. plant operator states, IPC has three turbines that have a capacity of 5,000 cfs each for a total hydraulic capacity of 15,000 cfs. (The book, *Project Data*, by the Water and Power Resources Services (U.S. Bureau of Reclamation), 1981 edition, states on p. 646 that the capacity is 13,500 cfs.) The increased size is the result of the rebuilding of the power plant in about 1976 near the completion time of the rebuilding of American Falls Dam. Verification of the stated hydraulic capacity has not been made through a review of the FERC license application. A change in the point of diversion is due to be filed for the above two transfers and three licenses.

file 01-2017

August 10, 1979

Mr. John Rosholt
Parry, Robertson, Daly,
and Larson
Attorneys at Law
P.O. Box 1906
Twin Falls, ID 83301

Dear Mr. Rosholt:

Enclosed are copies of Idaho Power Company's water rights Nos. 01-2017, 01-2032, and 01-2046 for power purposes located at American Falls.

If there is anything more we can do for you, please let us know.

Sincerely,

Roberta Garrett
Records Supervisor

RG:ab

Enclosures

April 22, 1976

C
Mr. Gale C. Farley
Manager, Land & Rights of Way
Idaho Power Company
P.O. Box 70
Boise, ID 83721

O
Dear Mr. Farley:

P
Enclosed are copies of two Idaho Power Company water rights for generation of power at American Falls. These are the rights we discussed which precede the construction of American Falls Dam by the U.S. Bureau of Reclamation.

Y
If you need any further information, please contact me at your convenience.

Very truly yours,

A. KENNETH DUNN
Administrator, Operations Division

AKD/slg

Enclosures: 2

February 11, 1920.

Re Permit 4166.

Mr. W. E. Putnam,
P. O. Box 1507,
Boise, Idaho.

Dear Sir:—

Enclosing herewith water license issued under the
above permit, with receipt for fees paid.

Very truly yours,

W. G. STEINER,

Commissioner of Reclamation.

By _____

WL-R

4166

December 16, 1919.

Re: Permit 4168.

A. R. Patnam,
P. O. Box 1537.
Boise.

Dear Sir:

We have on file depositions, affidavit of publication,
and report of examining engineer for proof of beneficial use of
water under the above numbered permit. Upon receipt of statutory
fee of \$5.00, license will be issued and mailed to you.

Yours very truly,

E. G. SWELLEN,

Commissioner of
Reclamation,

By

B/B.

2168
4-

NOTICE OF PROOF OF APPLICATION OF WATER TO BENEFICIAL USE.

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1. The name and postoffice address of the person or corporation holding said permit are Idaho Power Company, P. O. Box 1537, Boise, Idaho.

2. The use to which said water has been applied is in generating electrical energy.

3. The amount applied to beneficial use is 1400 cubic feet per second.

4. The place where said water is

used (if for irrigation, give full and accurate description of the land irrigated)

of American Falls, Idaho.

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is American Falls east side power station.

6. The right to take water from such works is based upon permit No. 4168.

7. The source of supply from which such water is diverted is Snake river and the reservoir created by American Falls dam.

8. The date of the priority which said user is prepared to establish is September 3, 1908.

W. G. SWENDSEN,
10-3-4t Comm. of Reclamation.

AFFIDAVIT OF PUBLICATION

I, Kirby Lorraine, Editor of the

AMERICAN FALLS PRESS, published weekly at American Falls,

Idaho, do solemnly swear that a copy of the notice, as per clipping attached, was

published weekly in the regular and entire issue of said newspaper, and not in

any supplement thereof, for four consecutive weeks,

commencing with the issue dated October 3rd, 1919

and ending with issue dated October 24, 1919

Kirby Lorraine

on this 17th day of November, 1919

W. G. Swendsen
Notary Public

Residing at American Falls, Idaho

466

PERMIT NO. 4168

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

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

Ans. W. R. Putnam; Boise, Idaho; Vice-President and General Manager;

P. O. Box 1537

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

Ans. Idaho Power Company; Augusta, Maine; Vice President and General Manager;

Vice President

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

Ans. 4168; November 28, 1908; September 3, 1908

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

Ans. Snake River; at American Falls, within "SW $\frac{1}{4}$ & SE $\frac{1}{4}$ " of Section 30,
in Twp. 7 South, of Range 31 E. B. M.

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

Ans. Concrete Dam, about 1600 feet in length, from about 5 to 15 feet
in height; 6000 cu. sec. or more; American Falls Power Station.

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. Development of Power; American Falls

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

Ans. Through one Allis-Chalmers 60" Twin horizontal turbine directly
connected to one 3750 KVA generator; about 4400 H.P.

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

Ans. 1400 cu. sec.

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

Ans. By deed from previous owner

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

Ans. Constant since about March 1913 except for incidental shut down for
repairs, etc; in development of electrical energy; about 1400 cu. sec.;
to full extent

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. Not applicable

(Sign) W. F. Putnam

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Boise, County of Ada State of Idaho, on this 28th day of November

A. D. 1919

W. F. Putnam
Notary Public
Residing in Boise, Idaho

PRO-100

4168

Permit No. 4168

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. C. R. Burky, 38, Jerome, Idaho, Civil Engineer, Jerome, Idaho.

Ques. 2. Are you acquainted with Idaho Power Company, the holder of Permit No. 4168? How long have you known him and where does he reside?

Ans. Yes. Since August 1, 1916, Boise, Idaho.

Ques. 3. Have you read or heard read said Permit No. 4168, and are you familiar with its provisions and conditions?

Ans. Yes.

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

Ans. Snake River, American Falls about 600 ft. below O.S.L. Ry. Bridge in SW SE Sec. 30, Tp. 7 S., R. 31 East. Works, dam and power house. Dam 5 to 15 ft. high, 1600 ft. long, headgate 124 ft. by 20 ft. deep - concrete and steel.

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. A possible 6000 sec. ft.; have seen 1100 sec. ft. so conveyed on Nov. 26, 1919.

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

Ans. Water used for power purposes to generate power at power house for use in southern Idaho.

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

Ans. Water has been applied to 2 - Allis Chalmers 60" turbines direct connected to one G.E.Co. 3000 kw generator to the extent of 1250 sec. ft. - according to past records.

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

Ans. Not for irrigation

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

Ans. No interest

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

Ans. On Nov. 26, 1919 thru 2 - 60" turbines. I saw 1100 sec. ft. used at this plant, for generating power.

(Sign) C. R. Burby

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Boise, County of Ada, State of Idaho, on this 28th day of November, A. D. 1919.

My commission expires April 1920.

C. R. Burby
Residing in Boise Idaho
Notary Public.

RECEIVED
DEC 1 1919

4168

Permit No. 4168

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. J. M. Burkett, Civil Engineer, Age 39 years, Boise, Idaho.

Ques. 2. Are you acquainted with Idaho Power Company, the holder of Permit No. 4168? How long have you known him and where does he reside?

Ans. Aug. 16th, 1916, Boise, Idaho.

Ques. 3. Have you read or heard read said Permit No. 4168, and are you familiar with its provisions and conditions?

Ans. Yes

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

Ans. Snake River, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30, T. 7 S., R. 31 E., B.M., about 600' below crossing of the Oregon Short Line Bridge, Dam 5-15' high, 1600' long, Headgate 124' by 20 ft.

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. 6000 second ft. 1300 second ft.

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

Ans. Water is used for power purposes in southern Idaho.

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

Ans. For 2 Allis Chalmers 60" Turbines directly connected to General Electric 3000 KW Generator. 1300 second feet of water have been so used.

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.

4168

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

Ans. None

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

Ans. 1300 second ft., Nov. 19, 1919.

(Sign)

M. Burkett

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Boise, County of Ada, State of Idaho, on this 28th day of November A. D. 1919

E. Christed

Notary Public
Reading, Boise, Idaho

My commission expires

April 19, 20

REPORT OF ENGINEER

This proof is for Beneficial UseIn Water District No. 70

1. State name of applicant and number of permit: Idaho Power Co. -- 4168
2. State source of water supply: Snake River
3. Location of point of diversion: 5N 4SE 4- Sec. 30, T. 7S, R. 31E.

4. Describe works as they exist, giving dimensions and capacities of same: Concrete Dam, about 1600 ft. long, 10' high. -- Concrete Power House - Machinery -- 2 - Allis Chambers 60 inch Turbines, connected to one Gen. Elec. 3000 K.W. Generator, 2300 Volts, 8941 Amperes, Speed, 164 Rev. Capable of Developing 20% overload, for period of 3 hours, & is so used every day. Using about 1200 s.f., at time of exam.

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

6. Give exact location of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): For Electric Power -- about 600' below O.S.L. Ry. Co.'s Bridge, & upon Block 63, Village of American Falls, Idaho.

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

8. How many parties conduct water in this system? One

9. Give names and amount of each right: Idaho Power Co.

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

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

Remarks:

This examination was made on the 18th day of November 1919

(Signed)

[Signature]

Examiner.

STATE OF IDAHO,

ss.

County of _____

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

Subscribed and sworn to before me this _____ day of _____ 19____

My commission expires _____ Notary Public.

Instructions to Examiners

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

State of Idaho
ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE

BOISE, IDAHO, **October 13, 1919.**

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

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of application of water to beneficial use under Permit No. 4153

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 November 28, 1919, the date set for the proof of application of water to beneficial use, the enclosed deposition forms (one for permit holder and one each for two witnesses) should be filled out and sworn to at office of E. C. Kiersted.

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

Yours truly,

W. G. Swendsen,
~~Commissioner of Reclamation.~~
~~State Engineer.~~

4168

(P. O.) American Falls, Idaho

(Date) September 26th, 1918

Commissioner of Reclamation, Boise.

Dear Sir:

I have your letter of September 26th enclosing notice of proof under
Permit No. 4133 which will be published as you request, beginning with our issue of Oct. 3rd.

Press Publishing Co.,

E. E. Torrance *R. E. T.*

4168

September 26th,
1919

In re: Permit #4168

Idaho Power Company,
P.O.Box #1537,
Boise, Idaho.

Attention Mr. E. C. Kiersted.

Gentlemen:-

This will advise you that Notice of Proof of Application of Water for Beneficial Use will be published in the American Falls Press, setting date of final proof as of November 28th; blanks for use in taking this proof will be forwarded to Mr. Kiersted.

Very truly yours,

W. G. SWENDSEN,

COMMISSIONER OF RECLAMATION

By

Chief Clerk.

L:M

4168

IDAHO POWER COMPANY
BOISE, IDAHO

11/

IN REPLY PLEASE REFER
TO FILE NO. 81-16-1

September 23, 1919.

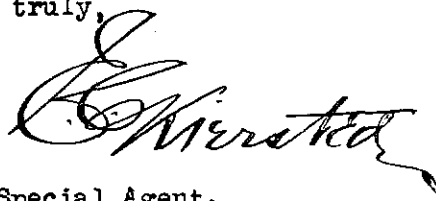
Department of Reclamation,
Boise, Idaho.

Gentlemen:

Enclosed herewith please find Notice of Proof
of Application of Water to Beneficial Use in connection
with Water Permit No. 4168, at American Falls.

We suggest that this notice be published in
American Falls Press of American Falls, Idaho.

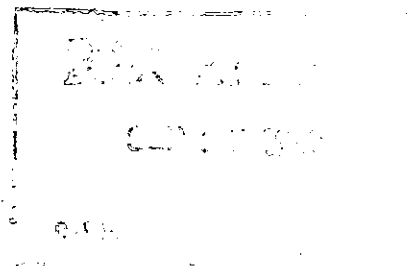
Very truly,



Special Agent.

ECK/A

Enc.



4168

NOTICE FOR PUBLICATION

NOTICE OF PROOF OF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 10 a. m. on the 28th day of November, 19 19,
at Boise, County of Ada, State of Idaho,
before E. C. Kiersted, Notary Public, proof will be submitted
of the application to beneficial use of 1400 cubic feet per second of the
waters of Snake River in accordance with the terms and conditions of
Permit No. 4168 heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are.....
Idaho Power Company, P. O. Box 1537, Boise, Idaho.
2. The use to which said water has been applied is in generating electrical energy.
3. The amount applied to beneficial use is 1400 cubic feet per second.
4. The place where said water is used (if for irrigation, give full and accurate description of the
lands irrigated) about 600 feet below Railroad Bridge, and upon Block 63 of Village of
American Falls, Idaho.
5. The name of the canal or ditch or other works by which said water is conducted to such place
of use is American Falls East Side Power Station.
6. The right to take water from such works is based upon Permit No. 4168
7. The source of supply from which such water is diverted is Snake River and the
Reservoir created by American Falls Dam.
8. The date of the priority which said user is prepared to establish is September 3, 1908

State Engineer.

4168

State of Idaho
ENGINEERING DEPARTMENT
BOISE

Southern Idaho Water Power Co.,
Boise, Idaho.

August 9, 1919

Dear Sir:

I enclose herewith blank notice of proof of Application of Water to Beneficial Use under your Permit No. ---4168---, which kindly fill out and return to me at least 60 days before the date upon which you wish to submit proof. The date of the proof is set out in your permit, and if proof is submitted subsequent to that your priority will be advanced a time equal to the difference of the time between the date proof should have been submitted and date it is submitted.

Yours truly,

W. G. SWENDSEN

Commissioner of Reclamation. ~~State Engineer~~

4168

March 7th, 1917.

Re Permit 4168.

Idaho Power Company,
Boise, Idaho.

Gentlemen:--

Your application for extension of time for beneficial use of water under above permit has been approved, setting November 28th, 1919, as date for proof.

Very truly yours,

J. H. SMITH,

State engineer.

By _____

OFFICE OF STATE ENGINEER

Permit No. 4168

Application for Extension of Time for Beneficial Use Proof.

STATE OF IDAHO, }
County of Ada } ss.

Wm. T. Wallace, Vice President and General Manager of Idaho Power Company, a corporation of the State of Maine, being first duly sworn upon his oath deposes and says:

THAT ^{said corporation} ~~he~~ is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. 4168

THAT under the terms and conditions of said permit, proof of beneficial use thereunder was required to be made by November 28th, 1917.

THAT ^{it} ~~he~~ has heretofore put to beneficial use approximately 1400 second feet of water ~~and~~ ^{has irrigated} ~~acres~~.

THAT, for the following reasons, ^{it} ~~he~~ is unable to put to beneficial use within the required time, the remainder of the water appropriated under ^{its} ~~his~~ permit, to-wit: In order to put to beneficial use under said Permit the remaining (approximate) 4600 second feet, it will be necessary to complete large and expensive hydro-electric generating units, but the said corporation, having obtained title to such Permit only on July 31, 1916, has not heretofore had an opportunity to complete such works, and will be unable to complete the same prior to November 28, 1917, owing to pending litigation, to the practical impossibility of obtaining prompt delivery of large orders of material and equipment, and to the limitation of the immediate demand for electric energy to be generated under such Permit.

on behalf of said Idaho Power Company,
WHEREFORE, He asks that the State Engineer extend the time for the making of proof of beneficial use under said permit to November 28th, 1919.

And further, deponent saith not.

Subscribed and sworn to before me this 24 day of February, 1917.

Notary Public.

My commission expires October 12 1919

Date of receipt at office of State Engineer February 26th, 1917

J.H. Smith, APPROVAL OF STATE ENGINEER.

I, ~~Wm. T. Wallace~~, State Engineer of the State of Idaho, hereby extend the time for the making of proof of beneficial use under Permit to Appropriate the Public Waters of the State of Idaho, No. 4168, to November 28th, 1919.

Witness my hand this 28th day of February, 1917.

State Engineer.

Boise, Idaho, December 17, 1913.

Re Permit No. 4168.

Mr. S. H. Hays, Lawyer,
Boise, Idaho.

Sir:--

Enclosed herein find Certificate
of Completion of Works issued under the
above numbered Permit.

Very truly yours,

F. F. KING,

State Engineer.

By _____

B/L.

4168

REPORT OF ENGINEER

1. State name of applicant and number of permit: *Originally, American Falls Power Co. Now, Southern Idaho Water Power Co. # 4168 (22-71)*
2. State source of water supply: *Snake River*
3. Location of point of diversion: *SW 1/4 SE 1/4 Sec. 30 T. 7 S. R. 31 E.*
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: *Yes with exception as stated in remarks*
5. Describe works as they exist, giving dimensions of same as follows:
- (a) Width of conduit at bottom:
 - (b) Width at water line:
 - (c) Depth of water:
 - (d) Grade per mile:
 - (e) Capacity of ^{diversion} ditch: *6000 second ft* second feet.
6. State whether or not water has been turned into works of diversion and if so, to what extent: *Yes*
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: *Power*

8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated. *See map filed with permit*

Remarks: *See map filed with permit.*

Dam: Height 5-15 ft. Length 1600 ft. Headgate: 12 ft wide, height 23'

Dam is built of concrete and steel.

Works are completed except that a portion has been torn out, about 20' long and a section 100' long has never been built.

J. M. Burkett
Nov 26, 1913

STATE OF IDAHO,

County of

} ss.

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

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

My Commission Expires

Notary Public.

4168

Permit No. 4168.

PROOF OF COMPLETION OF WORKS.

Deposition of Holder.

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

Ans. *S. H. Hays, 49 years Boise Idaho
Lawyer, P.O. Box 1279 Boise Idaho
Office Boise City, North Bank, 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. *Am acting for corporation. Am
its attorney and agent in charge of this
matter. Name Southern Idaho Water Power Company
address Boise 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. 4168, dated Sept. 3, 1908, for 6,000 sec. ft. from Snake River at American Falls, in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 30, Twp. 7 S., R. 31 E.B.M.

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. Water is to be used for the generation of electric power.

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

Ans. Water has been turned into the diversion works continuously since February 6, 1913.

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 are completed to a sufficient extent for the diversion of 6,000 second feet.

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. The works for diversion comply in all respects with the permit, except that two openings have been left in the dam, one of about 60 feet long, and one of 154 feet long, and that the total length of the dam is 1466 feet instead of 1600 feet.

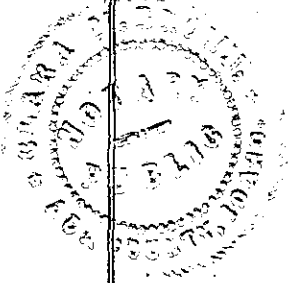
Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. Dam of concrete, 5 to 24 feet in height, and 1466 feet long, 6 headgates each 16 feet high by 22 feet long, head race 13 feet deep by 165 feet wide, capacity 9,000 second feet, power house with 5,000 horse power installed. Cost of diversion works alone \$155,375. Total cost \$293,200.

(Sign here)

S. H. Hays

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 Bowl County of Ada, State of Idaho, on this 26th day of November A.D. 1913.



Clara M. Brown,

Notary Public.

My commission expires May 23 - 1915.

AFFIDAVIT OF PUBLICATION

I, John R. Jones, manager of the American Falls Press, published weekly at American Falls, Idaho, do solemnly swear that a copy of the notice, as per clipping attached, was published weekly in the regular and entire issue of said paper, and not in a supplement thereof, for---- five consecutive ^{issues} ~~weeks~~, commencing with the issue dated October 26 1913, and ending with the issue dated November 13 1913.

NOTICE OF PUBLICATION

Notice is hereby given that at 10 a. m., on the 26th day of November, 1913, at Boise, County of Ada, State of Idaho, before State Engineer of Idaho, proof will be submitted of the completion of works for the diversion of 6000 cubic feet per second of the waters of Snake River, at American Falls, in accordance with the terms and conditions of a certain permit heretofore issued by the State Engineer of the State of Idaho.

1. The name of the person or corporation holding said permit is Southern Idaho Water Power company.

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

3. The number of such permit is 4168, and the date set for the completion of such work is November 28, 1913.

4. Said water to be used for power purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit is 6000

John R. Jones

Subscribed and sworn to before me

this 22nd day of November 1913.

Blair
Notary Public.

RECEIVED
NOV 26 1913
OFFICE OF STATE ENGINEER

4168

Permit No. 4168.

PROOF OF COMPLETION OF WORKS

Deposition of Witness.

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

Ans. Robert J. Newell, age 33,
residence Boise, Idaho, Civil Engineer 201 Mad. Bldg.

Ques. 2. Are you acquainted with D. C. MacWatters, the holder of Permit No. 4168, authorizing the diversion of 6,000 second-feet of the waters of Snake River, at American Falls, Idaho, for power purposes? How long have you known him, and where does he reside?

Ans. Yes. For five years. Address is Milner, Idaho.

Ques. 3. Have you read or heard read said Permit No. 4168, and are you familiar with its terms and conditions?

Ans. Yes.

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

Ans.

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

Ans. They are sufficiently completed for the diversion of the water claimed by Permit from point of diversion to point of intended use.

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

Ans. Dam of concrete 5 to 24 feet in height and 1466 feet long, with two openings of about 60 feet and 154 feet, head race 13 feet deep by 165 feet wide, tail race 20 feet deep by 162 feet wide, 6 headgates each 16 feet high by 22 feet wide. Capacity of headgates, head race and tail race 9,000 second feet.

(Sign here)

Robert J. Newell.

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Boise, County of Ada, State of Idaho, on this 26th day of November A.D. 1913.

Clara M. Brown
Notary Public.



Permit No. 4168.

PROOF OF COMPLETION OF WORKS

DEPOSITION OF WITNESS.

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

Ans.

A. J. Wiley, Age 57, Residence Boise, Idaho.
Occupation, Civil Engineer.

Ques. 2. Are you acquainted with D. C. MacWatters, the holder of Permit No. 4168, authorizing the diversion of 6,000 second-feet of the waters of Snake River, at American Falls, Idaho, for power purposes? How long have you known him, and where does he reside?

Ans.

Yes. For 7 years. Address is Milner, Idaho.

Ques. 3. Have you read or heard read said Permit No. 4168, and are you familiar with its terms and conditions?

Ans

Yes.

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

Ans.

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

Ans.

They are sufficiently completed for the diversion of the water claimed by Permit from point of diversion to point of intended use.

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

Ans

Dam of concrete 5 to 24 feet in height and 1466 feet long, with two openings of about 60 feet and 154 feet, head race 13 feet deep by 165 feet wide, tail race 20 feet deep by 162 feet wide, 6 headgates each 16 feet high by 22 feet wide. Capacity of headgates, head race and tail race 9,000 second feet.

(Sign here)

A. J. Wiley

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Boise, County of Ada, State of Idaho, on this 26th day of November A.D. 1913.

Oliver M. Brown

Notary Public

My commission expires May 23-1915.

4168

October 17, 1913.

Permit 4168

Mr. D. C. MacWatters,
Vice-Pres. & Gen. Manager
Southern Idaho Water Power Co.,
Milner, Idaho.

Sir:

Am herewith returning you the deed of above water
right, the same having been recorded in this office.
Please to remit \$2.00 recording fees.

Very truly yours,

F. P. KING,

State Engineer.

D

By _____

Southern Idaho Water Power Company

W. S. KUHN, PRESIDENT
D. C. MACWATTERS, VICE PRES'T AND GEN'L MGR.

MILNER, IDAHO, October 15, 1913.
SIPwr.

E-

PERMIT NO. 4168, AMERICAN FALLS POWER SITE.

Hon. F. P. King,
State Engineer,
Boise, Idaho.

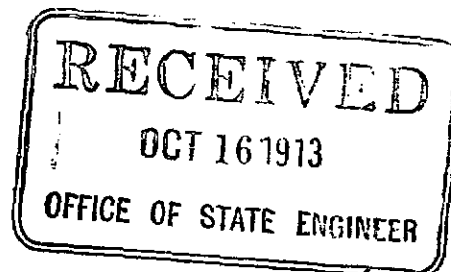
Dear Sir:

Referring to my letter of the 8th inst., I am enclosing herewith original copy of deed executed by the American Falls Power Company conveying its properties to the Southern Idaho Water Power Company, in which deed Permit No. 4168 is included. As soon as you have secured your record will you kindly return the enclosure to us, and oblige

Yours truly,


Vice-Pres. & General Manager.

encl.



4168

(P. O.)

Am. Falls, Idaho

(Date)

Oct. 9, 1913

State Engineer, Boise.

Dear Sir:

I have your letter of *Oct. 8, 1913* enclosing Notice of Proof of Completion of Works under Permit No. *4168* which will be published as you request, beginning with our issue of *Oct. 16, 1913*

Am. Falls Press
By J. R. Jones

4168

Southern Idaho Water Power Company

W. S. KUHN, PRESIDENT
D. C. MACWATTERS, VICE PRES'T AND GEN'L MGR.

MILNER, IDAHO, October 8, 1913.
SIPwr.

E-

PERMIT NO. 4168, AMERICAN FALLS POWER SITE.

Hon. F. P. King,
State Engineer,
Boise, Idaho.

Dear Sir:

Referring to your favor of the 4th inst., the above Permit has been conveyed to the Southern Idaho Water Power Company and we will see that the deed is forwarded to your office for recording before the time expires for making final proof on this Permit.

Yours truly,



Vice-Pres. & General Manager.

cc-WSK

4168

not

Boise, Idaho, October 4, 1913.

Permit 4168.

Mr. D. C. MacWatters,
Vice President & General Manager,
Southern Idaho Water Power Co.,
Milner, Idaho.

Sir:--

Replying to yours of the 25th ult.,
in the above, would say that the permit in
question, upon the records here, still stands
in the name of the American Falls Power Company,
no deed to the Southern Idaho Water Power
Company having been recorded here.

Very truly yours,

F. P. KING,

State Engineer.

By _____

W/G.

Southern Idaho Water Power Company

W. S. KUHN, PRESIDENT
D. C. MACWATTERS, VICE PRES'T AND GEN'L MGR.

MILNER, IDAHO, September 25, 1913.
SIPwr.

E-

PERMIT 4168, AMERICAN FALLS SITE.

Hon. F. P. King,
State Engineer,
Boise, Idaho.

Dear Sir:

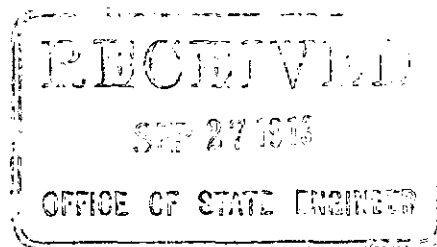
I am sending to you herewith notice of our intention to make final proof on Permit 4168 at Boise on November 28th, 1913. Your notice to us was addressed to the American Falls Power Company. This Permit is now owned by the Southern Idaho Water Power Company. Will you kindly advise whether your records do not show that this conveyance has been made, and oblige

Yours very truly,



Vice-Pres. & General Manager.

encl.



4168

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date)

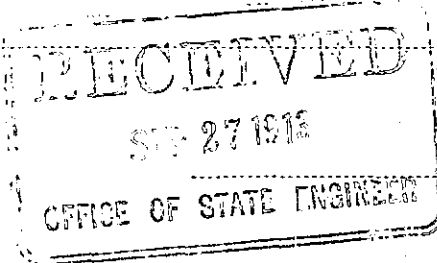
(P. O.)

To the State Engineer,

Boise, Idaho.

Dear Sir:

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



(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.

To the State Engineer,
Boise, Idaho.

Dear Sir:-

You are hereby authorized to have the attached notice
published at our expense in the of published
in the County in which the works
are situated.

A. J. Wiley
Engineer.

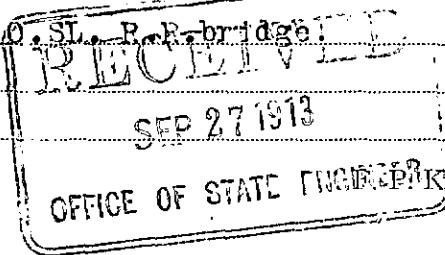
L. C. Waters
Vice President
SOUTHERN IDAHO WATER POWER CO.

Dated- Milner, Idaho, September 24, 1913.

Notice of Publication

Notice is hereby given that at 10 A. M., on the 26 day of November 1913, at Bain County of Ada, State of Idaho, before State Engineer of Idaho proof will be submitted of the completion of works for the diversion of 6000 cubic feet per second of the waters of Snake River at American Falls in accordance with the terms and conditions of a certain permit heretofore issued by the State Engineer of the State of Idaho.

1. The name of the person or corporation holding said permit is Southern Idaho State Power Company
2. The postoffice address of such person or principal place of business of such corporation is Bain, County of Ada, State of Idaho.
3. The number of such Permit is 4168, and the date set for the completion of such work is November 28-1913.
4. Said water to be used for Power purposes.
5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 6000 cubic feet per second.
6. ~~The amount of water which said water is available is~~ The place of use of said water is at American Falls ~~about 600 ft. below crossing of O. & N. R. bridge~~



4168

State of Idaho

ENGINEERING DEPARTMENT

F. P. KING,
STATE ENGINEER

BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Amer. Falls Power Co.,
Pocatello,

Boise Idaho, Aug. 12, 1913.

Dear Sir:

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. 4168

This form should be filled out and mailed to the State Engineer at least 60 days before the date upon which it is to be submitted, which proof MUST be made on or before Nov. 28,

Upon receipt of this blank properly filled out, notice must be published a period of four weeks prior to the date of proof.

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

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

Yours truly,

F. P. KING,

State Engineer

4168

Boise, Idaho, March 17, 1913.

Permits 4168 - 7251.

Hon. Jas. H. Brady,
Boise, Idaho.

My dear Senator:--

Agreeable to your verbal request for a statement of the condition of the records of this office, showing the status of the above numbered permits, would say that I am pleased to make the following statement.

Permit 4168 was issued to the American Falls Power Company for 6000 second feet of the waters of Snake river, to be diverted at or near American Falls in Township 7 South, Range 31 East. Application for this permit was filed September 3, 1908. Application was duly approved and permit issued November 28, 1908. Under the terms and conditions of this permit one-fifth of the work was required to be done by June 5, 1911 and proof of completion was required to be made by November 28, 1913.

Under the law in force at the time this permit was issued no requirement was made compelling the permit holder to make showing at this office as to the completion of one-fifth of the work, except in cases where contest had been lodged by a permit holder, holding a later permit on the stream.

4168
Permit 7251 was issued to the American Falls Power Company for 4000 second feet of the waters of Snake river, to be diverted therefrom

2 - JHB.

in Section 21, T. 8 S. R. 30 E. Application for this permit was filed in the office of the State Engineer March 1, 1911, which application was duly approved and permit was issued April 29, 1911. Under the terms of this permit one-fifth of the diversion works was required to be done by October 29, 1913. The estimate of the total cost of the diversion works was given in the application at \$135,000.00. It has been the custom of this office on advice from the Attorney General's office, to consider as diversion works only such works as are necessary to convey the water to the point of intended use, which in case of a power company, would not include the building of the power house, the installation of electrical machinery, nor the installation of the water wheels. The installation of all machinery being held to come within the question of putting the water to beneficial use and not to be considered as a part of the works of diversion.

4168
House Bill No. 46, enacted by the twelfth session of the Legislature, just adjourned, provides that where less than six years has been granted for proof of beneficial use, after the completion of the works, the State Engineer, for good cause shown, may grant the appropriator an additional period of time to the extent of giving to the appropriator full six years from the date of proof of completion within which to make his proof of beneficial use. As only four years time was granted under each of these permits for proof of beneficial use, after the date for proof of completion, it would be possible for the holder, on showing an adequate reason for extension, to gain an additional two years time within which to put the water to beneficial use.

Very truly yours,

W/G.

State Engineer.

Bond.

KNOW ALL MEN BY THESE PRESENTS, That American Falls Power Co., Ltd. by
 of J. H. Brady, President
Boise, Idaho, as principal, and J. H. Brady
 of Boise and A. E. Carlson
 of Boise as sureties, are held and firmly bound unto the State of Idaho in
 the full and just sum of ten thousand and no/100 (\$10000.00) Dollars,
 lawful money of the United States, to the payment of which sum, well and truly to be made, said prin-
 cipal and sureties bind themselves, their heirs, administrators, executors and assigns, jointly and sev-
 erally, under the terms and conditions hereinafter set forth.

The terms of this obligation are such that, whereas the above named principal on the
third day of September, 1908, filed in the office of the State Engi-
 neer 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. 5638, in accordance with which said
 application the State Engineer granted and issued to the said principal herein a certain permit num-
 bered No. 4168, a full, true and complete copy of which application No. 5638 and permit
 No. 4168, is of record in the office of the State Engineer, in Book 11 of Permits, at page 4168.

Now, if the above bounden principal shall faithfully carry to completion the said works of diver-
 sion as specified in said application No. 5638 and permit No. 4168, in the manner and form
 prescribed therein and within the time therein allowed, then the above obligation to be void, other-
 wise to remain in full force and effect.

IN WITNESS WHEREOF, The said principal and sureties have hereunto set their hands and
 seals, this 22nd day of January, 1909.

WITNESSES:



American Falls Power Co., Ltd.
 By J. H. Brady President (SEAL)
J. H. Brady (SEAL)
A. E. Carlson (SEAL)

State of Idaho,

DATE Jan 25 1909County of Ada

ss.

J. H. Bradyof Boise STATE ENGINEER

and

A. E. Carlsonof Boise

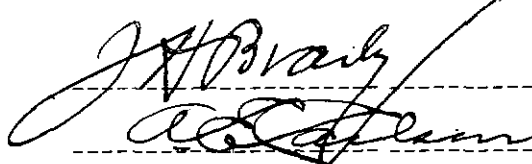
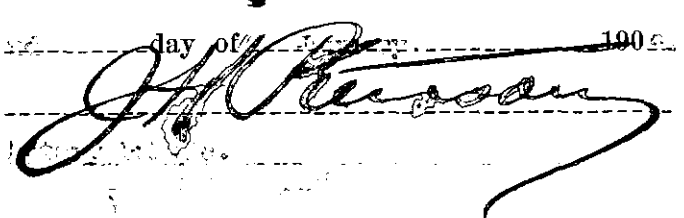
whose names

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, \$ 10,000, over and above all his debts and liabilities, exclusive of prop-
 erty exempt from execution.

Subscribed and sworn to before me this 22nd day of January, 1909.

4168

Received and filed for record in the office
of the State Engineer at Boise, Idaho, at

9th A. M. January 23, 1909

Geo. H. Peterson
STATE ENGINEER.

4168



State of Idaho
ENGINEERING DEPARTMENT
BOISE

JAS. STEPHENSON, JR.,
ENGINEER

Boise, Idaho, December 18, 1908.

Permit 4168. American Falls Power Co.

C. C. Dietrich,
Pocatello, Idaho.

Dear Sir:

I enclose herewith above numbered permit. Be sure to note limitations and conditions of same as given under approval of State Engineer on the third page.

JAS. STEPHENSON, Jr.,

State Engineer.

4168

State of Idaho
ENGINEERING DEPARTMENT
BOISE

JAS. STEPHENSON, JR.,
ENGINEER

NOTE

Permit 4168.

That in order to keep this permit in force a bond in the sum of \$10,000 must be filed in the office of the State Engineer on or before January 27, 1908, conditioned upon faithfully carrying to completion the works of diversion as specified in said permit and in the application therefor.

JAS. STEPHENSON, Jr.,

State Engineer.

4168