

Affidavit of Publication

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

Notice is hereby given that at 10 o'clock A. M. on the 29th day of November, 1937, at Boise, County of Ada State of Idaho, before M. E. Hughes, Notary Public, 1220 Idaho Street, Boise, Idaho, proof will be submitted of the completion of works for the diversion of 6500 cubic feet per second of the waters of Snake River and of the application to beneficial use of said water in accordance with the terms and conditions of Permit No. 17069, heretofore issued by the Commissioner of Reclamation of the State of Idaho.

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

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of use, in accordance with the plans accompanying the application for such permit, is 6500 cubic feet per second.

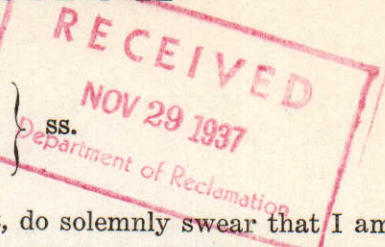
3. The use to which said water has been applied is in the production of electric energy and the amount applied to beneficial use is 6500 cubic feet per second.

4. The place where said water is used is at Upper Salmon Falls power station, in Lot 3, Section 3, Township 8 South, Range 13 East, Boise Meridian.

5. The date of priority which said user is prepared to establish is April 2, 1929.

R. W. Faris Commissioner of Reclamation. (36t5)

STATE OF IDAHO
County of Twin Falls



I, Vernon R. Frost, do solemnly swear that I am the printer and publisher of THE BUHL HERALD, a weekly newspaper of general circulation, published once each week at Buhl, Idaho; that the notice attached hereto was published in said newspaper five consecutive

weeks, the first publication having been made on the 28th day of October, 1937,

and the last publication having been made on the 25th day of November, 1937; that said notice was published in the regular and entire issue of every number of the paper during the period and time of publication, and that the said notice was published in the newspaper proper, and not in the supplement thereof.

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

Vernon R. Frost

Subscribed and sworn to before me this

26th day of November, 1937

[Signature]

Notary Public.

17069

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

Notice is hereby given that at 10 o'clock a. m. on the 29th day of November, 1937, at Boise, County of Ada, State of Idaho, before M. E. Hughes, Notary public, 1220 Idaho Street, Boise,

Idaho, proof will be submitted of the completion of works for the diversion of 6500 cubic feet per second of the waters of Snake River and of the application to beneficial use of said water in accordance with the terms and conditions of Permit No. 17069, heretofore issued by the commissioner of reclamation of the State of Idaho.

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

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of use, in accordance with the plans accompanying the application for such permit, is 6500 cubic feet per second.

3. The use to which said water has been applied is in the production of electric energy and the amount applied to beneficial use is 6500 cubic feet per second.

4. The place where said water is used is at Upper Salmon Falls power station, in Lot 3, Section 3, Township 8 South, Range 13 East, Boise Meridian.

5. The date of priority which said user is prepared to establish is April 2, 1929.

R. W. FARIS,
43-52 Commissioner of Reclamation



PUBLISHER'S AFFIDAVIT

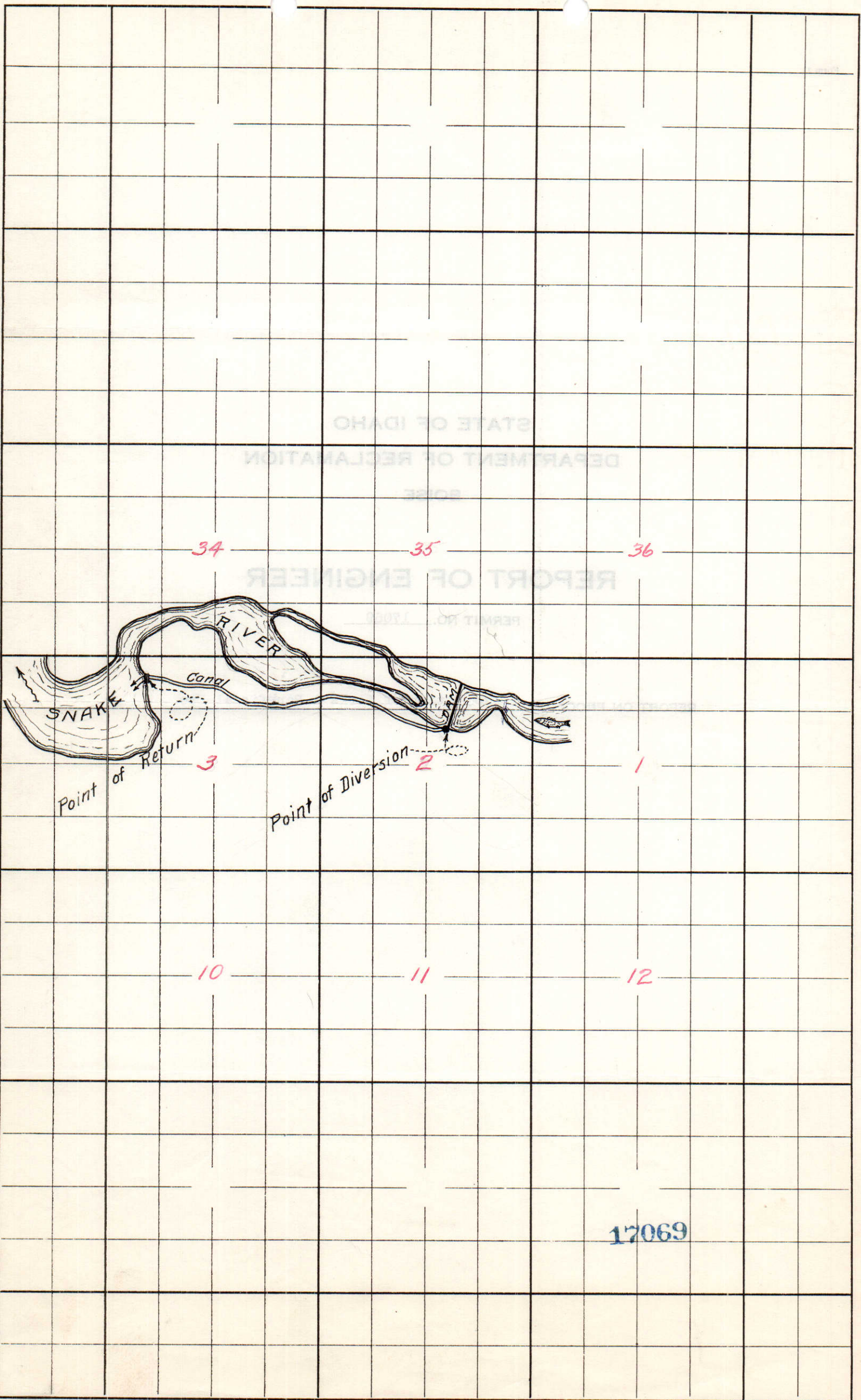
COUNTY OF GOODING, }
STATE OF IDAHO } ss.

F. F. Swan, being first
duly sworn, deposes and says that he is
Printer, of The
Gooding Leader, a newspaper of general
circulation in Gooding County, Idaho, pub-
lished weekly in the City of Gooding, in
said County and State; that said news-
paper has been published in said county
uninterruptedly and continuously for more
than seventy-eight consecutive weeks
prior to the first publication of the attach-
ed notice; that a notice, of which the an-
nexed is a true copy, was published in the
said newspaper for at least Five
consecutive issues, commencing with the
issue dated October 28, 1937 and
ending with the issue dated Nov. 25,
1937 in the regular and entire issue of
said newspaper and not in any supplement
thereof.

F. F. Swan
Affiant's Signature.

Subscribed and sworn to before me this
26th day of Nov, 1937.

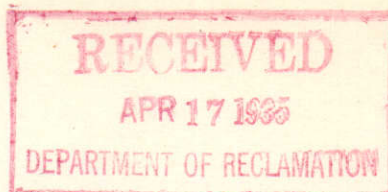
P. T. Ruppberg
Notary Public.
Residing at Gooding, Idaho.



17069

Exhibit B

17069



PUBLISHER'S AFFIDAVIT

COUNTY OF GOODING, }
STATE OF IDAHO } ss.

F. F. Swan being first
duly sworn, deposes and says that he is
Publisher, of The
Gooding Leader, a newspaper of general cir-
culation in Gooding County, Idaho, published
weekly in the City of Gooding, in said County
and State; that said newspaper has been pub-
lished in said county uninterruptedly and
continuously for more than seventy-eight con-
secutive weeks prior to the first publication
of the attached notice; that a notice, of which
the annexed is a true copy, was published in
the said newspaper for at least Two
consecutive issues, commencing with the issue
dated April 4, 1935 and ending
with the issue dated Apr. 11, 1935
in the regular and entire issue of said news-
paper and not in any supplement thereof.

F. F. Swan
Affiant's Signature.

Subscribed and sworn to before me this
12 day of Apr, 1935.

D. T. Kuyper
Notary Public.
Residing at Gooding, Idaho.

Notice of Public Hearing

Before the Commissioner of Recla-
mation, Department of Reclamation,
State of Idaho.

In the Matter of the Application of
Idaho Power Company to Extend the
Time for Meeting the Requirements
of Water Permit No. 17069.

Notice is hereby given that at 10:00
o'clock A. M., on Monday, the 15th day
of April, 1935, at the office of the
Commissioner of Reclamation, in the
Department of Reclamation, in the
Capitol Building, at Boise, County of
Ada, State of Idaho, the Commis-
sioner of Reclamation will hold a public
hearing on the application in due form
of Idaho Power Company for an exten-
sion of time under Senate Bill No.
129, an Act duly passed by the Twenty-
third Legislature of the State of
Idaho at the regular session thereof,
and approved by the Governor of the
State of Idaho on the 2nd day of
March, 1935, now appearing as Chapter
75 of the Session Laws of Idaho for
the year 1935, for the completion of
work under Water Permit No. 17069,
and order extending the time for do-
ing the work thereunder, heretofore
issued by the Commissioner of Recla-

mation of the State of Idaho, at which
hearing any and all persons owning
or in possession of a right to the use
of any waters of a stream or source
of supply affected by the said exten-
sion may have an opportunity to be
heard either orally or by affidavits:

1. The number of the permit in-
volved in said hearing is 17069 and
the proof of completion of works is
due thereon on the 2nd day of April,
1936.

2. The name of the owner of such
permit is Idaho Power Company.

3. The amount of water called for
in said permit is 6,500 cubic feet per
second.

4. The source of supply is Snake
River.

5. The time and place of said hear-
ing is as hereinbefore in this notice
stated.

Dated at Boise, Idaho, this 30th day
of March, 1935.

(Seal) R. W. FARIS,
18-19 Commissioner of Reclamation

17069

Exhibit A

NOTICE OF PUBLIC HEARING

BEFORE THE COMMISSIONER OF
RECLAMATION, DEPARTMENT OF
RECLAMATION, STATE OF IDAHO

In the matter of the Application
of Idaho Power Company to Ex-
tend the Time for Meeting the Re-
quirements of Water Permit No.
17069.

Notice is hereby given that at 10:00
o'clock A. M., on Monday, the 15th day
of April, 1935, at the office of the Com-
missioner of Reclamation, in the De-
partment of Reclamation, in the Cap-
itol Building, at Boise, County of Ada,
State of Idaho, the Commissioner of
Reclamation will hold a public hear-
ing on the application in due form of
Idaho Power Company for an exten-
sion of time under Senate Bill No. 129,
an act duly passed by the Twenty-
third Legislature of the State of Idaho
at the regular session thereof, and ap-
proved by the Governor of the State of
Idaho on the 2nd day of March, 1935,
now appearing as Chapter 75 of the
Session Laws of Idaho for the year
1935, for the completion of work un-
der Water Permit No. 17069, and order
extending the time for doing the work
thereunder, heretofore issued by the
Commissioner of Reclamation of the
State of Idaho, at which hearing any
and all persons owning or in posses-
sion of a right to the use of any waters
of a stream or source of supply af-
fected by the said extension may have
an opportunity to be heard either oral-
ly or by affidavits:

1. The number of the permit involv-
ed in said hearing is 17069 and the
proof of completion of works is due
thereon on the 2nd day of April, 1936.
2. The name of the owner of such
permit is Idaho Power Company.
3. The amount of water called for
in said permit is 6,500 cubic feet per
second.
4. The source of supply is Snake
River.
5. The time and place of said hear-
ing is as hereinbefore in this notice
stated.

Dated at Boise, Idaho, this 30th
day of March, 1935.

(Seal)

R. W. Faris
Commissioner of Reclamation.

(672)

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Twin Falls } ss.

I, Vernon R. Frost, do solemnly swear that I am the
publisher of THE BUHL HERALD, a weekly newspaper
of general circulation, published once each week at Buhl,
Idaho; that the notice attached hereto was published in
said newspaper TWO consecutive weeks, the first
publication having been made on the 4th day of
April, 1935, and the last
publication having been made on the 11th day of
April, 1935; that said

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

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

Vernon R. Frost

Subscribed and sworn to before me this

11th day of April, 1935

H. W. Faris

Notary Public



17069

Notice of Public Hearing

Before the Commissioner of Reclamation,
Department of Reclamation,
State of Idaho

In the Matter of the Application of Idaho Power Company to Extend the Time for Requirements of Permit No. 17069 under the Provisions of Chapter 40, Idaho Session Laws of 1933.

Notice is hereby given that at 10 o'clock A. M., on Wednesday, the 3rd day of May, 1933, at the office of the Commissioner of Reclamation, in the Department of Reclamation, in the Capitol Building, at Boise, County of Ada, State of Idaho, the Commissioner of Reclamation will hold a public hearing on the application in due form of Idaho Power Company for an extension of time under Chapter 40, Idaho Session Laws of 1933, for the completion of work under Permit No.

17069 heretofore issued by the Commissioner of Reclamation of the State of Idaho, at which hearing any and all persons owning or in possession of a right to the use of any waters of a stream or source of supply affected by the said extension may have an opportunity to be heard either orally or by affidavits:

1. The number of the permit involved in said hearing is 17069 and the proof of completion of works is due thereon on the 2nd day of April 1934.
2. The name of the owner of such permit is Idaho Power Company.
3. The amount of water called for in said permit is 6,500 cubic feet per second.
4. The source of supply is Snake River.
5. The time and place of said hearing is as hereinbefore in this notice stated.

Dated at Boise, this 17th day of April, 1933.

(Seal) R. W. FARIS,
20-21 Commissioner of Reclamation.

PUBLISHER'S AFFIDAVIT

COUNTY OF GOODING, }
STATE OF IDAHO } ss.

F. F. Swan, being first
duly sworn, deposes and says that he is
Printer, of The
Gooding Leader, a newspaper of general circulation in Gooding County, Idaho, published weekly in the City of Gooding, in said County and State; that said newspaper has been published in said county uninterruptedly and continuously for more than seventy-eight consecutive weeks prior to the first publication of the attached notice; that a notice, of which the annexed is a true copy, was published in the said newspaper for at least two consecutive issues, commencing with the issue dated Apr. 20, 1933 and ending with the issue dated Apr 27, 1933 in the regular and entire issue of said newspaper and not in any supplement thereof.

F. F. Swan
Affiant's Signature.

Subscribed and sworn to before me this
29th day of Apr, 1933

P. I. Rutter
Notary Public.
Residing at Gooding, Idaho.

17069

satisfactory evidence of its good faith and made a satisfactory showing as to the necessity for such extension of time;

NOW, THEREFORE, the time set within which the owner of said permit shall be required to do the work under said Permit No. 17069 be, and the same hereby is, extended a period of two years to April 2, 1938, and that such extension of time for completion of work under said permit shall, and the same hereby does, automatically extend the time for a period of two years for making proof of completion of such work, and also automatically extending the time for a period of two years for making proof of application of water to beneficial use.

WITNESS My hand and the seal of the Department of Reclamation, this 24th day of May, 1933.

(Seal)

R. W. FARIS
Commissioner of Reclamation

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

IN THE MATTER OF THE APPLICATION OF)
IDAHO POWER COMPANY TO EXTEND THE)
TIME FOR MEETING THE REQUIREMENTS)
OF WATER PERMIT No. 17069)

ORDER GRANTING EXTENSION OF TIME
FOR COMPLETION OF WORKS

WHEREAS, The IDAHO POWER COMPANY, owner of Permit No. 17069, has made formal application for extension of time in which to complete the necessary works required under said permit and automatically extending thereby the time for a like period for making proof of completion of said works, and also automatically extending the time for a like period for making proof of application of water to beneficial use; and

WHEREAS, Completion of works and proof thereof are required to be made on or before the 2nd day of April, 1936, and covers the full period of time allowed by statute for the making of such proof; and

WHEREAS, Notice of hearing on said application was published, as required by law, in two consecutive issues of each The Gooding Leader, Gooding, Gooding County, State of Idaho, and The Buhl Herald, Buhl, Twin Falls County, State of Idaho, both being newspapers of general circulation in the counties in which the works contemplated by said permit are located; and

WHEREAS, At the hearing before the Commissioner of Reclamation at his office in the Department of Reclamation in the Capitol Building, Boise, County of Ada, State of Idaho, held at 10 o'clock A. M., on Monday, the 15th day of April, 1935, no persons appearing either orally or by affidavits, or otherwise, in opposition to the granting of said application, and the owner of said permit having, under oath, furnished satisfactory evidence of its good faith and made a satisfactory showing as to the necessity for such extension of time:

NOW, THEREFORE, The time set within which the owner of said Permit shall be required to do the work under said Water Permit No. 17069 be, and the same hereby is, extended a period of two years to April 2, 1938, and that such extension of time for completion of work under said permit shall, and the same hereby does, automatically extend the time for a period of two years for making proof of completion of such work, and also automatically extending the time for a period of two years for making proof of application of water to beneficial use.

WITNESS My hand and the seal of the Department of Reclamation, this 22nd day of April, 1935.

R. W. FARIS
Commissioner of Reclamation

(SEAL)

Permit No. 17069

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that IDAHO POWER COMPANY of Boise, County of Ada, and State of Idaho, the holder of Permit No. 17069, issued upon Application No. 24072 bearing date of priority of April 2, 1929, authorizing the diversion of 6500 second feet of the waters of Snake River, County of Twin Falls, 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 6500 second feet of the waters of said Snake River; that the point of diversion of said waters is S. 15° 22' E. 1842 feet from the North $\frac{1}{4}$ corner of Section 2, T. 8 S., R. 13 E., B. M., and is in Lot 2 of Section 2, T. 8 S., R. 13 E., B. M., County of Twin Falls.

Witness my hand this 7th day of December, A. D. 1937.

R. W. FARIS
Commissioner of Reclamation

Proof of completion of works made November 29, 1937
Certificate of completion of works issued December 7, 1937.

LICENSE ISSUED FOR 6500 SEC. FT.

V7, P3886

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

Application No. **24072**
Permit No. **17069**
District No.

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

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

I. If applicant is a corporation, give:

- (a) Date and place of incorporation: **May 6, 1915; Augusta, Maine.**
(b) Amount of capital stock: **\$21,000,000.00**
(c) Amount paid in: **\$18,854,800.00**
(d) Names and addresses of directors: **See Remarks.**

II. The financial resources of the applicant are:

- (a) Cash on hand: **\$98,792.35**
(b) Treasury stock: **\$39,400.00**
(c) Bonds to be issued:
(d) Other resources: **36,649,614.06**

2. Quantity of water claimed: **6,500** cubic feet per second.

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

4. Location of point of diversion: **S. 15° 22' E. 1842** feet distant from the **North quarter** corner of Section **2**, T. **8 S.**, R. **13 E.**, B. M., and is in the **Lot 2** of Section **2**, T. **8 S.**, R. **13 E.**, B. M., County of **Twin Falls**

5. Water is to be used for: **Power**

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

- (a) Point of use of water: **S. 61° 46' E. / 1042.5** feet distant from **NW** corner of Section **3** T. **8 S.**, R. **13 E.**, B. M., in the **Lot 3** of Section **3**, T. **8 S.**, R. **13 E.**, B. M.
(b) Amount of power generated: **48,800** H. P., under **83** feet head.
(c) Water is to be returned to **Snake River** at a point **S. 61° 46' E. about 1042.5** feet distant from the **NW** corner of Section **3**, T. **8 S.**, R. **13 E.**, B. M., in the **Lot 3** of Section **3**, T. **8 S.**, R. **13 E.**, B. M.

7. Estimated cost of works: \$ **100,000**

8. Kind of works: **Dam; canal**

9. Height of dam **8** feet; length of dam at top **1000** feet; length of dam at bottom **1000** feet; material used in dam: **concrete, steel, timber**

10. Size of headgate: Width **100** feet; height **14** feet.

11. Ditch: Width at bottom **28** feet; width at water line **64** feet; depth of water **12** feet; dimensions of flume

Diameter of pipe inches; length of conduit **1.5** miles.

Average grade per mile **1.056** 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 **six** 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.

Idaho Power Company *Applicant.*

By **M. L. Hibbard** *Agent.*

Date of first receipt at Department of Reclamation: 10:30 A. M., April 2, 1929

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is **17069**
 Recorded in Book **61** Page **17069** Approved **April 2, 1929**
 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 \$ **10,000** to be filed on or before **June 1, 1929**
 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 **October 2, 1931**
 The whole of said work to be completed on or before **April 2, 1934**
 Beneficial use of water appropriated in accordance herewith, to be made on or before **April 2, 1940**

-2 Witness my hand this 2d day of April, 1929.

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	
Remarks: James L. Boone, Boise; Geo. A. Bremer, Jerome; J. W. Cunningham, Boise; E. H. Dewey, Nampa; C. E. Groesbeck, New York; M. L. Hibbard, Boise; F. F. Johnson, Boise; R. B. King, Boise; W. P. Lyon, Caldwell; D. F. McGee, New York; E. J. Ostrander, Twin Falls; W. R. Putnam, New York; Nathan Sommer, Weiser; D. W. Standrod, Pocatello; Wm. T. Wallace, New York; H. J. Ward, Nyssa, Oregon.																			
Under preceding water permits, issued to predecessors, (the rights, titles and interests in which are now and have been in the holding and possession of the applicant herein) more than \$100,000 have been expended in the construction of diversion works.																			
PERMIT NO. 17069																			
EXTENSION OF TIME FOR COMPLETION OF WORKS																			
In the Matter of the Application) of Idaho Power Company to Extend) the Time for Requirements of Per-) mit No. 17069 under the Provisions) of Chapter 40, Idaho Session Laws) of 1933.)																			
ORDER GRANTING EXTENSION OF TIME FOR COMPLETION OF WORKS																			
WHEREAS, the Idaho Power Company, owner of Permit No. 17069, has made formal application for extension of time in which to complete the necessary works required under said permit and automatically extending thereby the time for a like period for making proof of completion of said works, and also automatically extending the time for a like period for making proof of application of water to beneficial use; and																			
WHEREAS, completion of works and proof thereof are required to be made on or before the 2d day of April, 1934, and covers the full period of time allowed by statute for the making of such proof; and																			
WHEREAS, notice of hearing on said application was published, as required by law, in two consecutive issues of each The Gooding Leader, Gooding, Gooding County, State of Idaho, and The Buhl Herald, Buhl, Twin Falls County, State of Idaho, both being newspapers of general circulation in the counties in which the works contemplated by said permit are located; and																			
WHEREAS, at the hearing before the Commissioner of Reclamation at his office in the Department of Reclamation in the Capitol Building, Boise, County of Ada, State of Idaho, held at 10 o'clock A. M., on Wednesday, the 3d day of May, 1933, no persons appearing either orally or by affidavits, or otherwise, in opposition to the granting of said application, and the owner of said permit having, under oath, furnished																			

State of Idaho

License and Certificate of Water Right

Water License No. 17069

Amount 6500 Sec. Ft.

Water District No.

Priority April 2, 1929

THIS IS TO CERTIFY that **IDAHO POWER COMPANY**
 of **Boise, Idaho**, made application for a permit to appropriate the
 public waters of the State of Idaho, dated **April 2**, 19 **29**; that Permit No. 17069
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
6500 second feet, was issued thereunder on **December 7**, 19 **37**, showing that said works
 were completed on the **29th** day of **November**, 19 **37**; and that on the **29th**
 day of **November**, 19 **37**,

IDAHO POWER COMPANY

of **Boise**, State of **Idaho**, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of **Snake River**
 , a tributary of **Columbia River**, for the purpose of **power**
 , under Use Permit No. 17069 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 **3886**, on the **7th** day of **December**, 19 **37**;

The right hereby confirmed dates from **April 2**, 19 **29**;

The Point of Diversion is located **S. 15° 22' E. 1842 feet from the N. $\frac{1}{4}$ corner of Sec. 2, T. 8 S., R. 13 E., B. M., in Lot 2, ~~Section 2, T. 8 S., R. 13 E., B. M., Twin Falls 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 **6500**
 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			At the Company's plant located on Snake River at what is commonly known as the Upper Salmon Falls Site.		

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 **7th** day of **December**, 19 **37**.

R. W. FARIS
 Commissioner of Reclamation

(SEAL)

2 2057

Point of Diversion

Appears to be near

1570' not

1842' ~~515.22'~~

bath 515.22' from '4

corner of S 27° 05' E, R 13 E

See FERC License

Application #9777

Exhibit C.

Turbine capacity Plant A
is 1200 cfs

Application Article A.3

10/11/95
RSM

RECEIVED

FEB 18 1997

FEDERAL ENERGY REGULATORY COMMISSION

WASHINGTON, D. C. 20426

Department of Water Resources

FEB 12 1997

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

To The Party Addressed:

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

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

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

Sincerely,



J. Mark Robinson
Director, Division of
Licensing and Compliance

Distribution:

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

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

LICENSE (MAJOR)

RECEIVED

OCT 16 1990

Before Commissioners: Charles B. Curtis, Chairman;
Georgiana Sheldon, and George R. Hall.
Idaho Power Company) Project No. 2777

Department of Water Resources

ORDER ISSUING LICENSE (MAJOR)

(Issued June 13, 1979)

Idaho Power Company (Applicant) initially filed with the Commission an application for a major license for three constructed hydroelectric developments located on the Snake River in Idaho. 1/ The three developments are known as Upper Salmon, American Falls, and Shoshone Falls. In 1975, the Commission severed the American Falls development from the application, issued a license for that development, and issued a separate license which authorized the redevelopment of the American Falls project. 2/ In so doing, the Commission found that there was no close relationship between the American Falls development and the other two developments calling for a single license.

In this order, we will address only the Upper Salmon Project No. 2777. By separate order we are simultaneously issuing a license for the Shoshone Falls Project No. 2778.

Notice of the application has been published in accordance with the Act. The Idaho Fish and Game Commission petitioned to intervene, but has raised no substantive issues concerning the project.

Project History and Description

The Upper Salmon Project is located on the Snake River in the counties of Gooding and Twin Falls, Idaho. The project was built in two stages. The first stage (powerhouse A) was constructed in 1937 and has an installed capacity of 18,000 kW. The second stage (powerhouse B) was constructed in 1947 and has an installed capacity of 16,500 kW.

1/ The Snake River was found to be a navigable water of the United States by Commission order dated August 4, 1955, Project Nos. 1971 and 2132, 14 F.P.C. 72 (1955).

2/ See Order Issuing License, Idaho Power Company, Project No. 2258 (issued Mar. 31, 1975); Order Issuing Major License (Unconstructed) and Permitting Withdrawal of Intervention, Idaho Power Company, Project No. 2736 (issued Mar. 31, 1975).

The project is a run-of-the-river development with no available capacity for storage. The project consists of a 25-foot high diversion dam, a reservoir of approximately 80 acres in surface area, two powerhouses with a combined capacity of 34,500 kW, ^{3/} and appurtenant facilities. The project is more fully described in ordering paragraph (B) below.

Safety and Adequacy

Our staff reports that the concrete project works were checked for stability under various assumed conditions at normal reservoir water surface elevation. The structures were found to be safe against sliding and overturning under seismic and uplift loading conditions. Our staff has also studied the spillway capacity of the project and reports that it is adequate. Should the river flow exceed the combined spillway and power discharge capacities, the diversion dam structure will act as an overflow section. Because the project has little or no storage during high flows, even if the dam failed there would be no additional hazard downstream.

Recent field inspections by our regional office reveal that the project is being adequately maintained and is in satisfactory repair and operating condition. We conclude that the project as licensed is safe and adequate.

Recreation, Fish, and Wildlife

At the time the original application for Project No. 2258 was filed, Exhibits R (recreational use) and S (fish and wildlife resources) were not required. These exhibits became required elements of license applications by subsequent Commission orders. Articles 34 and 36 of this license require the Applicant to file for our approval Exhibits R and S, prepared in conformance with §4.41 of our regulations, including consultation with federal and state agencies. Under Articles 12, 15, and 17 we retain authority to require changes in the project to develop or protect recreational, fish, and wildlife resources.

^{3/} The project provides an average annual generation of 317,388,000 kWh, utilizing a renewable resource that saves the equivalent of approximately 508,000 barrels of oil or 157,000 tons of coal annually.

Other Environmental Considerations

The Upper Salmon Project was constructed over forty years ago. The issuance of this license does not authorize any additional construction or any change in project operation. On the basis of the record and our staff's independent analysis, we conclude that issuance of this license, as conditioned, is not a major federal action significantly affecting the quality of the human environment.

Comprehensive Development

Our staff has thoroughly analyzed the Upper Salmon Project in relation to other existing and planned development on the Snake River. The project is located between the upstream Thousand Springs development and Applicant's downstream Lower Salmon Project. The staff reports that this project is consistent with the other developments on the river and it does not appear that the operation of the project can be modified to benefit downstream projects, because of the limited storage in the reservoir. The project is not developing all of the available head, however. Moreover, the project operates at a very high plant factor. In light of these facts and the continuing escalation in the costs of fossil fuels, Article 41 requires the Applicant to prepare a study of the economic feasibility of modifying the project to install additional generating capacity. ^{4/} Articles 29 and 30 have been included in this license in response to requests by the Department of the Interior to insure the project's consistency with irrigation and other beneficial consumptive uses in the Snake River watershed. ^{5/} We conclude that the Upper Salmon Project as conditioned in this license is best adapted to a comprehensive plan for improving and developing the Snake River for beneficial public uses.

License Term

The Upper Salmon Project has not previously been licensed, but was constructed on a navigable water after 1935. In accordance with the Commission's decision in Public Service Company of New Hampshire, Project No. 2288, 27 FPC 830 (1962), ("Androscoggin") the license termination date would have been December 31, 1986 -- 50 years after the beginning of the year in which construction first occurred. In our order issuing a license for the Medway Project No. 2666 (Medway), ^{6/} we modified

^{4/} Under Article 9 of this license, we retain authority to require installation of any additional generating capacity that may be economically feasible.

^{5/} See also Utah Power & Light Co., Cutler Project No. 2420, 41 FPC 175 (1969).

^{6/} Order Issuing License (Major), Bangor Hydro-Electric Company, Project No. 2666 (issued March 29, 1979).

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the Androscoggin termination date rule for projects located on navigable waters with no post-1935 construction. Under the Medway rule a license for such a project would normally expire 20 years from the date of issuance of the license. One of the reasons for this change was to avoid exacerbating the great administrative burden that will face the Commission in 1993, when over 160 licenses are due to terminate. The reasons for the new termination date policy set forth in Medway are equally applicable here. Consequently, from now on we will normally (absent unusual circumstances) issue initial licenses for constructed projects on navigable waters, even if post-1935 construction is involved, for a term ending 20 years from the date of issuance.

Under the Androscoggin rule, this license would have been made effective January 1, 1937, the year that post-1935 construction first occurred. Because of the 50-year maximum statutory license period, however, this license will be made effective June 1, 1949. Annual charges will be based upon that effective date, but this license will also be conditioned upon payment of an amount equivalent to the annual charges that would otherwise have been due for the period from January 1, 1937 to May 31, 1949. As we explain in our concurrent order issuing a license for the Shoshone Falls Project No. 2778, this payment is not a penalty. The payment is intended solely to prevent a windfall to the Applicant and to place it as nearly as possible in the same position it would have been in before our change in termination date policy, the same position as similarly situated licenses who received their license before that change in policy.

The Commission orders:

(A) This license is issued under Part I of the Federal Power Act (Act) to Idaho Power Company (Licensee) of Boise, Idaho, for a period effective June 1, 1949, and terminating May 31, 1999, for the continued operation and maintenance of Upper Salmon Project No. 2777, located in Gooding and Twin Falls Counties, Idaho, on the Snake River, a navigable waterway of the United States. The license is subject to the terms and conditions of the Act, which is incorporated

by reference as part of this license, and subject to the regulations the Commission issues under the provisions of the Act.

(B) The Upper Salmon Project consists of: (1) all lands, to the extent of the Licensee's interests in those lands, constituting the project area and enclosed by the project boundary, the project boundary and area being shown and described by certain exhibits which form part of the application for license and which are designated and described as:

<u>Exhibit</u>	<u>FERC No. 2777</u>	<u>Showing</u>
J	1	Location Map
K	2	Detail Map of Project

(2) project works consisting of: (a) a 1,617 foot long main concrete diversion dam with a maximum height of 25 feet, comprising a spillway section 236 feet long containing six 15-foot-high by 30-foot-wide tainter gates located above the right channel, a 464 foot long canal intake, a 501 feet long flashboard section, and two gravity sections, 191 feet and 225 feet long, which form the right and left abutments, respectively; (b) a reservoir having a surface area of 80 acres and normal water surface at elevation 2,878 feet m.s.l.; (c) a 3,100 foot long power canal extending from the diversion dam to powerhouse "B" containing two generating units each operating under a 35.5-foot head with a total installed capacity of 16,500 kW; (e) a 2,000 foot long canal from powerhouse "B" to powerhouse "A"; (f) powerhouse "A": containing two generating units each operating under a 44-foot head with a total installed capacity of 18,000 kW; (g) step-up transformers and switching equipment adjacent to each of the two powerhouses; and (h) appurtenant facilities.

The location, nature, and character of these project works are generally shown and described by the exhibits cited above and more specifically shown and described by certain other exhibits which also form a part of the application for a license and which are designated and described as:

<u>Exhibit L</u>	<u>No. 2777 FERC Drawing</u>	<u>Titled</u>
1	3	General Plan
2	4	Profile of Canals and Diversion Dam
3	5	Cross Sections of Units 1 and 2
4	6	Cross Section of Units 3 and 4
5	7	Horizontal Elevations of Powerhouse "A"
6	8	Plan View of Power- house "A"
7	9	Sectional Plan of Units 3 and 4

Exhibit M

consisting of pages 4 and 5 of the Exhibit M entitled "General Descriptions and Specifications of Equipment" filed on February 13, 1959, as part of the application for license for Project No. 2258.

(3) all structures, fixtures, equipment, or facilities used or useful in the operation or maintenance of the project and located on the project area, all portable property that may be employed in connection with the project, located on or off the project area, as approved by the Commission, and all riparian or other rights necessary or appropriate in the operation or maintenance of the project.

(C) Exhibits J, K, L, and M, designated in ordering paragraph (B) above, are approved and made a part of the license.

(D) This license is also subject to the terms and conditions designated as Articles 1 through 28 on Form L-3 (revised October 1975), entitled "Terms and Conditions of License for Constructed Major Project Affecting Navigable Waters of the United States," attached to and made a part of the license. This license is also subject to the following special conditions set forth as additional articles:

Article 29. The project shall be operated in a manner that will not conflict with the future depletion in flow of the waters of Snake River and its tributaries, or prevent or interfere with the future upstream diversion and use of such water, above the backwater created by the project, for

the irrigation of lands and other beneficial consumptive uses in the Snake River watershed.

Article 30. This license shall not be construed as affecting in any way any claim the Licensee may have concerning its water rights acquired pursuant to State Law. Those rights, not this license, shall govern any claim the Licensee may advance against the United States or other parties claiming through the United States for any damages resulting from any future depletion in the flow of the waters of the Snake River and its tributaries for the irrigation of lands or other beneficial consumptive uses.

Article 31. The Licensee shall, to the satisfaction of the Commission's authorized representative, install and operate any signs, lights, sirens or other devices that may reasonably be needed to warn the public of fluctuations in flow from the project and to protect the public in its recreational use of project lands and waters.

Article 32 In the interests of protecting and enhancing the scenic, recreational, and other environmental values of the project, Licensee: (1) shall supervise and control the use and occupancy of project lands and waters; (2) shall prohibit, without further Commission approval, the further use and occupancy of project lands and waters other than as specifically authorized by this license; (3) may authorize, without further Commission approval, the use and occupancy of project lands and waters for landscape plantings and the construction, operation, and maintenance of access roads, power and telephone distribution lines, piers, landings, boat docks, or similar structures and facilities, and embankments, bulkheads, retaining walls, or other similar structures for erosion control to protect the existing shoreline; (4) shall require, where feasible and desirable, the multiple use and occupancy of facilities for access to project lands and waters; and (5) shall ensure to the satisfaction of the Commission's authorized representative that all authorized uses and occupancies of project lands and waters (a) are consistent with shoreline aesthetic values, (b) are maintained in a good state of repair, and (c) comply with state and local health and safety regulations. Under item (3) of this article, Licensee may, among other things, institute a program for issuing permits to a reasonable extent for the authorized types of use and occupancy of project lands and waters. Under appropriate circumstances, permits may be subject to the payment of a fee in a reasonable amount.

Before authorizing the construction of bulkheads or retaining walls, Licensee shall: (a) inspect the site of the proposed construction, (b) determine that the proposed construction is needed, and (c) consider whether the planting of vegetation or the use of riprap would be adequate to control erosion at the site. If an authorized use or occupancy fails to comply with the conditions imposed by the Licensee for the protection of the environmental quality of project lands and waters, the Licensee shall take appropriate action to correct the violations, including, if necessary, cancellation of the authorization and removal of any non-complying structures or facilities. The Licensee's consent to an authorized use or occupancy of project lands and waters shall not, without its express agreement, place upon the Licensee any obligation to construct or maintain any associated facilities.

Article 33. Prior to the commencement of any construction or development of any project works or other facilities at the project, the Licensee shall consult and cooperate with the State Historic Preservation Officer (SHPO) to determine the need for, and extent of, any archeological or historic resource surveys and any mitigative measures that may be necessary. The Licensee shall provide funds in a reasonable amount for such activity. If any previously unrecorded archeological or historic sites are discovered during the course of construction, construction activity in the vicinity shall be halted, a qualified archeologist shall be consulted to determine the significance of the sites, and the Licensee shall consult with the SHPO to develop a mitigation plan for the protection of significant archeological or historic resources. If the Licensee and the SHPO cannot agree on the amount of money to be expended on archeological or historic work related to the project, the Commission reserves the right to require the Licensee to conduct, at its own expense, any such work found necessary.

Article 34. Within one year from the date of issuance of this order the Licensee shall file for approval an Exhibit R (recreational use plan) conforming to the requirements of §4.41 of the Commission's regulations.

Article 35. During the term of the license, the Licensee shall continue to consult and cooperate with the Idaho Department of Fish and Game, the Fish and Wildlife Service of the Department of the Interior, and other appropriate state and federal agencies for the protection and enhancement of the natural resources and environmental values of the project area.

Article 36. Within one year from the date of issuance of the license, the Licensee shall file for approval, an Exhibit S (fish and wildlife development and enhancement plan) conforming to the requirements of §4.41 of the Commission's regulations. This plan shall include, but not be limited to, consideration of the effects of the operation of the spillway on the shoreline and aquatic habitat below the diversion dams.

Article 37. The Licensee shall pay the United States the following annual charge effective June 1, 1949: For the purpose of reimbursing the United States for the cost of administration of Part I of the Act, a reasonable annual charge as determined by the Commission in accordance with the provisions of its regulations in effect from time to time. The authorized installed capacity for that purpose is 46,000 horsepower.

Article 38. Licensee shall implement, and modify when appropriate, the emergency action plan on file with the Commission designed to provide an early warning to upstream and downstream inhabitants and property owners if there should be an impending or actual sudden release of water caused by an accident to, or failure of, project works. That plan shall include: instructions to be provided on a continuing basis to operators and attendants for actions they are to take in the event of an emergency; detailed and documented plans for notifying law enforcement agents, appropriate federal, state, and local agencies, operators of water-related facilities, and those residents and owners of properties that could be endangered; actions that would be taken to reduce the inflow to the reservoir, if possible, be limiting the outflow from upstream dams or control structures; and actions to reduce downstream flows by controlling the outflow from dams located on tributaries to the stream on which the project is located. Licensee shall

also maintain on file with the Commission a summary of the study used as a basis for determining the areas that may be affected by an emergency, including criteria and assumptions used. Licensee shall monitor any changes in upstream or downstream conditions which may influence possible flows or affect areas susceptible to damage, and shall promptly make and file with the Commission appropriate changes in the emergency action plan. The Commission reserves the right to require modifications to the plan.

Article 39. Pursuant to Section 10(d) of the Act, after the first 20 years of operation of the project under license, a specified reasonable rate of return upon the net investment in the project shall be used for determining surplus earnings of the project for the establishment and maintenance of amortization reserves. One half of the project surplus earnings, if any, accumulated after the first 20 years of operation under the license, in excess of the specified rate of return per annum on the net investment, shall be set aside in a project amortization reserve account as of the end of each fiscal year: Provided, that, if and to the extent that there is a deficiency of project earnings below the specified rate of return per annum for any fiscal year or years after the first 20 years of operation under the license, the amount of such deficiency shall be deducted from the amount of any surplus earnings accumulated thereafter until absorbed, and one-half of the remaining surplus earnings, if any, thus cumulatively computed, shall be set aside in the project amortization reserve account; and the amounts thus established in the project amortization reserve account shall be maintained until further order of the Commission.

The annual specified reasonable rate of return shall be the sum of the weighted cost components of long-term debt, preferred stock, and the cost of common equity, as defined herein. The weighted cost components for each element of the reasonable rate of return is the product of its capital ratios and cost rate. The current capital ratios for each of the above elements of the rate of return shall be calculated annually based on an average of 13 monthly balances of amounts properly includable in the Licensee's long-term debt and proprietary capital accounts as listed in the Commission's Uniform System of Accounts.

The cost rates for such ratios shall be the weighted average cost of long-term debt and preferred stock for the year, and the cost of common equity shall be the interest rate on 10-year government bonds (reported as the Treasury Department's 10 year constant maturity series) computed on the monthly average for the year in question plus four percentage points (400 basis points).

Article 40. Within one year of the date of issuance of this license, the Licensee shall file revised Exhibits J, K, L and M conforming to the requirements of §4.41 of the Commission's regulations and reflecting any significant changes that may have been made in the project since the initial filing of the exhibits. If there have been no significant changes, the Licensee shall so advise the Commission's Secretary within that time.

Article 41. Within one year from the date of issuance of this license, the Licensee shall file with the Commission a detailed analysis of the economic feasibility of installing additional generating capacity at the project taking into account, to the extent reasonable, all benefits that would be derived from the installation, including any contribution to the conservation of non-renewable natural resources. If the analysis shows installation of additional capacity to be feasible, the Licensee shall at the same time submit a schedule for filing an application for authorization to install the additional capacity.

Article 42. The Licensee shall pay the United States an amount equal to the following annual charges that would have applied for the period January 1, 1937, to May 31, 1949, if the project had been licensed during that period:

For the purpose of reimbursing the United States for the cost of administration of Part I of the Federal Power Act, a reasonable annual charge as determined by the Commission in accordance with the provisions of its regulations in effect from time to time during that period. The authorized installed capacities for that purpose are:
(a) for the period January 1, 1937, to August 31, 1947, -- 24,000 hp; (b) for the period September 1, 1947, to May 31, 1949 -- 46,000 hp.

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(E) Within 90 days from the date of acceptance of this license, the Licensee shall file a statement under oath showing the gross amount of power generation for the project in kilowatt-hours for each calendar year commencing January 1, 1937, in accordance with the provisions of section 11.20(a)(4) of the Commission's regulations.

(F) This order shall become final 30 days from the date it is issued unless an application for rehearing is filed as provided in section 313(a) of the Act. Failure of the Licensee to file such an application shall constitute acceptance of the license for Project No. 2777. In acknowledgment of acceptance of the license and its terms and conditions, the license shall be signed for the Licensee and returned to the Commission within 60 days from the date this order is issued.

By the Commission.

(S E A L)

Kenneth F. Plumb

Kenneth F. Plumb,
Secretary.

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IN TESTIMONY of its acknowledgment of acceptance of
all of the terms and conditions of this Order, Idaho Power
Company, this _____ day of _____, 19____,
has caused its corporate name to be signed hereto by
_____, its _____
President, and its corporate seal to be affixed hereto and
attested by _____ its _____
Secretary, pursuant to a resolution of its Board of Directors
duly adopted on the _____ day of _____, 19____, a
certified copy of the record of which is attached hereto.

By _____
President

Attest:

Secretary

(Executed in quadruplicate)

FEDERAL ENERGY REGULATORY COMMISSION

TERMS AND CONDITIONS OF LICENSE FOR CONSTRUCTED
MAJOR PROJECT AFFECTING NAVIGABLE
WATERS OF THE UNITED STATES

Article 1. The entire project, as described in this order of the Commission, shall be subject to all of the provisions, terms, and conditions of the license.

Article 2. No substantial change shall be made in the maps, plans, specifications, and statements described and designated as exhibits and approved by the Commission in its order as a part of the license until such change shall have been approved by the Commission: Provided, however, That if the Licensee or the Commission deems it necessary or desirable that said approved exhibits, or any of them, be changed, there shall be submitted to the Commission for approval a revised, or additional exhibit or exhibits covering the proposed changes which, upon approval by the Commission, shall become a part of the license and shall supersede, in whole or in part, such exhibit or exhibits theretofore made a part of the license as may be specified by the Commission.

Article 3. The project area and project works shall be in substantial conformity with the approved exhibits referred to in Article 2 herein or as changed in accordance with the provisions of said article. Except when emergency shall require for the protection of navigation, life, health, or property, there shall not be made without prior approval of the Commission any substantial alteration or addition not in conformity with the approved plans to any dam or other project works under the license or any substantial use of project lands and waters not authorized herein; and any emergency alteration, addition, or use so made shall thereafter be subject to such modification and change as the Commission may direct. Minor changes in project works, or in uses of project lands and waters, or divergence from such approved exhibits may be made if such changes will not result in a decrease in efficiency, in a material increase in cost, in an adverse environmental impact, or in impairment of the general scheme of development; but any of such minor changes made without the prior approval of the Commission, which in its judgment have produced or will produce any of such results, shall be subject to such alteration as the Commission may direct.

Article 4. The project, including its operation and maintenance and any work incidental to additions or alterations authorized by the Commission, whether or not conducted upon lands of the United States, shall be subject to the inspection and supervision of the Regional Engineer, of the Commission, in the region wherein the project is located, or of such other officer or agent as the Commission may designate, who shall be the authorized representative of the Commission for such purposes. The Licensee shall cooperate fully with said representative and shall furnish him such information as he may require concerning the operation and maintenance of the project, and any such alterations thereto, and shall notify him of the date upon which work with respect to any alteration will begin, as far in advance thereof as said representative may reasonably specify, and shall notify him promptly in writing of any suspension of work for a period of more than one week, and of its resumption and completion. The Licensee shall submit to said representative a detailed program of inspection by the Licensee that will provide for an adequate and qualified inspection force for construction of any such alterations to the project. Construction of said alterations or any feature thereof shall not be initiated until the program of inspection for the alterations or any feature thereof has been approved by said representative. The Licensee shall allow said representative and other officers or employees of the United States, showing proper credentials, free and unrestricted access to, through, and across the project lands and project works in the performance of their official duties. The Licensee shall comply with such rules and regulations of general or special applicability as the Commission may prescribe from time to time for the protection of life, health, or property.

Article 5. The Licensee, within five years from the date of issuance of the license, shall acquire title in fee or the right to use in perpetuity all lands, other than lands of the United States, necessary or appropriate for the construction, maintenance, and operation of the project. The Licensee or its successors and assigns shall, during the period of the license, retain the possession of all project property covered by the license as issued or as later amended, including the project area, the project works, and all franchises, easements, water rights, and rights of occupancy and use; and none of such properties shall be voluntarily sold, leased, transferred, abandoned, or otherwise disposed of without the prior written approval of the Commission, except that the Licensee may lease or otherwise dispose of interests in project lands or property without specific written approval of the Commission pursuant

to the then current regulations of the Commission. The provisions of this article are not intended to prevent the abandonment or the retirement from service of structures, equipment, or other project works in connection with replacements thereof when they become obsolete, inadequate, or inefficient for further service due to wear and tear; and mortgage or trust deeds or judicial sales made thereunder, or tax sales, shall not be deemed voluntary transfers within the meaning of this article.

Article 6. In the event the project is taken over by the United States upon the termination of the license as provided in Section 14 of the Federal Power Act, or is transferred to a new licensee or to a non-power licensee under the provisions of Section 15 of said Act, the Licensee, its successors and assigns shall be responsible for, and shall make good any defect of title to, or of right of occupancy and use in, any of such project property that is necessary or appropriate or valuable and serviceable in the maintenance and operation of the project, and shall pay and discharge, or shall assume responsibility for payment and discharge of, all liens or encumbrances upon the project or project property created by the Licensee or created or incurred after the issuance of the license: Provided, That the provisions of this article are not intended to require the Licensee, for the purpose of transferring the project to the United States or to a new licensee, to acquire any different title to, or right of occupancy and use in, any of such project property than was necessary to acquire for its own purposes as the Licensee.

Article 7. The actual legitimate original cost of the project, and of any addition thereto or betterment thereof, shall be determined by the Commission in accordance with the Federal Power Act and the Commission's Rules and Regulations thereunder.

Article 8. The Licensee shall install and thereafter maintain gages and stream-gaging stations for the purpose of determining the stage and flow of the stream or streams on which the project is located, the amount of water held in and withdrawn from storage, and the effective head on the turbines; shall provide for the required reading of such gages and for the adequate rating of such stations; and shall install and maintain standard meters adequate for the determination of the amount of electric energy generated by the project works. The number, character, and location

of gages, meters, or other measuring devices, and the method of operation thereof, shall at all times be satisfactory to the Commission or its authorized representative. The Commission reserves the right, after notice and opportunity for hearing, to require such alterations in the number, character, and location of gages, meters, or other measuring devices, and the method of operation thereof, as are necessary to secure adequate determinations. The installation of gages, the rating of said stream or streams, and the determination of the flow thereof, shall be under the supervision of, or in cooperation with, the District Engineer of the United States Geological Survey having charge of stream-gaging operations in the region of the project, and the Licensee shall advance to the United States Geological Survey the amount of funds estimated to be necessary for such supervision, or cooperation for such periods as may be mutually agreed upon. The Licensee shall keep accurate and sufficient records of the foregoing determinations to the satisfaction of the Commission, and shall make return of such records annually at such time and in such form as the Commission may prescribe.

Article 9. The Licensee shall, after notice and opportunity for hearing, install additional capacity or make other changes in the project as directed by the Commission, to the extent that it is economically sound and in the public interest to do so.

Article 10. The Licensee shall, after notice and opportunity for hearing, coordinate the operation of the project, electrically and hydraulically, with such other projects or power systems and in such manner as the Commission may direct in the interest of power and other beneficial public uses of water resources, and on such conditions concerning the equitable sharing of benefits by the Licensee as the Commission may order.

Article 11. Whenever the Licensee is directly benefited by the construction work of another licensee, a permittee, or the United States on a storage reservoir or other headwater improvement, the Licensee shall reimburse the owner of the headwater improvement for such part of the annual charges for interest, maintenance, and depreciation thereof as the Commission shall determine to be equitable, and shall pay to the United States the cost of making such determination as fixed by the Commission. For benefits

provided by a storage reservoir or other headwater improvement of the United States, the Licensee shall pay to the Commission the amounts for which it is billed from time to time for such headwater benefits and for the cost of making the determinations pursuant to the then current regulations of the Commission under the Federal Power Act.

Article 12. The United States specifically retains and safeguards the right to use water in such amount, to be determined by the Secretary of the Army, as may be necessary for the purposes of navigation on the navigable waterway affected; and the operations of the Licensee, so far as they affect the use, storage and discharge from storage of waters affected by the license, shall at all times be controlled by such reasonable rules and regulations as the Secretary of the Army may prescribe in the interest of navigation, and as the Commission may prescribe for the protection of life, health, and property, and in the interest of the fullest practicable conservation and utilization of such waters for power purposes and for other beneficial public uses, including recreational purposes, and the Licensee shall release water from the project reservoir at such rate in cubic feet per second, or such volume in acre-feet per specified period of time, as the Secretary of the Army may prescribe in the interest of navigation, or as the Commission may prescribe for the other purposes hereinbefore mentioned.

Article 13. On the application of any person, association, corporation, Federal agency, State or municipality, the Licensee shall permit such reasonable use of its reservoir or other project properties, including works, lands and water rights, or parts thereof, as may be ordered by the Commission, after notice and opportunity for hearing, in the interests of comprehensive development of the waterway or waterways involved and the conservation and utilization of the water resources of the region for water supply or for the purposes of steam-electric, irrigation, industrial, municipal or similar uses. The Licensee shall receive reasonable compensation for use of its reservoir or other project properties or parts thereof for such purposes, to include at least full reimbursement for any damages or expenses which the joint use causes the Licensee to incur. Any such compensation shall be fixed by the Commission either by approval of an agreement between the Licensee and the party or parties benefiting or after notice and

opportunity for hearing. Applications shall contain information in sufficient detail to afford a full understanding of the proposed use, including satisfactory evidence that the applicant possesses necessary water rights pursuant to applicable State law, or a showing of cause why such evidence cannot concurrently be submitted, and a statement as to the relationship of the proposed use to any State or municipal plans or orders which may have been adopted with respect to the use of such waters.

Article 14. In the construction or maintenance of the project works, the Licensee shall place and maintain suitable structures and devices to reduce to a reasonable degree the liability of contact between its transmission lines and telegraph, telephone and other signal wires or power transmission lines constructed prior to its transmission lines and not owned by the Licensee, and shall also place and maintain suitable structures and devices to reduce to a reasonable degree the liability of any structures or wires falling or obstructing traffic or endangering life. None of the provisions of this article are intended to relieve the Licensee from any responsibility or requirement which may be imposed by any other lawful authority for avoiding or eliminating inductive interference.

Article 15. The Licensee shall, for the conservation and development of fish and wildlife resources, construct, maintain, and operate, or arrange for the construction, maintenance, and operation of such reasonable facilities, and comply with such reasonable modifications of the project structures and operation, as may be ordered by the Commission upon its own motion or upon the recommendation of the Secretary of the Interior or the fish and wildlife agency or agencies of any State in which the project or a part thereof is located, after notice and opportunity for hearing.

Article 16. Whenever the United States shall desire, in connection with the project, to construct fish and wildlife facilities or to improve the existing fish and wildlife facilities at its own expense, the Licensee shall permit the United States or its designated agency to use, free of cost, such of the Licensee's lands and interests in lands, reservoirs, waterways and project works as may be

reasonably required to complete such facilities or such improvements thereof. In addition, after notice and opportunity for hearing, the Licensee shall modify the project operation as may be reasonably prescribed by the Commission in order to permit the maintenance and operation of the fish and wildlife facilities constructed or improved by the United States under the provisions of this article. This article shall not be interpreted to place any obligation on the United States to construct or improve fish and wildlife facilities or to relieve the Licensee of any obligation under this license.

Article 17. The Licensee shall construct, maintain, and operate, or shall arrange for the construction, maintenance, and operation of such reasonable recreational facilities, including modifications thereto, such as access roads, wharves, launching ramps, beaches, picnic and camping areas, sanitary facilities, and utilities, giving consideration to the needs of the physically handicapped, and shall comply with such reasonable modifications of the project, as may be prescribed hereafter by the Commission during the term of this license upon its own motion or upon the recommendation of the Secretary of the Interior or other interested Federal or State agencies, after notice and opportunity for hearing.

Article 18. So far as is consistent with proper operation of the project, the Licensee shall allow the public free access, to a reasonable extent, to project waters and adjacent project lands owned by the Licensee for the purpose of full public utilization of such lands and waters for navigation and for outdoor recreational purposes, including fishing and hunting: Provided, That the Licensee may reserve from public access such portions of the project waters, adjacent lands, and project facilities as may be necessary for the protection of life, health, and property.

Article 19. In the construction, maintenance, or operation of the project, the Licensee shall be responsible for, and shall take reasonable measures to prevent, soil erosion on lands adjacent to streams or other waters, stream sedimentation, and any form of water or air pollution. The Commission, upon request or upon its own motion, may order the Licensee to take such measures as the Commission finds to be necessary for these purposes, after notice and opportunity for hearing.

Article 20. The Licensee shall clear and keep clear to an adequate width lands along open conduits and shall dispose of all temporary structures, unused timber, brush, refuse, or other material unnecessary for the purposes of the project which results from the clearing of lands or from the maintenance or alteration of the project works. In addition, all trees along the periphery of project reservoirs which may die during operations of the project shall be removed. All clearing of the lands and disposal of the unnecessary material shall be done with due diligence and to the satisfaction of the authorized representative of the Commission and in accordance with appropriate Federal, State, and local statutes and regulations.

Article 21. Material may be dredged or excavated from, or placed as fill in, project lands and/or waters only in the prosecution of work specifically authorized under the license; in the maintenance of the project; or after obtaining Commission approval, as appropriate. Any such material shall be removed and/or deposited in such manner as to reasonably preserve the environmental values of the project and so as not to interfere with traffic on land or water. Dredging and filling in a navigable water of the United States shall also be done to the satisfaction of the District Engineer, Department of the Army, in charge of the locality.

Article 22. Whenever the United States shall desire to construct, complete, or improve navigation facilities in connection with the project, the Licensee shall convey to the United States, free of cost, such of its lands and rights-of-way and such rights of passage through its dams or other structures, and shall permit such control of its pools, as may be required to complete and maintain such navigation facilities.

Article 23. The operation of any navigation facilities which may be constructed as a part of, or in connection with, any dam or diversion structure constituting a part of the project works shall at all times be controlled by such reasonable rules and regulations in the interest of navigation, including control of the level of the pool caused by such dam or diversion structure, as may be made from time to time by the Secretary of the Army.

Article 24. The Licensee shall furnish power free of cost to the United States for the operation and maintenance of navigation facilities in the vicinity of the project at the voltage and frequency required by such facilities and at a point adjacent thereto, whether said facilities are constructed by the Licensee or by the United States.

Article 25. The Licensee shall construct, maintain, and operate at its own expense such lights and other signals for the protection of navigation as may be directed by the Secretary of the Department in which the Coast Guard is operating.

Article 26. If the Licensee shall cause or suffer essential project property to be removed or destroyed or to become unfit for use, without adequate replacement, or shall abandon or discontinue good faith operation of the project or refuse or neglect to comply with the terms of the license and the lawful orders of the Commission mailed to the record address of the Licensee or its agent, the Commission will deem it to be the intent of the Licensee to surrender the license. The Commission, after notice and opportunity for hearing, may require the Licensee to remove any or all structures, equipment and power lines within the project boundary and to take any such other action necessary to restore the project waters, lands, and facilities remaining within the project boundary to a condition satisfactory to the United States agency having jurisdiction over its lands or the Commission's authorized representative, as appropriate, or to provide for the continued operation and maintenance of nonpower facilities and fulfill such other obligations under the license as the Commission may prescribe. In addition, the Commission in its discretion, after notice and opportunity for hearing, may also agree to the surrender of the license when the Commission, for the reasons recited herein, deems it to be the intent of the Licensee to surrender the license.

Article 27. The right of the Licensee and of its successors and assigns to use or occupy waters over which the United States has jurisdiction, or lands of the United States under the license, for the purpose of maintaining the project works or otherwise, shall absolutely cease at the end of the license period, unless the Licensee has obtained a new license pursuant to the then existing laws and regulations, or an annual license under the terms and conditions of this license.

Article 28. The terms and conditions expressly set forth in the license shall not be construed as impairing any terms and conditions of the Federal Power Act which are not expressly set forth herein.

LEIGHTON AND SHERLINE

SUITE 803

1701 K STREET N.W.

WASHINGTON, D. C. 20006

July 25, 1980

Mr. Kenneth F. Plumb, Secretary
Federal Energy Regulatory Commission
Washington, D. C. 20426

Re: Project Nos. 18, 503, 1971, 1975,
2055, 2061, 2726, 2736, 2777 and 2778

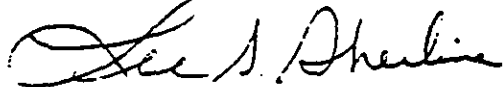
Dear Mr. Plumb:

On July 11, 1980 we filed for Idaho Power Company its letter application to amend the outstanding licenses for the above-identified projects by adding a new license article as described in the letter from Mr. W. W. Lindsay and dated June 18, 1980. Commission staff found errors in the article designations, and for this reason, we are refiling said applications with the correct license article listed therein.

The application covering Project No. 2258 will be refiled in the near future.

Yours very truly,

LEIGHTON & SHERLINE



by Lee S. Sherline

LSS/cr
Enclosures

cc: Nicolas Ysursa, Esq.

FERC Project No. 2777
[Project Name]
Upper Salmon

Honorable Kenneth F. Plumb
Secretary
Federal Energy Regulatory
Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426

Subject: Amendment of the License for Project No. 2777
By Adding Article No. 43 [if applicable:
and by Deleting Article No.].

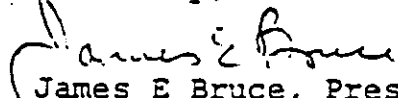
Dear Mr. Plumb:

We have received a letter from Mr. William W. Lindsay, Director of the Office of Electric Power Regulation, offering us an opportunity to amend the license for Project No. 2777 by adding a new standard article. The new article gives the Licensee authority to grant permission for certain uses of project lands and waters and to convey certain interests in project lands, without prior Commission approval. By this letter, we accept that new article as an amendment to the project license. The new article should be designated Article No. 43. A copy of the new article, with that article number filled in, is attached to this letter.

[If applicable, add:

In our judgment, the new article substantially replaces the authority currently contained in Article No. of the license for Project No. . Accordingly, we request that the license be amended to delete Article no. .]

Sincerely,



James E Bruce, President
Idaho Power Company
[Signature of Authorized Official]
[Name of Authorized Official]
[Title of Authorized Official]
[Name of Licensee]

Attachment:

New license Article No. 43

Article 43. (a) In accordance with the provisions of this article, the Licensee shall have the authority to grant permission for certain types of use and occupancy of project lands and waters and to convey certain interests in project lands and waters for certain other types of use and occupancy, without prior Commission approval. The Licensee may exercise the authority only if the proposed use and occupancy is consistent with the purposes of protecting and enhancing the scenic, recreational, and other environmental values of the project. For those purposes, the Licensee shall also have continuing responsibility to supervise and control the uses and occupancies for which it grants permission, and to monitor the use of, and ensure compliance with the covenants of the instrument of conveyance for, any interests that it has conveyed, under this article. If a permitted use and occupancy violates any condition of this article or any other condition imposed by the Licensee for protection and enhancement of the project's scenic, recreational, or other environmental values, or if a covenant of a conveyance made under the authority of this article is violated, the Licensee shall take any lawful action necessary to correct the violation. For a permitted use or occupancy, that action includes, if necessary, cancelling the permission to use and occupy the project lands and waters and requiring the removal of any non-complying structures and facilities.

(b) The types of use and occupancy of project lands and waters for which the Licensee may grant permission without prior Commission approval are: (1) landscape plantings; (2) non-commercial piers, landings, boat docks, or similar structures and facilities; and (3) embankments, bulkheads, retaining walls, or similar structures for erosion control to protect the existing shoreline. To the extent feasible and desirable to protect and enhance the project's scenic, recreational, and other environmental values, the Licensee shall require multiple use and occupancy of facilities for access to project lands or waters. The Licensee shall also ensure, to the satisfaction of the Commission's authorized representative, that the uses and occupancies for which it grants permission are maintained in good repair and comply with applicable State and local health and safety requirements. Before granting permission for construction of bulkheads or retaining walls, the Licensee shall: (1) inspect the site of the proposed construction, (2) consider whether the planting of vegetation or the use of riprap would be adequate to control erosion at the site, and (3) determine that the proposed construction is needed and would not change the basic contour of the reservoir shoreline. To implement this paragraph (b), the Licensee may, among other things, establish a program for issuing permits for the specified types of use and occupancy of project lands and waters, which may be subject to the payment of a reasonable fee to cover the Licensee's costs of administering the permit program. The Commission reserves the right to require the Licensee to file a description of its standards, guidelines, and procedures for

implementing this paragraph (b) and to require modifications of those standards, guidelines, or procedures.

(c) The Licensee may convey easements or rights-of-way across, or leases of, project lands for: (1) replacement, expansion, realignment, or maintenance of bridges and roads for which all necessary State and Federal approvals have been obtained; (2) storm drains and water mains; (3) sewers that do not discharge into project waters; (4) minor access roads; (5) telephone, gas, and electric utility distribution lines; (6) non-project overhead electric transmission lines that do not require erection of support structures within the project boundary; (7) submarine, overhead, or underground major telephone distribution cables or major electric distribution lines (69-kV or less); and (8) water intake or pumping facilities that do not extract more than one million gallons per day from a project reservoir. No later than January 31 of each year, the Licensee shall file three copies of a report briefly describing for each conveyance made under this paragraph (c) during the prior calendar year, the type of interest conveyed, the location of the lands subject to the conveyance, and the nature of the use for which the interest was conveyed.

(d) The Licensee may convey fee title to, easements or rights-of-way across, or leases of project lands for: (1) construction of new bridges or roads for which all necessary State and Federal approvals have been obtained; (2) sewer or effluent lines that discharge into project waters, for which all necessary Federal and State water quality certificates or permits have been obtained; (3) other pipelines that cross project lands or waters but do not discharge into project waters; (4) non-project overhead electric transmission lines that require erection of support structures within the project boundary, for which all necessary Federal and State approvals have been obtained; (5) private or public marinas that can accommodate no more than 10 watercraft at a time and are located at least one-half mile from any other private or public marina; (6) recreational development consistent with an approved Exhibit R or approved report on recreational resources of an Exhibit E; and (7) other uses, if: (i) the amount of land conveyed for a particular use is five acres or less; (ii) all of the land conveyed is located at least 75 feet, measured horizontally, from the edge of the project reservoir at normal maximum surface elevation; and (iii) no more than 50 total acres of project lands for each project development are conveyed under this clause (d)(7) in any calendar year. At least 45 days before conveying any interest in project lands under this paragraph (d), the Licensee must file a letter to the Director, Office of Electric Power Regulation, stating its intent to convey the interest and briefly describing the type of interest and location of the lands to be conveyed (a marked Exhibit G or K map may be used), the nature of the proposed use, the identity of any Federal or

State agency official consulted, and any Federal or State approvals required for the proposed use. Unless the Director, within 45 days from the filing date, requires the Licensee to file an application for prior approval, the Licensee may convey the intended interest at the end of that period.

(e) The following additional conditions apply to any intended conveyance under paragraphs (c) or (d) of this article:

(1) Before conveying the interest, the Licensee shall consult with Federal and State fish and wildlife or recreation agencies, as appropriate, and the State Historic Preservation Officer.

(2) Before conveying the interest, the Licensee shall determine that the proposed use of the lands to be conveyed is not inconsistent with any approved Exhibit R or approved report on recreational resources of an Exhibit E; or, if the project does not have an approved Exhibit R or approved report on recreational resources, that the lands to be conveyed do not have recreational value.

(3) The instrument of conveyance must include covenants running with the land adequate to ensure that: (i) the use of the lands conveyed shall not endanger health, create a nuisance, or otherwise be incompatible with overall project recreational use; and (ii) the grantee shall take all reasonable precautions to ensure that the construction, operation, and maintenance of structures or facilities on the conveyed lands will occur in a manner that will protect the scenic, recreational, and environmental values of the project.

(4) The Commission reserves the right to require the Licensee to take reasonable remedial action to correct any violation of the terms and conditions of this article, for the protection and enhancement of the project's scenic, recreational, and other environmental values.

(f) The conveyance of an interest in project lands under this article does not in itself change the project boundaries. The project boundaries may be changed to exclude land conveyed under this article only upon approval of revised Exhibit G or K drawings (project boundary maps) reflecting exclusion of that land. Lands conveyed under this article will be excluded from the project only upon a determination that the lands are not necessary for project purposes, such as operation and maintenance, flowage, recreation, public access, protection of environmental resources, and shoreline control, including shoreline aesthetic values. Absent extraordinary circumstances, proposals to exclude lands conveyed under this article from the project shall be consolidated for consideration when revised Exhibit G or K drawings would be filed for approval for other purposes.

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

REHEARING

Before Commissioners: C. M. Butler III, Chairman,
Matthew Holden, Jr., and J. David Hughes.

Idaho Power Company) Project No. 2777

ORDER ON REHEARING

(Issued July 24, 1981)

Idaho Power Company (IPC) filed an application for rehearing of our order of June 13, 1979, issuing a license for the Upper Salmon Project No. 2777. IPC requests a change in the effective date of the license, concomitant revision of annual charges, and deletion of Article 29, which concerns the operation of the project as it relates to water rights.

We granted IPC rehearing solely for the purpose of further consideration of its application. We turn now to IPC's contentions.

License Term and Annual Charges

IPC requests that the effective date of the license be changed from June 1, 1949 to August 1, 1955, with annual charges applied prospectively from that date. IPC contends that, under the principles established in the Commission's Androscoggin decision, 1/ as applied in the Medway Project No. 2266 2/ and the American Falls Project No. 2258, 3/ the effective date of the license should be the date the Snake River was found to be navigable: August 1, 1955.

There is however a dispositive distinction between IPC's Upper Salmon Project No. 2777 and the Androscoggin, Medway, and American Falls Projects. The latter three projects were

1/ Public Service Company of New Hampshire, Project No. 2288, 27 F.P.C. 830 (1962) ("Androscoggin").

2/ Bangor Hydroelectric Company, Project No. 2666, Order Issuing License (Major) (March 29, 1979) ("Medway"). The effective date of the Medway Project License was April 1, 1962, not the date the Commission found the river navigable, See note 4, infra.

3/ Idaho Power Company, Project 2258, Order Issuing Major License, 53 F.P.C. 1004 (1975) ("American Falls").

Project No. 2777

-2-

constructed prior to the 1935 amendments to the Federal Power Act. 4/ IPC's Project No. 2777 was constructed after 1935. The Androscoggin decision noted the significance of this distinction: 5/

The construction of any project works subsequent to the enactment of Section 23(b) of the Act of 1935 without the concurrent filing of a license application or declaration of intention plainly violates that section. There is little room for dispute that licenses for such projects should be made effective not later than the date of construction of such project works. [Emphasis in original.]

Under Androscoggin, therefore, the effective date for IPC's Project No. 2777 would have been January 1, 1937, the date construction was started. But, as the license order noted, the result would have been a license expiring in 1986, only seven years after issuance. Consequently, the Commission expanded the Medway rule 6/ in order to issue IPC a license which would expire 20 years from the date of issuance.

4/ Pursuant to Androscoggin, a project built before 1935 and located on a river which the Commission had not before 1962 held to be navigable would obtain a license effective April 1, 1962 (the date of the Androscoggin decision). The Medway Project is in this group. But a pre-1935 project located on a river which the Commission, in an order issued between 1935 and 1962, found to be navigable would obtain a license effective the first day of the month of the order finding navigability. The American Falls Project is in this category.

5/ 27 F.P.C. 830, 832 n. 21.

6/ The rule in Medway applied to projects with no post-1935 construction located on navigable waters. In the June 13, 1979 licensing order for Project No. 2777 the Commission expanded the rule to include projects with post-1935 construction located on navigable waters. The Medway rule was introduced in order to avoid adding to the over 160 licenses that will expire in 1993 as a consequence of the Androscoggin rule.

IPC concludes that any application of annual charges prior to August 1, 1955 "would not be in accordance with the previous Commission Orders and would therefore be discriminatory against [IPC]." 7/ We have explained how the effective date of the license for Project No. 2777 does comport with prior Commission orders for similar projects. What is unprecedented is our conditioning the license upon payment by IPC of an amount equivalent to the annual charges that would have been due for the period between 1938 and 1949, had the Commission not applied the Medway rule. 8/

The Commission is empowered to formulate new policies on a case-by-case basis as well as by rulemaking. Moreover, the Commission may apply a new policy in the same case in which it is first articulated. 9/ This does not constitute undue discrimination. Indeed, as we have noted, in the appealed order the Commission also adopted a new policy which benefited IPC: the application of the Medway 20-year rule to projects with post-1935 construction. Absent this new policy, the license for Project No. 2777 would have expired in 1986 instead of 1999.

The payment in lieu of annual charges between 1937 and 1949 was assessed in order to preserve the Commission's most basic policy in dating licenses: preventing unwarranted advantages to project owners who enjoyed years of unregulated operation by delaying filing for a license. The Commission's policy is to place a license applicant as nearly as possible in the position it would have been, had it carefully observed the licensing requirements of the Federal Power Act. 10/ The Commission's order issuing license for Project No. 2777 effectively and properly did so.

7/ Application of Idaho Power Company For Rehearing of Order Issuing License (Major), Project No. 2777, filed July 12, 1979; at p. 4.

8/ IPC does not challenge the Commission's authority to assess this payment; it only claims that to do so would discriminate against it.

9/ See, e.g., Securities and Exchange Commission v. Chenery Corp., 322 U.S. 194 (1947). The Androscoggin and Medway decisions are themselves examples of this approach.

10/ See discussion in Androscoggin, 27 F.P.C. 830, 832-835, and in Medway, op. cit., slip op. at 5-6.

Article 29

IPC requests that we delete article 29 11/ from the license, contending that it is inconsistent with Article 30 12/ and would impair IPC's water rights under state law.

As IPC notes, state law governs claims for depletion against any water user in the Snake River watershed. Articles 29 and 30 do not add to or take away from any existing water rights that IPC may possess. As was noted in the license order, these articles were included in response to requests by the U.S. Department of the Interior in order to assure that the project would be operated in a manner consistent with irrigation and other beneficial consumptive uses in the Snake River watershed.

But although Article 29 is proper, it is not necessary from a practical standpoint and can be removed with no detriment to the public interest. As the Commission has noted on a previous occasion, 13/ Article 30 adequately confirms the principle that the license does not control or affect the parties' water rights or any claims arising thereunder.

11/ Article 29. The project shall be operated in a manner that will not conflict with the future depletion in flow of the waters of Snake River and its tributaries, or prevent or interfere with the future upstream diversion and use of such water, above the backwater created by the project, for the irrigation of lands and other beneficial consumptive uses in the Snake River watershed.

12/ Article 30. This license shall not be construed as affecting in any way any claim the Licensee may have concerning its water rights acquired pursuant to State Law. Those rights, not this license, shall govern any claim the Licensee may advance against the United States or other parties claiming through the United States for any damages resulting from any future depletion in the flow of the waters of the Snake River and its tributaries for the irrigation of lands or other beneficial consumptive uses.

13/ Idaho Power Company, Project No. 2736, Order Issuing Major License (Unconstructed), 53 F.P.C. 1017, 1024 (1975).

The Commission orders:

(A) Idaho Power Company's application to change the effective date of the license is denied.

(B) Article 29 of the license for Project No. 2777 is hereby deleted.

By the Commission.

(S E A L)

Kenneth F. Plumb

Kenneth F. Plumb,
Secretary.

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Idaho Power Company

Project No. 2777-004
Idaho

ORDER ACCELERATING LICENSE EXPIRATION DATE

(Issued November 1, 1993)

On December 22, 1992, Idaho Power Company (licensee) filed a request to accelerate the expiration date of its Upper Salmon Falls Project license, FERC No. 2777, from May 31, 1999, to February 28, 1998.

The project is located on the Snake River in Twin Falls and Gooding Counties, Idaho. The licensee's Upper Salmon Falls Project No. 2777 is located just upstream from its Lower Salmon Falls Project No. 2061 and the Bliss Project No. 1975. The licensee is conducting environmental studies which are now underway for the three-project reach and these studies are expected to be completed in 1995. The licensee states that the filing of license applications or one application for these three projects and the preparation of an environmental assessment for the entire reach would be facilitated by the acceleration of the Upper Salmon Falls expiration date.

Section 15(b)(1) of the Federal Power Act (FPA)¹ requires that each licensee notify the Commission at least five years before the expiration date of its license whether it intends to file an application for a new license. Under section 15(b)(2), the licensee must at the same time make certain information available to the public.

Under Section 16.4(a)(2) of the Commission's regulations², a written request by a licensee for acceleration of the expiration date of its license is deemed to be a notice of intent to file for a new license. In addition, pursuant to Section 16.4(a)(2), a licensee has ninety days from the date of an order approving acceleration of its license to make available to the public the information required by section 15(b)(2) of the FPA. In order to preserve the five-year window established by section 15(b) of the FPA between the time a licensee is to make information available to the public and the expiration of its license, Section 16.4(c) of the regulations specifies that the expiration date of an accelerated license will be not less than

¹ 16 U.S.C. §808(b), as amended by the Electric Consumers Protection Act of 1986, Pub. L. 99-495, 100 Stat. 1243 (Oct. 16, 1986).

² 18 C.F.R. §16.4(a)(2) (1990).

five years plus 90 days from the date of the order approving the acceleration request. Idaho Power, in its request for acceleration, made available to the public the information required by Section 15(b)(2) of the FPA and section 16.7 of the regulations. We will accordingly grant a partial waiver of section 16.4 of the regulations. Specifically, we will waive the ninety-day period of section 16.4(c) so that the expiration of the license will be five years from the date of the order accelerating the license. Such an expiration date is consistent with the five-year period established by the FPA.

The public notice of the acceleration request was issued on August 23, 1993, with October 12, 1993, as the last date for filing comments and motions to intervene. No comments or motions to intervene were received.

Based on our review of the request, we conclude that the acceleration is in the public interest and thus will be granted herein.

The Director orders:

(A) A waiver of section 16.4(c) of the Commission's regulations is partially granted.

(B) The license expiration date for the Upper Salmon Falls Project, FERC No. 2777, is accelerated to five years from the issuance date of this order.

(C) 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.


Fred S. Springer
Director, Office of
Hydropower Licensing

³ See Hydroelectric Relicensing Regulations under the Federal Power Act, 54 F.R. 23756 (June 2, 1989), III FERC Stats. and Regs. §30,854 at 31,380 (1989).

FILED 4:15 P.M.

MAR 9 1990

JOHN EASTIDA CLERK
BY *Maiten Martinez* DEPUTY

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

* * * * *

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

* * * * *

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

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

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

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

1 Falls) entitle the Company to an
2 unsubordinated right of 3900 c.f.s. average
3 daily flow from April 1 to October 31, and
4 5600 c.f.s. average daily flow from November
5 1 to March 31, both to be measured at the
6 Murphy U.S.G.S. gauging station immediately
7 below Swan Falls. These flows are not
8 subject to depletion. The Murphy gauging
station is located at latitude 43°17'31",
Longitude 116°25'12", in NW1/4 NE1/4 SE1/4
of Section 35 in Township 1 South, Range 1
West, Boise Meridian, Ada County Hydrologic
Unit 17050103, on right bank 4.2 miles
downstream from Swan Falls Power Plant, 7.5
miles NE of Murphy, at river mile 453.5.

9 B. The Company is also entitled to use the
10 flow of the Snake River at its facilities to
11 the extent of its actual beneficial use, but
12 not to exceed those amounts stated in State
13 Water License Numbers 36-2013 (Thousand
14 Springs), 37-2128 & 37-2472 (Lower Malad),
15 37-2471 (Upper Malad), 36-2018 (Clear Lake),
16 36-2026 (Sand Springs), 02-2057 (Upper
17 Salmon), 02-2001A, 02-2001B, 02-2059,
18 02-2060 (Lower Salmon), 02-2064, 02-2065
19 (Bliss), 02-2056 (Twin Falls), 02-2036
20 (Shoshone Falls), 02-2032, 02-4000, 02-4001,
21 and Decree Number 02-0100 (Swan Falls), but
22 such rights in excess of the amounts stated
23 in 1(A) shall be subordinate to subsequent
24 beneficial upstream uses upon approval of
25 such uses by the State in accordance with
26 State law unless the depletion violates or
27 will violate paragraph 1(A). Company
28 retains its right to contest any
appropriation of water in accordance with
State law. Company further retains the
right to compel State to take reasonable
steps to insure the average daily flows
established by this Agreement at the Murphy
U.S.G.S. gauging station. Average daily
flow, as used herein, shall be based upon
actual flow conditions; thus, any
fluctuations resulting from the operation of
Company facilities shall not be considered
in the calculation of the minimum daily
stream flows set forth herein. This
paragraph shall constitute a subordination
condition.

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

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

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

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

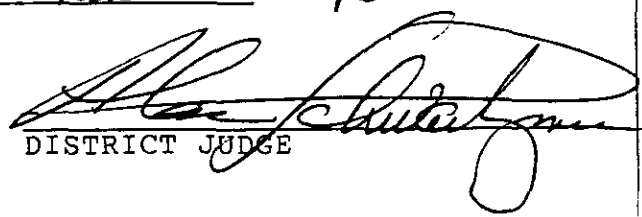
18 2. The above-captioned case is hereby dismissed
19 without prejudice as to all remaining defendants other than the
20 State Defendants.

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

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

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

DATED this 17th day of March, 1990


DISTRICT JUDGE

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Notice of Application Tendered for Filing with the Commission
(January 4, 1996)

02-2057

Project No. 2777-007

- 2 -

file a request for the study with the Commission, together with justification for such request, not later than 60 days from the filing date and serve a copy of the request on the Applicant.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

Lois D. Cashell
Secretary

- a. Type of Application: Major New License
(Notice of Tendering)
- b. Project No.: 2777-007
- c. Date filed: December 20, 1995
- d. Applicant: Idaho Power Company
- e. Name of Project: Upper Salmon Falls
- f. Location: On the Snake River, at river mile 580 from the confluence with the Columbia River in Gooding and Twin Falls Counties, Idaho.
- g. Filed Pursuant to: Federal Power Act, 16 USC §§791(a)-825(r)
- h. Applicant Contact: Robert W. Stahman
Idaho Power Company
1221 West Idaho street
P.O. Box 70
Boise, ID 83707
(208) 388-2676
- i. FERC Contact: Héctor M. Pérez, (202) 219-2843
- j. Brief Description of Project: The project consists of: a main diversion dam, two canals, and two power plants with a total installed capacity of 32,460 kilowatts.
- k. With this notice, we are initiating consultation with the **State Historic Preservation Officer (SHPO)**, as required by § 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR at § 800.4.
- l. In accordance with section 4.32 (b)(7) of the Commission's regulations, if any resource agency, SHPO, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate, factual basis for a complete analysis of this application on its merits, they must

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE. \$300

BDITR2

P-2777 101465
LOREN HOLMES DISTRICT MGR
IDAHO DEPARTMENT OF WATER RESOURCES
1301 NORTH ORCHARD STREET
BOISE, ID 83706-2237



02-2057



STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

*- RKH
- AKD*
*- copies of these
orders should
go in each
water right
file.*
MEMORANDUM

March 30, 1976

TO: Steve Allred *OK*
FROM: Ralph Mellin *RM*
SUBJECT: Water Rights for Power Production - Snake River - Southwest Idaho

Research has been made for water licenses and Federal Power Commission license stipulation on the licenses for the hydroelectric dams below American Falls Dam to Lewiston *As shown by the attachments.*

Six hydroelectric facilities evidently do not have an upstream use subordination stipulation on their licenses. Shown below are these sites with their year of largest filing, water right license amounts in cubic feet per second, and the low month average flow determined from the Department's 1975 water rights and approved permits study.

	Water Right in cfs	Low Month Average in cfs	Low Month in cfs	DATE OF LICENSE EXPIRATION
01-0217 Minidoka - 1909	2,700	100 Feb.	0 March 36	by Congress
02-2037 Shoshone Falls - 1920	1,000	10 Aug.	0 Aug. 36	No FPC License
02-2057 Upper Salmon Falls-1929	6,500	7,100 Aug.	6,100 July 61	No FPC License
02-2001 Lower Salmon Falls-1946	15,550	7,100 Aug.	6,100 July 61	1997
02-2064 Bliss - 1947	15,000	7,100 Aug.	6,100 July 61	1998
02-2004 Swan Falls - 1919	9,450	4,000 Aug.	2,700 July 61	License of 1 year
<i>(Includes 2,000 cfs)</i>				

In those sites that have a Federal Power Commission license coming up for approval or renewal, the Department may want to request there be added a stipulation to the license similar to the stipulation in the Twin Falls power plant license. This stipulation could state the use of the water for hydroelectric uses would be subordinate to consumptive uses.

For the Minidoka hydroelectric plant, a similar statement could be written

into any authorizing legislation for the upcoming reconstruction of that facility.

For the Lower Salmon Falls and Bliss hydroelectric projects which have an FPC license until 1997 and 1998, respectively, there could be negotiations with Idaho Power Co. on the Swan Falls-Guffy project in which part of the consideration for the state's participation in the project would be an amendment to the natural flow water rights of the company's upstream hydroelectric projects listed in the above tabulations.

Whatever the follow-up actions, the Department personnel should stay aware of the additional hydroelectric water rights which could call for water or for compensation from other uses including a future IWRB Indian Hills development during the low flow months. The article in the Idaho Constitution which gives domestic and agricultural priority over other rights also states compensation is due to the earlier water rights if agricultural or domestic uses call this water from the other uses.

RM:jg

cc: Ken Dunn



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

MEMORANDUM

TO: Ralph Mellin, Coleader, Snake River Basin Studies
FROM: Dave Tuthill, Supervisor, Adjudications
RE: Water Rights for Power Production on the Snake River
DATE: February 4, 1976

In response to your memorandum dated January 30, 1976, the attached list contains those flow power filings below Milner. We have no record of any additional filings between Milner and American Falls except for the 2 decreed rights at Minidoka appended to the list, so all those of your concern should be included.

Let me call your attention to the last column on the list, entitled "condition." A condition of approval for power filings which protects future irrigation rights to the water has been added to licenses and permits since around 1947. However, this condition was included in at least some of the Federal Power Commission licenses for power rights prior to that year. This is explained in the attached letter, which was written in 1937 by a Bureau of Reclamation representative.

Not included in the list are Federal Power Commission license numbers for the dams. Although some of these numbers are in our files, they may not be correct, as major construction at a dam sometimes causes an existing license number to be changed. It would be best to obtain these numbers directly from the Federal Power Commission.

Let us know if you would like more information.

Det

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Reclamation

603 Post Office Building
Portland, Oregon
June 21, 1937

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

My dear Mr. Faris:

In letter under date of June 18, 1937 (copy of which is enclosed), Mr. Lynn Crandall, District Engineer of the Geological Survey and Watermaster in charge of District No. 38, has called our attention to two printed notices which are now being published, giving notice of proof of completion of works and application of water to beneficial use by the Idaho Power Company.

The first of these notices is for 300 c.f. per second of the waters of Snake River under Permit 18107. The place where water is used is designated as Lower Salmon Falls, Gooding County. This proof, it is stated in the notice, is to be made at 11 o'clock a.m. on June 29 at Boise, Idaho, before M. E. Hughes, notary public, at 1220 Idaho Street.

The second notice is for 1500 c.f. per second of the waters of Snake River under Permit 17070. The place where this water is used is designated as "at the Twin Falls Power Station in Lot 5 of Section 4, in Township 10 South of Range 18 East B. M., in Twin Falls County, Idaho". The date of priority claimed in connection with this right at the Twin Falls power plant is referred to as April 2, 1929.

In this connection we wish to call attention to the fact that both of these power developments of the Idaho Power Company are located in whole or in part on public lands and that the license issued by the Federal Power Commission in connection with the Twin Falls Power Plant of the Idaho Power Company contains, among other things, the following stipulation and agreement, which is set out as article 14, of the license issued by the Federal Power Commission to the Company:

"Article 14. As a condition of this license, the Licensee, for itself, its successors and assigns, hereby stipulates and agrees that all rights to the use of water for power purposes heretofore or hereafter acquired for the development of power at the site of this project shall be held and considered at all times to be subject, inferior, and subordinate to all rights, heretofore or hereafter acquired by the United States or other parties for irrigation purposes, except (a) the right to use for power development at this project the water from the 45,000 acre feet of primary storage capacity which the Licensee holds in American Falls

Reservoir under paragraph 16 of that certain contract between the United States of America and Idaho Power Company, dated June 15, 1923, and the discharge of which it may control under the terms of said contract; (b) the right to use for power development at this project the seepage, percolation, drainage, spring or springs, waste, and/or other influent waters which do not flow or spill over Milner Dam but which enter in, arise in, and flow in and along the channel of Snake River between the down-stream toe of Milner Dam in Snake River, Idaho, and the site of the project covered by this license. Licensee further agrees, for itself, its successors and assigns, to forego any and all claims which it might otherwise have for damages or other relief, in connection with any power rights at the site of this project, other than those mentioned in (a) and (b) above and which are necessary for irrigation purposes, and it is actually agreed by the parties hereto that this license neither expressly nor impliedly has modified, relinquished, abandoned, or surrendered, nor does hereby modify, relinquish, abandon, or surrender any of the Licensee's rights and privileges under said contract of June 15, 1923, or any of its rights and privileges heretofore or hereafter acquired to the use of water or waters for power purposes at any other point or points.

This stipulation and agreement shall be considered as a covenant running with the title to the said power plant at Twin Falls, and all rights in connection therewith, and the Licensee agrees to execute and acknowledge under authority of a suitable resolution of its board of directors, a recordable contract or deed embodying the provisions, conditions, and limitations set out in the foregoing stipulation and agreement, so that the same may be recorded in the counties in which said power sites are located.

This stipulation shall be effective to bind the Licensee and its successors and assigns, without signature or execution by or on behalf of the United States, and shall become effective for such purposes upon the execution of the license."

When the license in question was under consideration, we insisted on the above quoted stipulation for the protection of the present and future irrigators of the Snake River Valley. It seems to us that it would be contrary to sound public policy to allow any additional power rights to attach for use in the Snake River Canyon to such an extent as would require the waste of water over Milner Dam, since all the water available in Snake River above the Milner Dam is needed for irrigation purposes even at the present time (especially so in low water years when there have been serious water shortages even for the lands now under irrigation) and with increasing irrigation requirements, and construction of additional reservoirs to store flood water and to carry over excess water of high water years for use in low water years, the need to conserve all the available water above Milner Dam for irrigation purposes will become more and more evident as the years go on. On the other hand there are many places in the State of Idaho where additional power can be developed without infringing on the water supply that is needed for irrigation purposes.

It seems to us that any license or certificate issued by the State should contain limitations similar to those imposed by the Federal Power Commission and as the company has expressly agreed to such limitations in its license from the Federal Power Commission, it should not object to having a similar limitation inserted in any license or certificate issued by the State.

17070

It is noticed that the date of priority claimed for the 1500 second feet at Twin Falls is earlier than the date of priority secured for the water filings for the Island Park Reservoir, now approaching completion on the North Fork of Snake River, and also prior to the permit issued by the State Engineer of Wyoming for the small reservoir at Grassy Lake, both of which reservoirs are highly important to the people on the North Fork of Snake River and in the Teton Valley. Attention is also called to the fact that for several years past the people in the Upper Snake River Valley have been urging the government to construct another reservoir on the South Fork of Snake River. Any additional power rights which would require the waste of water over Milner Dam would conflict with both of these propositions and any other reservoirs which may be built in future years to conserve water for irrigation purposes in the Snake River Valley above the Milner Dam.

It may be that by means of the stipulation already inserted in the license issued by the Federal Power Commission that we may be able to protect the water users of the Snake River against any claim of the power company for additional water over Milner Dam but I think that the water users of the Snake River Valley should also have the additional protection of a similar provision in any license or certificate issued by the State Engineer, at least to the extent of recital in such certificate or license of the limitations which have been imposed by the Federal Power Commission and which have been agreed to by the company.

Another thing which I think we should all keep in mind with reference to any future applications for power rights at sites where no irrigation benefits will accrue from the proposed development is this. It will probably be found that in most cases future irrigation developments in southern Idaho, particularly large and expensive reservoirs, will be so costly that it will be essential to the feasibility of the project that a very substantial part of the cost be paid out of power revenues secured as incidental to the construction of the irrigation works. As the power market in southern Idaho is a very limited one and all the growth in such market that is likely to occur during this generation might very well be supplied from the power which may be developed in connection with and incidental to the proposed irrigation developments, the sale of which would be essential to the feasibility of the irrigation project, I believe that no more power permits should be issued at sites in southern Idaho where there are no irrigation benefits to be derived, until we can ascertain whether the available market likely to be developed in the near future cannot be fully supplied from the power to be developed in connection with irrigation works.

Very truly yours,

/s/ B. E. STOUTEMYER
District Counsel

encl
cc - Mr. Crandall

17070

WATER POWER FILINGS ALONG THE SNAGS RIVER IN IDAHO BELOW MILNER DAM

LICENSE NO. & DATE	NAME OF DAM	NAME OF OWNER	PRIORITY	LOCATION Sec. Twp. Rge.	AMOUNT (CFS)	CONDITIONED* (Yes, No)
License No. 02-2002 <i>License</i>	x Swan Falls	Idaho Power Company	7-29-1919	18 2S 1E	4,000	No
02-2003 <i>License</i>		Swan Falls Power Co.	1-17-1900	18 2S 1E	1,040	No
02-2004		Swan Falls Power Co.	4-17-1900	18 2S 1E	1,050	No
License No. 02-2005	Swan Falls	Trade Dollar Mining Co.	4-22-1907	18 2S 1E	2,150 2150	No
License No. 02-2006	x Shoshone Falls	Idaho Power Company	8-09-1920	26 9S 17E	1,000	No
License No. 02-2007	x Twin Falls	Idaho Power Company	4-02-1929	4 10S 18E	1,050	No <i>Excluded from 1997</i>
License No. 02-2008	x Upper Salmon Falls	Idaho Power Company	4-02-1929	2 8S 13E	5,500	No <i>Excluded from 1997</i>
License No. 02-2009	x Lower Salmon Falls	Idaho Power Company	7-02-1908	2 7S 13E	1,300	No
License No. 02-2010		Idaho Power Company	3-20-1935	2 7S 13E	250	No
License No. 02-2011		Idaho Power Company	8-08-1946	2 7S 13E	14,000 10,550	No <i>Excluded from 1997</i>
License No. 02-2012	x Bliss	Idaho Power Company	9-04-1947	7 6S 12E	12,000	No
License No. 02-2013		Idaho Power Company	12-11-1947	7 6S 12E	3,000 15,000	No <i>Excluded from 1997</i>
License No. 02-2014	C J Strike	Idaho Power Company	6-21-1950	34 5S 4E	15,420	Yes
Permit No. 03-2015	Guffey	U. S. Bureau of Rec.	9-14-1962	27 1S 2W	15,000	Yes

*This refers to the presence or absence of a condition of approval, or amendment, on the license or permit.

unsub
Sho
right

9450

1000

6500

15,530

15,000

FLOW-POWER FILINGS ALONG THE SNAKE RIVER IN IDAHO BELOW HILMER DAM

RIGHT NO. & TYPE	NAME OF DAM	NAME OF OWNER	PRIORITY	LOCATION			AMOUNT (CFS)	CONDITIONED* (Yes, No)
				Sec.	Twp.	Rge.		
License No. 03-2017	Hell's Canyon	Idaho Power Company	5-29-1964	16	22N	3W	9,000	Yes
License No. 03-2020		Idaho Power Company	5-12-1953	16	22N	3W	21,000	Yes
License No. 03-2023	Brownlee	Idaho Power Company	10-17-1952	2	17N	5W	20,000	Yes
License No. 03-2024		Idaho Power Company	2-11-1964	2	17N	5W	10,000	Yes
Permit No. 03-7018		Idaho Power Company	12-24-1975	2	17N	5W	5,000	Yes
License No. 03-2019	Oxbow	Idaho Power Company	6-19-1947	21	19N	4W	16,000	Yes
License No. 03-2025	Oxbow	Idaho Power Company	2-11-1964	21	19S	4W	14,000	Yes
Permit No. 03-2021	High Mountain Sheep	Pac. Northwest Power	2-11-1955	30	29N	3W	25,000	Yes
Permit No. 03-2022	Pleasant Valley	Pac. Northwest Power	2-11-1955	29	27N	1W	25,000	Yes
Permit No. 02-7185	Coolant for New Plant	Idaho Power Company	1-03-1975	30	1S	4E	30	No
Decree 01-0217	Minidoka	U. S. Sec. of Interior	6-15-1909	1	9S	25E	2,500	No
Decree 01-0219	Minidoka	U. S. Sec. of Interior	7-01-1912	1	9S	25E	200 <i>2,700</i>	No

*This refers to the presence or absence of a condition of approval, or amendment, on the license or permit, which states that future



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

February 27, 1976

MEMORANDUM

TO: Ralph Mellin

FROM: John Bessaw JS

SUBJECT: Water Rights for Power Production on the Snake River

On about February 11, 1976, you requested information on several hydro electric plants on the Snake River. You were interested in knowing if the FPC licenses contained any stipulations that a right for power production was subordinate to a water right for irrigation.

Attached is a copy of the information received from the FPC regarding this question.

It appears that the only plant, of those in question, that contain this stipulation on the federal license, is the Twin Falls plant.

JB:nc

Attachment

WATER RESOURCE BOARD:

John F. Streiff
Chairman

Franklin Jones
Member

George L. Yost
Vice-Chairman

M. Reed Hansen
Member

Donald R. Kramer
Secretary

Scott W. Reed
Member

Edwin C. Schlender
Member

Joseph H. Nettleton
Member

FEDERAL POWER COMMISSION

REGIONAL OFFICE

555 BATTERY STREET, ROOM 415

SAN FRANCISCO, CALIF. 94111

February 24, 1976

Mr. John Bessaw
Water Resources Analyst
State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

Dear Mr. Bessaw:

This will respond to your letter of February 12, 1976, inquiring about Federal Power Commission licenses for certain hydroelectric projects in Idaho.

Of the seven projects identified in your list, the Commission has issued licenses for only four - Swan Falls, Twin Falls, Lower Salmon Falls, and Bliss. Minidoka is federally owned and operated and therefore not subject to licensing by the Commission. Several years ago Idaho Power Company applied for a license proposing to include the constructed Upper Salmon developments, Shoshone Falls development, and American Falls development in one project. On March 31, 1975, the Commission issued a license for the American Falls development only, designating it as Project No. 2258. In its order issuing the license the Commission stated that consideration of the Upper Salmon and Shoshone Falls developments was being deferred until a later date. Those two developments remain unlicensed at this time.

Listed below are license expiration dates and the number of the specific license articles which deal in some manner with project operation for power purposes with respect to the use of water for irrigation.

Project No.	Name	License Expiration Date	Pertinent License Articles
18	Twin Falls	6-10-84	11 - <i>Ag duplicate</i>
503	Swan Falls	6-30-70*	None

*Project has been operating on annual licenses pending Commission action on Idaho Power Company's application for new license.

Mr. John Hessay

- 2 -

February 24, 1975

<u>Project No.</u>	<u>Name</u>	<u>License Expira- tion Date</u>	<u>Pertinent License Articles</u>
1975	Bliss	2-26-98	28
2061	Lower Salmon	12-23-97	30
2258	American Falls	12-31-93	14, 31, 32, 33

As duplicate

We are enclosing copies of the cited license articles for your convenience. The complete license documents are lengthy, varying from 20 to 50 pages each. We hope these extracts will suffice for your purpose. If not, you may order the documents from the Office of Public Information, Federal Power Commission, 825 H. Capitol Street, Washington, D. C. 20426. There would be a charge for reproduction.

Very truly yours,

H. Frank Thomas
H. Frank Thomas
Regional Engineer

Enclosures

2056

Article 13. Before beginning construction, the Licensee shall prepare and submit plans for the initial section of the dam to an elevation of 3,507 feet, and before raising the crest of the dam above the initial elevation of 3,507 feet, the Licensee shall prepare and submit plans for preventing erosion below the downstream toe of the structure and shall secure the approval thereof by the Commission.

Article 14. As a condition of this license, the Licensee, for itself, its successors and assigns, hereby stipulates and agrees that all rights to the use of water for power purposes heretofore or hereafter acquired for the development of power at the site of this project shall be held and considered at all times to be subordinate, inferior, and subordinate to all rights heretofore or hereafter acquired by the United States or other parties for irrigation purposes, except (a) the right to use for power development at this project the water from the 45,000 acre-feet of primary storage capacity which the Licensee holds in American Falls Reservoir under paragraph 16 of that certain contract between the United States of America and Idaho Power Company, dated June 15, 1923, and the discharge of which it may control under the terms of said contract; (b) the right to use for power development at this project the seepage, percolation, drainage, spring or springs, waste, and/or other influent waters which do not flow or spill over Milner Dam but which enter in, arise in, and flow in and along the channel of Snake River between the down-stream toe of Milner Dam in Snake River, Idaho, and the site of the project covered by this license. Licensee further agrees, for itself, its successors and assigns, to forego any and all claims which it might otherwise have for damages or other relief, in connection with any power rights at the site of this project, other than those mentioned in (a) and (b) above and which are necessary for irrigation purposes, and it is mutually agreed by the parties hereto that this license neither expressly nor impliedly has modified, relinquished, abandoned, or surrendered, nor does hereby modify, relinquish, abandon, or surrender any of the Licensee's rights and privileges under said contract of June 15, 1923, nor any of its rights and privileges heretofore or hereafter acquired to the use of water or waters for power purposes at any other point or points.

This stipulation and agreement shall be considered as a covenant running with the title to the said power plant at Trin Falls, and all rights in connection therewith, and the Licensee agrees to execute and acknowledge under authority of a suitable resolution of its board of directors, a recordable contract or deed embodying the provisions, conditions, and limitations set out in the foregoing stipulation and agreement, so that the same may be recorded in the counties in which said power sites are located.

This stipulation shall be effective to bind the Licensee and its successors and assigns, without signature or execution by or on behalf of the United States, and shall become effective for such purposes upon the execution of the license.

Article 28. Should the project works be damaged or the power output of the project be reduced by subsequent upstream diversion of the waters of the Snake River by the United States in connection with its irrigation and conservation program, then the United States shall have the option, in full settlement of any and all claims by the Licensee, of paying such damages as the Licensee shall be then entitled to recover as a matter of law, or of acquiring the Licensee's project as provided by the Act.

Bliss

02-2064

02-2065

Article 29. The construction and operation of the transmission lines from the Bliss plant to substations near American Falls and Boise shall be subject to the following special conditions:

(i) The Licensee shall not convert said lines to permit operation at a higher voltage without prior approval of the Commission. Upon the request of the Secretary of the Interior under appropriate authority, the Licensee shall, after notice of at least one year from the Commission and within the time fixed by the Commission, convert said lines for operation at a voltage of 230 kilovolts at the expense of the United States.

(ii) After the initial construction of the lines or upon conversion of the lines to a higher voltage as herein provided, the Licensee shall permit the United States, and the United States shall have the right, to interconnect any of its transmission facilities with said lines in a manner conforming to approved standards of practice for the interconnection of transmission circuits provided there is capacity available in

10/23/51

Article 29. To the extent that it has not already been so done, the Licensee shall clear all lands in the bottom and margins of the reservoir between high-water elevation and a plane at low-water elevation, and shall cut all trees and brush within the area below the low-water elevation so that no brush or trees will protrude above said elevation; and shall dispose of all temporary structures, unused timber, slash, refuse, or other material resulting from the clearing of the lands or from the construction of the project works. In addition, all trees along the high-water line of the reservoir which die during the operation of the project shall be removed. The clearing of the land and the disposal of the material shall be done with due diligence and to the satisfaction of the authorized representative of the Commission.

*Lower
Salmon*

Article 30. The Licensee agrees that should the project works be damaged or the power output of the project be reduced by subsequent upstream diversion of the waters of the Snake River by the United States in connection with its irrigation and conservation program, then the United States shall have the option, in full settlement of any and all claims by the Licensee, of paying such damages as the Licensee shall then be entitled to receive as a matter of law, or of acquiring the Licensee's Project in the manner provided by the Act.

02-2061
02-2059
02-206

Article 31. The Commission reserves the right to determine at a future date after further investigation reasonable requirements and regulations in the interest of fish and wildlife.

Article 32. The Licensee shall pay to the United States the following annual charges:

- (i) For the purpose of reimbursing the United States for the costs of administration of Part I of the Act, one (1) cent per horsepower on the authorized installed capacity (65,800 horsepower), plus two and one-half (2½) cents per 1,000 kilowatt-hours of gross energy generated by the project during the calendar year for which the charge is made;
- (ii) For the purpose of recompensing the United States for the use, occupancy and enjoyment of its lands, \$173.62.

Article 33. The actual legitimate original cost, estimated where not known, and the accrued depreciation of such parts, if any, of the old development that become a part of the new project, shall be determined by the Commission as of the effective date of this license, namely December 24, 1947, in accordance with the Act and the rules and regulations of the Commission and such original cost less such accrued depreciation, so determined, shall be the net investment in the project as of such effective date.

Article 11. The Licensee shall, after notice and opportunity for hearing, coordinate the operation of the project, electrically and hydraulically, with such other projects or power systems and in such manner as the Commission may direct in the interest of power and other beneficial public uses of water resources, and on such conditions concerning the equitable sharing of benefits by the Licensee as the Commission may order.

Article 12. Whenever the Licensee is directly benefited by the construction work of another licensee, a permittee, or of the United States of a storage reservoir or other headwater improvement, the Licensee shall reimburse the owner of the headwater improvement for such part of the annual charges for interest, maintenance, and depreciation thereof as the Commission shall determine to be equitable, and shall pay to the United States the cost of making such determination as fixed by the Commission. For benefits provided by a storage reservoir or other headwater improvements of the United States the Licensee shall pay to the Commission the amounts for which it billed from time to time for such headwater benefits and for the costs of making the determinations pursuant to the then current Commission Regulations under the Federal Power Act.

Article 13. The United States specifically retains and safeguards the right to use water in such amount, to be determined by the Secretary of the Army, as may be necessary for the purposes of navigation on the navigable waterway affected; and the operations of the Licensee, so far as they affect the use, storage and discharge from storage of waters affected by the license, shall at all times be controlled by such reasonable rules and regulations as the Secretary of the Army may prescribe for the protection of life, health, and property, and in the interest of the fullest practicable conservation and utilization of such waters for power purposes and for other beneficial public uses, including recreational purposes.

Article 14. On the application of any person, association, corporation, Federal agency, State or municipality, the Licensee shall, after notice and opportunity for hearing, permit such reasonable use of its project properties, including works, lands and water rights, or parts thereof, as may be ordered by the Commission in the interest of comprehensive development of the waterway or waterways involved and the conservation and utilization of water resources of the region, for water supply, or for the purpose of steam-electric, irrigation, industrial, municipal, or similar uses.

*American
Facts*

The Licensee shall receive reasonable compensation, at least full reimbursement for any damages or expenses which the joint use causes him to incur, for use of its reservoir or other project properties or parts thereof for such purposes, any such compensation to be fixed by the Commission either by approval of an agreement between the Licensee and the party or parties benefiting or after notice and opportunity for hearing. Applications shall contain information in sufficient detail to afford a full understanding of the proposed use, including satisfactory evidence that the applicant possesses necessary water rights pursuant to applicable State law, or a showing of cause why such evidence cannot be concurrently submitted, and a statement as to the relationship of the proposed use to any State or municipal plans or orders which may have been adopted with respect to the use of such waters.

Article 15. In the construction or maintenance of the project works, the Licensee shall place and maintain suitable structures and devices to reduce to a reasonable degree the liability of contact between its transmission lines and telegraph, telephone and other signal wires or power transmission lines constructed prior to its transmission lines and not owned by the Licensee, and shall also place and maintain suitable structures and devices to reduce to a reasonable degree the liability of any structures or wires falling or obstructing traffic or endangering life. None of the provisions of this article are intended to relieve the Licensee from any responsibility or requirement which may be imposed by other lawful authority for avoiding or eliminating inductive interference.

Article 16. The Licensee shall, for the conservation and development of fish and wildlife resources, construct, maintain, and operate, or arrange for the construction, maintenance and operation of such reasonable facilities and comply with such reasonable modifications of the project structures and operation as may be ordered by the Commission upon its own motion or upon the recommendation of the Secretary of the Interior or the fish and wildlife agency or agencies of any State in which the project or a part thereof is located, after notice and opportunity for hearing.

Article 17. Whenever the United States shall desire, in connection with the project, to construct fish and wildlife facilities or to improve the existing fish and wildlife facilities at its own expense, the Licensee shall permit the United States or its designated agency to use, free

United States under the license, for the purpose of maintaining the project works or otherwise, shall absolutely cease at the end of the license period, unless Licensee has obtained a new license pursuant to the then existing laws and regulations, or an annual license under the terms and conditions of this license.

Article 29. The Commission reserves the right to determine at a later date what, if any, lands of the United States are occupied or affected by the project works and to fix the annual charge for the use thereof.

Article 30. The Licensee shall cooperate with the U.S. Department of the Interior's Bureau of Reclamation, the Office of the Idaho State Historic Preservation Officer, and other appropriate agencies (1) in the identification of historical resources within the project boundary, (2) in developing a plan for protection of such structures including the Old Island Powerhouse, and (3) in developing and executing plans for the improvement of such resources in the interest of recreation, education, and historic preservation, including the provision of public access to such structures.

Article 31. The Licensee shall operate its facilities at American Falls in such a manner as not to interfere with the release of water by the Government at American Falls Dam and, when required by the United States, acting through the Department of the Interior, the Licensee shall draw down the elevation of water in its forebay pool sufficiently to permit the waters to flow from the Government's American Falls Dam into the forebay of the Licensee's installation at rates of flow as determined by the Department of the Interior.

Article 32. The project shall be operated in such a manner as will not conflict with the future depletion in flow of the waters of Snake River and its tributaries, or prevent or interfere with the future upstream diversion and use of such water above the backwater created by the project for the irrigation of lands and other beneficial consumptive uses in the Snake River watershed.

Article 33. This license shall not be construed as affecting in any way any claim the licensee may have concerning its water rights acquired pursuant to State law. Those rights, not this license, shall govern any claim the licensee may advance against the United States or other

*American
Falls*

parties claiming through the United States for any damages resulting from any future depletion in the flow of the waters of the Snake River and its tributaries for the irrigation of lands or other beneficial consumptive uses.

Article 34. The Licensee shall, to the satisfaction of the Commission's authorized representative, install and operate such signs, lights, sirens or other devices below the powerhouse to warn the public of fluctuations in flow from the project as may be reasonably needed to protect the public in its recreational use of project lands and waters.

Article 35. The Licensee shall, within two years from the issuance of the license, file for Commission approval an Exhibit R and an Exhibit S for the project conforming to the requirements of Section 4.41 of the Commission's Rules and Regulations under the Federal Power Act. These exhibits shall be prepared in cooperation with the appropriate State and Federal agencies with Exhibit R specifically incorporating a solid waste management plan to include (a) the location of solid waste receptacles to be provided at public areas, picnic areas, and boat access areas, (b) schedules for collection from the receptacles, (c) provisions for including in the subject plan any public use areas as they may be developed, and (d) disposal sites and methods of disposal.

Article 36. Within two years from the issuance of this order, the Licensee shall enter into an agreement with the Bureau of Reclamation, United States Department of the Interior, to effect the maximum justifiable development of the power resources of the American Falls site consistent with comprehensive development for other beneficial public purposes.

Article 37. The Licensee shall file for surrender of license for this project when its generating capacity is rendered inoperable by reason of the construction and/or operation of a more comprehensive hydroelectric development at American Falls.

Article 38. The Licensee shall continue to consult and cooperate with the Idaho Department of Parks and Recreation, Idaho Fish and Game Department, Fish and Wildlife Service and the Bureau of Reclamation of the U.S. Department

April 22, 1957

RE: Permits Nos. 3685, 17069,
13107 & 19924

Toothman, Chronic & Associates
105 North 23rd Street
Boise, Idaho

Dear Sirs:

We acknowledge receipt of your check in the amount of
\$11.25 to cover the fee for making photo-copies of the Permits
above captioned.

We enclose departmental receipt No. 28947 for that fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

MR
Encl.

17069

17069

April 16, 1957

RE: Permits Nos. 3685, 17069,
18107 & 19924

Toothman, Chronic & Associates
105 North 23rd Street
Boise, Idaho

Gentlemen:

A few days ago, at your request, we made photo-copies of Permits Nos. 3685, 17069, 18107 & 19924, and these copies were picked up at our office by one of your representatives.

The fees for making these copies are based at the rate of .75¢ per page or a total of \$11.25, which you may remit to this Department at your convenience.

Very truly yours,

MARK E. KULP
State Reclamation Engineer
By

Chief Clerk

PR

10 415
17 669 ✓

December 14, 1937

H. L. SENGGER
c/o Idaho Power Company
Boise, Idaho

Dear Mr. Senger:

I am enclosing herewith carbon copies of letters to this Department from Mr. T. R. Newell of the United States Geological Survey relative to water measurements recently made at the power plants located at the Upper Salmon Falls and the Clear Lakes locations, respectively.

Trusting that this will be of interest and apologizing for the delay in transmittal, I am, with the best of seasonal greetings,

Yours very truly,

Fred A. Tolman
Field Engineer

fat/ci

17069

December 7, 1937

Re: Permit 17069

Mr. Arthur C. Inman, Attorney
Idaho Power Company
Boise, Idaho

Dear Mr. Inman:

I am enclosing herewith certificate of Completion of Works and also a license and certificate of water right, both in the amount of 6500 second feet.

As you know, these two instruments complete the record for this permit which covers the company's development at upper Salmon Falls on Snake River.

Yours very truly,

Paul L. Henry
Deputy Commissioner of Reclamation

PLH:DE
Encls.

17069

December 4, 1937

Re: Permits 16132-17069

Mr. Arthur C. Inman
Attorney at Law
Idaho Power Company
Boise, Idaho

Dear Mr. Inman:

This is to inform you that I now have the engineer's report covering the examinations made in connection with proofs submitted under the above permits.

Permit number 16132 claims 1 1/2 second feet of water, or at least, that is the quantity granted under beneficial use proof. The permit was issued for irrigation, domestic and power stations purposes. Since but seven and one half acres are being irrigated, the quantity for irrigation will be limited to 0.15 second feet, and the balance of the amount granted, or 1.35 acre feet will be for domestic and power purposes, or so much thereof as can be used beneficially. There is a statutory fee of \$6.00 due in connection with this proof, and upon receipt of that amount a license will be issued.

Permit number 17069 claims the use of 6500 second feet of water for power purposes and the proof has been offered for that quantity. After a conference with the Field Engineer and the Commissioner, it has been decided that your works are sufficient to handle that quantity, notwithstanding the fact that frequently there is a lesser amount in the river at that point, therefore, your certificate of completion of works and license will both be issued for the 6500 second feet of water upon receipt of the following fees:

The law provides that the fee for completion of works shall be computed as follows: \$5.00 for the first ten second feet and 30¢ for each additional second foot. The fee for completion of works is therefore \$1952.00. The fee for beneficial use proof, regardless of the quantity of water involved, is

17069

Mr. Arthur C. Inman
December 4, 1937
Page two

always a straight \$5.00 for any other purpose than irrigation.
This makes the total fees due under the two permits \$1963.00.

Will you kindly check these figures before your checks
are written, and if you disagree with them, I shall be glad to
discuss the matter with you.

Very truly yours,

Deputy Commissioner

ALB:mb

17069

State of Idaho
ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Mr. M. E. Hughes
Notary Public
1220 Idaho Street
Boise, Idaho

Boise, Idaho, **November 29, 1937**

Dear Sir:

I enclose herewith the following forms to be used in connection with proof of completion of works under Permit No. **17069**.

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 29, 1937**, the date set for proof of completion of works, the enclosed deposition forms (one for permit holder and one each for two witnesses) should be filled out and sworn to, at **Boise, Idaho, before M. E. Hughes, 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,

Commissioner of Reclamation

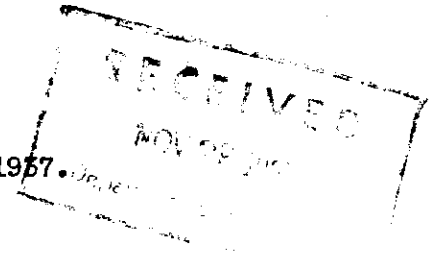
17069



IDAHO POWER COMPANY

BOISE, IDAHO

November 29, 1957



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

Dear Mr. Faris: Re: Permit No. 17069

Transmitted herewith please find the following documents in connection with proof of completion of works and application to beneficial use of waters under Permit No. 17069:

Affidavits of publication showing publication of notice for five consecutive weeks in both the Gooding Leader and the Buhl Herald;

Deposition of holder and depositions of two witnesses relative to proof of completion of works;

Deposition of holder and depositions of two disinterested witnesses in connection with proof of application of said waters to beneficial use.

Very truly yours,

A handwritten signature in cursive script, reading "A. C. Inman".

A. C. Inman,
Attorney.

ACI/B
Enc.

17069

Affidavit of Publication

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

Notice is hereby given that at 10 o'clock A. M. on the 29th day of November, 1937, at Boise, County of Ada State of Idaho, before M. E. Hughes, Notary Public, 1220 Idaho Street, Boise, Idaho, proof will be submitted of the completion of works for the diversion of 6500 cubic feet per second of the waters of Snake River and of the application to beneficial use of said water in accordance with the terms and conditions of Permit No. 17069, heretofore issued by the Commissioner of Reclamation of the State of Idaho.

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

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of use, in accordance with the plans accompanying the application for such permit, is 6500 cubic feet per second.

3. The use to which said water has been applied is in the production of electric energy and the amount applied to beneficial use is 6500 cubic feet per second.

4. The place where said water is used is at Upper Salmon Falls power station, in Lot 3, Section 3, Township 8 South, Range 13 East, Boise Meridian.

5. The date of priority which said user is prepared to establish is April 2, 1929.

R. W. Farris, Commissioner of Reclamation. (305)

STATE OF IDAHO
County of Twin Falls

ss.

I, Vernon R. Frost, do solemnly swear that I am the printer and publisher of THE BUHL HERALD, a weekly newspaper of general circulation, published once each week at Buhl, Idaho; that the notice attached hereto was published in said newspaper five consecutive

weeks, the first publication having been made on the 26th day of October, 1937,

and the last publication having been made on the 25th day of November, 1937;

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

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

Vernon R. Frost

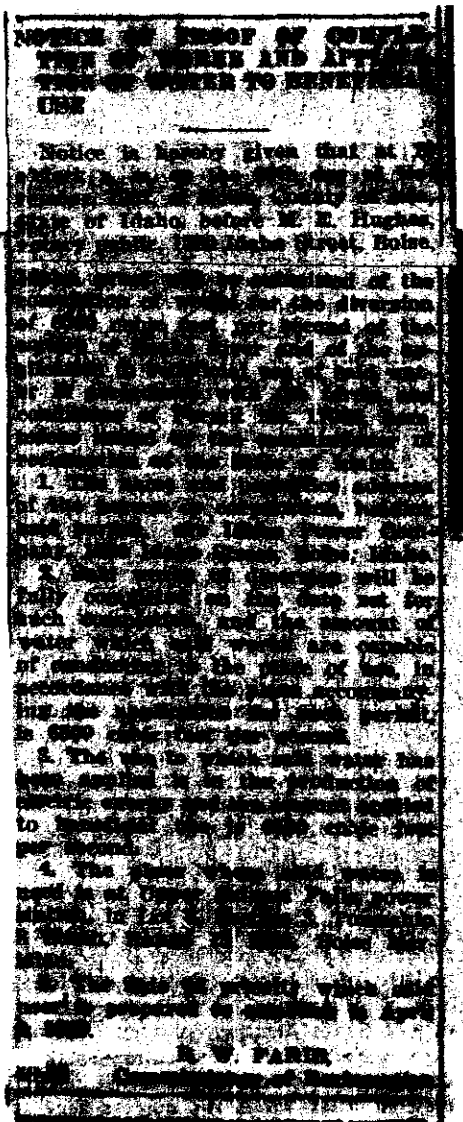
Subscribed and sworn to before me this

26th day of November, 1937

Grayson

Notary Public.

17069



PUBLISHER'S AFFIDAVIT

COUNTY OF GOODING, }
STATE OF IDAHO } ss.

F. F. Swan, being first
duly sworn, deposes and says that he is
Printer, of The
Gooding Leader, a newspaper of general
circulation in Gooding County, Idaho, pub-
lished weekly in the City of Gooding, in
said County and State; that said news-
paper has been published in said county
uninterruptedly and continuously for more
than seventy-eight consecutive weeks
prior to the first publication of the attach-
ed notice; that a notice, of which the an-
nexed is a true copy, was published in the
said newspaper for at least Five
consecutive issues, commencing with the
issue dated October 28, 1937 and
ending with the issue dated Nov. 25,
1937 in the regular and entire issue of
said newspaper and not in any supplement
thereof.

F. F. Swan
Affiant's Signature.

Subscribed and sworn to before me this
26th day of Nov, 1937
P. T. Rutledge
Notary Public.
Residing at Gooding, Idaho.

PERMIT NO. 17069

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. K. M. Robinson, Boise, Idaho; President & General Manager, Idaho Power Company, 1220 Idaho St., P. O. Box 770, Boise, Idaho.

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

Ans. Idaho Power Company; principal place of business in Idaho at 1220 Idaho St., Boise; President & General Manager.

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

Ans. No. 17069, April 2, 1929; 6500 cubic feet per second; Snake River; South 15° 22' East 1842 ft. from North $\frac{1}{4}$ corner of Sec. 2, T. 8 S., R. 13 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. Generation of electric power, and power station uses.

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 works of diversion; Sept. 4, 1937 and continuously since; up to all water that has been available, approximately 6000 cfs.; capacity of canal and works is in excess of 7000 cfs.

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 of diversion are fully completed and comply substantially with permit except that canal is shorter and larger in capacity.

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. Dimensions of dam and canal vary from data contained in permit due to geologic conditions found to exist during construction and necessary changes in project plans.

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

Ans. Concrete diversion dam 1617 ft. long, three sections, including 6 taintor gates. Lower canal dam 1445 ft. long, concrete, gravity section, with 4-bay reinforced concrete fish ladder. Earth section canal 2050 ft. long, 200 ft. wide at bottom and about 270 ft. wide at top. Capacity in excess of 7000 second feet. Canal joined with power house with gravity section concrete walls, north wall serving as spillway; walls average 37 feet high. Point of return immediately below power plant. Cost of works (exclusive of power plant) approximately \$970,000.

(Sign here.)

K. M. 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, in Boise

County of Ada, State of Idaho, on this 29th day of November, A. D. 1937.

M. E. Hughes
Notary Public.

My Commission expires March 27, 1940

17069

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 17069

This proof is for Completion of Works & Beneficial Use

In Water District No.

1. Name of applicant Idaho Power Company

2. Source of water supply: Snake River

3. Location of point of diversion: Is in the Lot 2 of Section 2

T. 8 S. R. 13 E., EM County of Twin Falls

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

consist of Dam 1400 ft long x 5 ft high. Head works with six
30 ft gates. A main canal 2060 ft long x 20 ft bottom width
and 8 ft deep. Station equipment includes two 13000 H.P. propeller
type turbines and two 9000 K.W. generators. Operating head 47 ft.

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):

Power developed in this plant is turned into
the main distribution system of the I.P.Co. for
general use throughout southern Idaho.

(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: See attached letter of Mr. T. R. Howell.

17069

This examination was made on the 9th and 10th day of November, 1937

(Signed)

Fred S. Salzman

Examiner.

Idaho Power Co.
Boise, Idaho

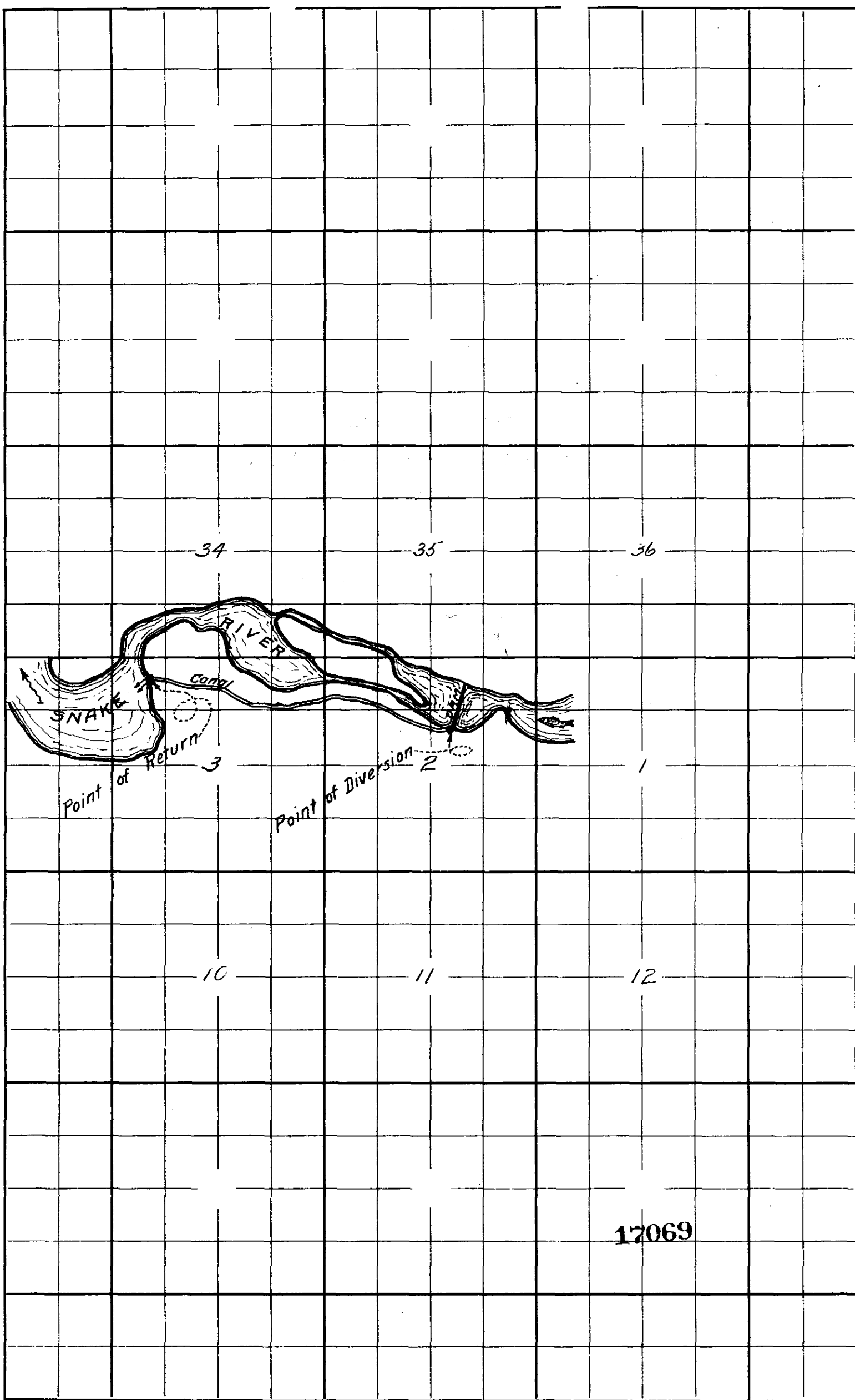
Permit No. 17069

Examination for C. of W. & B. U.

County Twin Falls

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

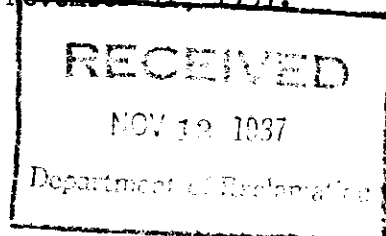
REPORT OF ENGINEER

PERMIT NO. 17069

REPORT ON PROOF OF Completion of Works & Beneficial Use

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

Boise, Idaho, November 12, 1937.



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

Dear Mr. Faris:-

Pursuant to your request a trip was made to Upper Salmon Falls hydroelectric plant near Hagerman for the purpose of measuring discharge in head race canal leading to forebay. Mr. Tolman of your office accompanied and secured observations of head race levels, tailrace levels, and plant operation during period of discharge measurements.

On November 9, 1937, the flow was measured in the canal at a point approximately 1000 feet upstream from the power plant. Measurement started at 7:30 a.m. and completed at 9:30 a.m.; discharge, 5,944 second-feet. The water level in the head race canal dropped off considerably during the measurement as shown by Mr. Tolman's observations, falling from elevation of about 42.2 feet to elevation 40.4 feet from 7:30 a.m. to 9:30 a.m. No flow passed over spillway below measuring point during measurement. Both units were operating.

On November 10, 1937, the flow was measured at the same point. Measurement started at 7:17 a.m. and completed at 9:23 a.m.; discharge, 3,403 second-feet. The water level in the head race canal varied with a range of 0.22 foot during the measurement as shown by Mr. Tolman's observations (average head race water level 43.18 feet). Flow passed over spillway below measuring point continuously during measurement. One unit was operating and one unit was reported closed down.

The flow passing the spillway below the measuring point during the measurement made on November 10, 1937, may be computed approximately from formula $Q = C L H^{3/2}$. The spillway crest is 150 feet long and 2 feet wide; upstream and downstream corners rounded; upstream side vertical, downstream side sloping 7.5 to 12. The head over the crest averaged 0.48 foot during the measurement. For this low head King's handbook shows a coefficient of 2.61 for weir crest 2 feet wide, with vertical sides upstream and downstream, and without rounded corners. If this figure be increased 10 percent because of rounded corners, a figure of 2.87 would be indicated. A coefficient of 2.9 is suggested for application in discharge formula:

3403
- 145

3258 = net total flow

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26
37
4
Mr. R. W. Faris - 11/12/37 - page 2

$$Q = C L H^{\frac{3}{2}}$$
$$Q = 2.9' \times 150' \times (0.48)^{\frac{3}{2}}$$
$$Q = 145 \text{ second-feet}$$

Very truly yours,

Thomas R. Newell

Thomas R. Newell,
District Engineer.

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

Permit No. 17069

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

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

Ans. Henry L. Senger, Chief Engineer, Idaho Power Company, (Registered Engineer), Boise, Idaho.

Ques. 2. Are you acquainted with Idaho Power Company, the holder of Permit No. 17069, authorizing the diversion of 6500 second-feet of the waters of Snake River at Upper Salmon Falls at for power purposes? How long have you known him, and where does he reside?

Ans. Yes, Since 1916; 1220 Idaho St., Boise, Idaho.

Ques. 3. Have you read or heard read said Permit No. 17069, 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?

Works are fully completed and of sufficient capacity to convey at least 6500 cfs. from point of diversion to place of use and return.

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

Ans. Concrete diversion dam 1617 ft. long, three sections, including 6 taintor gates. Lower canal dam 1445 ft. long, concrete, gravity section, with 4-bay reinforced concrete fish ladder. Earth section canal 2050 ft. long, 200 ft. wide at bottom and about 270 ft. wide at top. Capacity in excess of 7000 second feet. Canal joined with power house with gravity section concrete walls, north wall serving as spillway; walls average 37 feet high. Point of return immediately below power plant.

(Sign here.)

Henry L. Senger

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 29th day of November, A. D. 1937.

My Commission expires
March 27, 1940.

W. E. Hughes

17069

Notary Public residing at Boise, Idaho

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO.

PERMIT NO. 17069

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. K. M. Robinson, age 42, Boise, Idaho; President & General Manager, Idaho Power Company, 1220 Idaho St., P. O. Box 770, Boise, Idaho.

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

Ans. Idaho Power Company; principal place of business in Idaho at 1220 Idaho St., Boise; President & General Manager.

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

Ans. No. 17069, April 2, 1929; priority, April 2, 1929.

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

Ans. Snake River, South 15° 22' East 1842 ft. from North $\frac{1}{4}$ corner of Sec. 2, T. 8 So., R. 13 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 diversion dam 1617 ft. long, three sections, including 6 taintor gates. Lower canal dam 1445 ft. long, concrete, gravity section, with 4-bay reinforced concrete fish ladder. Earth section canal 2050 ft. long, 200 ft. wide at bottom and about 270 ft. wide at top. Capacity in excess of 7000 second feet. Canal joined with power house with gravity section concrete walls, north wall serving as spillway; walls average 37 feet high. Point of return immediately below power plant.

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. Generation of electrical power at Upper Salmon Falls power plant in Twin Falls County, Idaho, located on Snake River in Lot 3, Sec. 3, T. 8 So., R. 13 East, B.M.

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

Ans. Applied through two 13,000 horsepower turbines direct connected to two 9,000 Kva generators. Generator capacities total 18,000 Kw (rated capacity), but peak output approximates 22,000 Kw or about 29,000 horsepower.

17069

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

Ans. Not less than 6,500 second feet is required for full operation of both turbines and generators at full capacity.

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

Ans. Permit was originally issued to present holder, Idaho Power Company.

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

Ans. Water has been used for power generation purposes since September 4, 1937. Approximately 6,000 cfs. or more of water has been and is being used through plant, which is all water available at present time although not sufficient in quantity to supply plant requirements.

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. Small quantity of water is used for domestic, household, lawn watering, irrigation, etc. uses in and about power plant grounds and operator's dwellings.

(Sign)

A. M. Robinson

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 29th day of November A. D. 1937

M. E. Hughes

Notary Public residing at Boise, Idaho

My commission expires March 27, 1940

17069

Permit No. 17069**Proof of Completion of Works****DEPOSITION OF WITNESS**

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

Ans. Calvin O. Crane, Electrical Engineer, Idaho Power Company. (Registered Engineer), Boise, Idaho.

Ques. 2. Are you acquainted with Idaho Power Company, the holder of Permit No. 17069, authorizing the diversion of 6500 second-feet of the waters of Snake River at Upper Salmon Falls ~~at~~ for power purposes? How long have you known him, and where does he reside?

Ans. Yes; Since 1916; 1220 Idaho St., Boise, IdahoQues. 3. Have you read or heard read said Permit No. 17069, 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. Works are fully completed and of sufficient capacity to convey at least 6500 cfs. from point of diversion to place of use and return.

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

Ans. Concrete diversion dam 1617 ft. long, three sections, including 6 taintor gates. Lower canal dam 1445 ft. long, concrete, gravity section, with 4-bay reinforced concrete fish ladder. Earth section canal 2050 ft. long, 200 ft. wide at bottom and about 270 ft. wide at top. Capacity in excess of 7000 second feet. Canal joined with power house with gravity section concrete walls, north wall serving as spillway; walls average 37 feet high. Point of return immediately below power plant.

(Sign here.)

Calvin O. Crane

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 29th day of November, A. D. 1937.

My Commission expires
March 27, 1940.

M. E. Hughes

Notary Public residing at Boise, Idaho

17069

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 17069

Proof of Application of Water to Beneficial Use

Deposition of Witness

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

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

Ans. Myron Swendsen, Civil Engineer, P. O. Box 156, Boise, Idaho.

Age 46 - Residence Whitney Bench Boise

Ques. 2. Are you acquainted with Idaho Power Company, the holder of Permit No. 17069? How long have you known him and where does he reside?

Ans. Yes 18 years - 1220 Idaho St., Boise, Idaho.

Ques. 3. Have you read or heard read said Permit No. 17069, and are you familiar with its provisions and conditions?

Ans. Yes - 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, Diversion head of Upper Salmon Falls, near Owsley Bridge,
in Twin Falls County. Works consists of diversion dam, spillways, canal, power
plant and tailrace.

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. Works will safely convey in excess of 8000 cfs to point of use. I have observed approximately 6000 cfs. This amount, however, was not sufficient to fill capacity requirement of the plant, the 6000 cfs being all of the water available in the river at the time. It should also be observed that at the time this examination was made that the equipment was new, that the clearances in the water wheels were at a minimum and, as the clearance increases due to wear, the efficiency of the equipment will decrease and the normal amount of water required to operate the plant to capacity will increase from 5 to 10%.

energy. Point of use is at end of canal and near point of return to river. The improvements made as a result of this use consists of power plant and transmission lines to deliver electrical energy to Company's system.

17069

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 17069

Proof of Application of Water to Beneficial Use
Deposition of Witness

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

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

Ans. Myron Swendsen, Civil Engineer, P. O. Box 156, Boise, Idaho.

Age 46 - Residence Whitney Bench Boise

Ques. 2. Are you acquainted with Idaho Power Company, the holder of Permit No. 17069? How long have you known him and where does he reside?

Ans. Yes 18 years - 1220 Idaho St., Boise, Idaho.

Ques. 3. Have you read or heard read said Permit No. 17069, and are you familiar with its provisions and conditions?

Ans. Yes - 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, Diversion head of Upper Salmon Falls, near Owsley Bridge, in Twin Falls County. Works consists of diversion dam, spillways, canal, power plant and tailrace.

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. _____

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 generation of power for generation of electrical energy. Point of use is at end of canal and near point of return to river. The improvements made as a result of this use consists of power plant and transmission lines to deliver electrical energy to Company's system.

17069

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 17069

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. W. L. Gorton, Engineer, Box 1134, Boise, Idaho

Age 56, 1409 N. 18th Street, Boise, Idaho.

Ques. 2. Are you acquainted with Idaho Power Company, the holder of Permit No. 17069? How long have you known him and where does he reside?

Ans. Yes - 18 years - 1220 Idaho St., Boise, Idaho.

Ques. 3. Have you read or heard read said Permit No. 17069, and are you familiar with its provisions and conditions?

Ans. Yes - 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, diversion near and above Upper Salmon Falls - below Owsley
Bridge in Twin Falls County. Works consist of diversion dam, with spillways,
canal, power plant and discharge channel to Snake River.

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. Approximately 7900 to 8200 cfs, 6000 sec. ft. estimated being used at
time of examination.

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 generation which is distributed in Southern Idaho
by means of transmission and distribution lines of the Idaho Power Company.

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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 drive two generators, to extent indicated shown in answer to Question #5.

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.

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. Examination of plant and works on October 30, 1937 approximately 6000 sec. ft. being applied.

(Signed)

W. H. Fortson

I hereby certify that the foregoing testimony was read to the above subbscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Baize, County of Ada, State of Idaho, on this day of 27th day of November, A. D. 1937.

M. T. Hughes

Notary Public.

My commission expires March 27, 1940.

17069

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

BOISE, IDAHO,
November 22, 1937

Mr. M. E. Hughes
Notary Public
1220 Idaho Street
Boise, Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No.17069.....

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.....November 29, 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.....
Boise, Idaho..... before M. E. Hughes, 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.

17069

November 1, 1937

Re: Permit No. 17069.

THE IDAHO POWER COMPANY
Boise, Idaho

Gentlemen:

This will acknowledge receipt of notice in duplicate for publication in connection with proof of completion of works and beneficial use, and also your authorization to have the notice published in The Buhl Herald and The Gooding Leader, all in connection with Permit No. 17069.

A copy of the notice has been mailed to each of the above-mentioned newspapers with instructions to publish it once a week for five consecutive weeks prior to November 29th, 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 M. E. Hughes, Notary Public, Boise, Idaho, so that he will have them in ample time for the proof.

On the date designated you should appear at Mr. Hughes' 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

17069

**NO. OF PROOF OF COMPLE-
TION OF WORKS AND APPLICA-
TION OF WATER TO BENEFICIAL
USE**

Notice is hereby given that at 10 o'clock a. m. on the 29th day of November, 1937, at Boise, County of Ada, State of Idaho, before M. E. Hughes, notary public, 1220 Idaho Street, Boise, Idaho, proof will be submitted of the completion of works for the diversion of 6500 cubic feet per second of the waters of Snake River and of the application to beneficial use of said water in accordance with the terms and conditions of Permit No. 17069, heretofore issued by the commissioner of reclamation of the State of Idaho.

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

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of use, in accordance with the plans accompanying the application for such permit, is 6500 cubic feet per second.

3. The use to which said water has been applied is in the production of electric energy and the amount applied to beneficial use is 6500 cubic feet per second.

4. The place where said water is used is at Upper Salmon Falls power station, in Lot 3, Section 3, Township 8 South, Range 13 East, Boise Meridian.

5. The date of priority which said user is prepared to establish is April 2, 1929.

R. W. FARIS,

48-52 Commissioner of Reclamation

F. F. Swan
Editor and Publisher

High Class
Commercial Printing

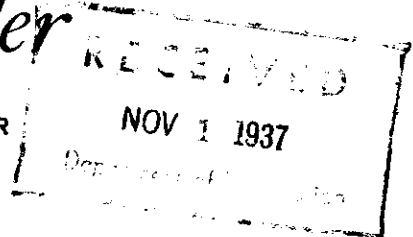
176-9
The Gooding Leader

GOODING COUNTY SEAT NEWSPAPER

ESTABLISHED 1908

GOODING, IDAHO

Oct. 30, 1937



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

Dear Sir:-

We acknowledge herewith receipt of your order for insertion of "Notice of Application, Etc." for Idaho Power Company, to run five times, and enclose herewith page proof of the first insertion. Thanking you, we are

Very truly yours,

Gooding Leader,

By *F. F. Swan*

17069

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date.....October 26, 1937.....

Re: Permit 17069.

THE BUHL HERALD
Buhl, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for ^{five}~~four~~ consecutive weeks prior to November 29, 1937, the date set for proof, the expense of the publication to be paid by the applicant, Idaho Power Co., Boise, Idaho,

to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

R. W. FARIS

Commissioner of Reclamation

17069

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date October 26, 1937

Re: Permit 17069.

THE GOODING LEADER
Gooding, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for ~~four~~ ^{five} consecutive weeks prior to November 29, 1937, the date set for proof, the expense of the publication to be paid by the applicant, Idaho Power Co., Boise, Idaho,

to whom you should furnish proof of publication on or prior to the date set for proof.

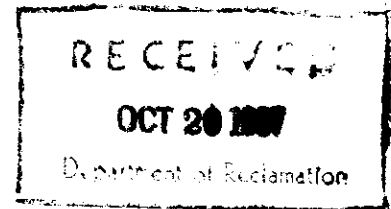
Please acknowledge receipt of this notice and furnish this office with a copy of the first publication.

Very truly yours,

R. W. FARIS

Commissioner of Reclamation

17069



NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) October 21, 1937

(P. O.) 1220 Idaho Street, Boise, 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 Buhl Herald of Buhl, Idaho, published in the county in which the works are situated, once each week for five (5) weeks prior to **November 29, 1937.**

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

PRESIDENT & GENERAL MANAGER

(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.

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

Engineer.

17069

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) October 21, 1937

(P. O.) 1220 Idaho Street, Boise, Idaho.

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

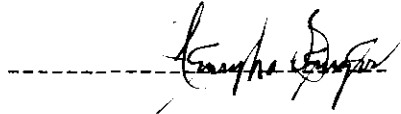
You are hereby authorized to have the attached notice published at my expense in the
Gooding Leader of Gooding, Idaho, published in
the county in which the works are situated, **once each week for five (5) weeks prior to
November 29, 1937.**



PRESIDENT & GENERAL MANAGER

(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.



Engineer.

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

Notice is hereby given that at 10 o'clock A. M. on the 29th day of November, 1937, at Boise, County of Ada State of Idaho, before M. E. Hughes, Notary Public, 1220 Idaho Street, Boise, Idaho. proof will be submitted of the completion of works for the diversion of 6500 cubic feet per second of the waters of Snake River and of the application to beneficial use of said water in accordance with the terms and conditions of Permit No. 17069, heretofore issued by the Commissioner of Reclamation of the State of Idaho.

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

Idaho Power Company,

1220 Idaho Street, Boise, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of use, in accordance with the plans accompanying the application for such permit, is 6500 cubic feet per second.

3. The use to which said water has been applied is in the production of electric energy ~~irrigation and domestic~~ purposes and the amount applied to beneficial use is 6500 cubic feet per second.

4. The place where said water is used is at Upper Salmon Falls power station, in Lot 3, Section 3, Township 8 South, Range 13 East, Boise Meridian.

5. The date of priority which said user is prepared to establish is April 2, 1929.

R. W. James
Commissioner of Reclamation

17069

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

IN THE MATTER OF THE APPLICATION OF)	
IDAHO POWER COMPANY TO EXTEND THE)	ORDER GRANTING EXTENSION OF TIME
TIME FOR MEETING THE REQUIREMENTS)	FOR COMPLETION OF WORKS
OF WATER PERMIT No. 17069)	

WHEREAS, The IDAHO POWER COMPANY, owner of Permit No. 17069, has made formal application for extension of time in which to complete the necessary works required under said permit and automatically extending thereby the time for a like period for making proof of completion of said works, and also automatically extending the time for a like period for making proof of application of water to beneficial use; and

WHEREAS, Completion of works and proof thereof are required to be made on or before the 2nd day of April, 1936, and covers the full period of time allowed by statute for the making of such proof; and

WHEREAS, Notice of hearing on said application was published, as required by law, in two consecutive issues of each The Gooding Leader, Gooding, Gooding County, State of Idaho, and The Buhl Herald, Buhl, Twin Falls County, State of Idaho, both being newspapers of general circulation in the counties in which the works contemplated by said permit are located; and

WHEREAS, At the hearing before the Commissioner of Reclamation at his office in the Department of Reclamation in the Capitol Building, Boise, County of Ada, State of Idaho, held at 10 o'clock A. M., on Monday, the 15th day of April, 1935, no persons appearing either orally or by affidavits, or otherwise, in opposition to the granting of said application, and the owner of said permit having, under oath, furnished satisfactory evidence of its good faith and made a satisfactory showing as to the necessity for such extension of time:

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NOW, THEREFORE, The time set within which the owner of said Permit shall be required to do the work under said Water Permit No. 17069 be, and the same hereby is, extended a period of two years to April 2, 1938, and that such extension of time for completion of work under said permit shall, and the same hereby does, automatically extend the time for a period of two years for making proof of completion of such work, and also automatically extending the time for a period of two years for making proof of application of water to beneficial use.

WITNESS My hand and the seal of the Department of Reclamation, this 22nd day of April, 1935.

A handwritten signature in cursive script, appearing to read "R. M. Lusk", is written over a horizontal line.

Commissioner of Reclamation

MEMORANDUM
WORK IN CONNECTION WITH
PERMIT NO. 17069

The location of these works is at the Upper Salmon Falls on Snake River. The works necessary to make diversion of the 6,500 second feet of water contemplated under Permit No. 17069 consist of a diversion dam, canal intake, canal, forebay, and penstock. The canal will have an enlarged section or pool formed by the construction of two earth dams across what is known as Yahoo Creek Basin. The canal, therefore, is in two sections, the water flowing into the Yahoo Creek Basin through the upper section and flowing out of the basin through the lower section to the forebay and penstock. The purpose of the pool or enlarged canal is primarily to absorb surges set up in the canal consequent to operation.

Upper Salmon Falls includes a series of lesser falls and rapids extended over about two miles of stream bed. The scheme of development combines several drops into a total single net drop of about 82 feet by construction of a diversion dam about 1,400 feet long and a canal about 7,300 feet long. The dam, intake and canal are in a partial state of completion. The structures of the dam are built of concrete and steel. The dam will consist of three principal sections, namely, a tainter gate, spillway section, a flashboard section, and an intake section. The concrete foundations, floors and piers to support six tainter gates, 15 feet by 30 feet, for flood control are completed. These are located in the deep river channel near the north side of the river. The concrete abutment connecting this gate section to the

north shore is also completed. The combined length of gate section and abutment is about 427 feet. This work included the filling of a crevice in the stream bed 30 feet deep. The concrete piers are about 30 feet high, 40 feet long, and 8 feet thick. The foundation is solid rock. The intake section, including the abutment at the south shore and a trash gate, is 570 feet long. These structures are all of concrete and steel. The concrete foundations, floors, piers and steel work to support the trashracks of the intake are all completed. The concrete piers are about 24 feet high, 32 feet long on the base, and 4 feet thick. Seven 35-foot openings are provided. The trashgate structure, about 70 feet long, is divided into two openings for passing river trash, and is completed. The foundation is all solid rock. Extensive cofferdam structures were necessary to unwater the stream bed where the dam and intake are built. The first half mile of the canal is largely in rock. The size of the canal proposed in this section has a 33-foot base and 1-to-1 side slopes. The same section is maintained to Yahoo Creek Basin. The pool at Yahoo Basin will be formed by two long earth dams across the basin. From pool to forebay, a distance of about 1,850 feet, the section is in earth and is enlarged to 40 feet bottom width, with side slopes of $1\frac{1}{2}$ -to-1 on both sides. The entire canal is to be lined to reduce friction and prevent leakage. The forebay will consist of a concrete structure with gates to control the flow into the steel penstocks. Excavation for the canal is partly completed throughout its length. Further excavation is necessary to enlarge the canal section to the dimensions proposed. The maximum cost of these works, which include a concrete dam and intake and other steel structures attendant thereto, a

canal lined with concrete, two earth dams across Yahoo Basin, concrete forebay structures, gates and steel penstocks, all of permanent construction, is estimated at about \$2,000,000. This estimate, based on maximum costs, contemplates the building of structures of a permanent character, using concrete and steel to a very large extent. The costs of the dam, intake and canal may greatly be reduced if a rock-filled wooden crib dam were to be substituted for a concrete dam and wooden lining for the concrete lining of the canal. By the use of materials of less permanent character and, consequently, shorter life, the estimated total cost of the diversion works, including the dam, intake and penstocks, can be reduced to about \$1,000,000. The cost of that part of the work completed prior to October 2, 1931 under requirements of Permit No. 17069 was over \$500,000, which includes the cost of lands for the project, field surveys, diamond drilling and construction work on canal, dam and intake. It is quite impossible to make a reasonable prediction of the duration of the present economic conditions and it may be necessary and prudent to modify the present plans which contemplate the building of structures of a very permanent nature and thereby reduce the investment in the project so that the continuing cost of operation will be in conformity with the then existing economic conditions.

Lands for the purposes of all construction and future operation consist of necessary rights of way, roads, camp sites, borrow pits, storage space, gravel pits and operators' cottages and all are in the title and holding of the Company.

THE COMMISSIONER: This is a hearing on the application of the IDAHO POWER COMPANY to extend the time for meeting the requirements of Water Permit No. 17069. The hearing will be informal and directed to the main purpose of eliciting the facts in the case. Strict rules of evidence will not be observed.

Mr. W. R. BURKHART of Bliss appeared and asked to be heard with reference to the matter, but announced that he did not desire to enter a formal protest. The Commissioner of Reclamation announced that under the law he did have authority to swear witnesses, but with the consent of Mr. J. L. Boone, attorney for the Idaho Power Company, and Mr. Burkhardt, all testimony or statements made with reference to the matter will be considered as having been made under oath. The application was submitted to Mr. Burkhardt for examination, but he said he did not care to take the time to read it.

THE COMMISSIONER: The application shows the number of the permit and also shows that the basis of the application for extension of time is the financial conditions have not justified the completion of the works.

Mr. BOONE: Mr. Faris, we present this application at this time for an extension of time for doing the work under Permit No. 17069, making the application under the requirements of Senate Bill No. 129, an Act passed by the 23rd Legislature of the State of Idaho, at the regular session thereof, approved by the Governor on the second day of March, 1935, which appears as Chapter 75 of the Session Laws of the State of Idaho, for the year 1935. This applicant is the owner of the permit and has heretofore done the one-fifth of the works required under and in support of this permit. This one-fifth was done prior to October 7, 1931. We are asking for this extension of time for completion of works under Permit No. 17069. We do this because this is a large power development and requires the expenditure of many hundreds of thousands of dollars, in fact, several million dollars. Business conditions during the past five years have not been such as to warrant us in completing this project at this time, nor do the future business conditions, with the increase of the load which we have in sight, seem to warrant such an expenditure of money, and even if by any possibility, we thought that business would justify a plant of this size, we would have to finance the plant and works at a great financial loss and sacrifice to the company which would affect not only the company, but its rate payers. We have thought that to meet a bigger future growth, it is better

at this time to develop a smaller site and then put our efforts in on the larger site such as Upper Salmon when business purposes greatly justify its completion, and that is the reason, Mr. Commissioner, that we have filed this application."

Mr. BURKHART: I have in mind a proposition involving the water at the Upper Salmon Falls. As it seems to me that as long as this is the only opportunity for the extending of irrigation development in Southern Idaho, I might give you an idea of what I have in mind. Starting at Upper Salmon Falls, at an elevation of 2900 feet, diverting 5,000 second feet of water into a canal leading into the neighborhood of King Hill, a distance of 28 miles, using a portion, perhaps a half of this water under a potential head of 400 feet, and carrying the rest on at 2900 feet across King Hill Creek. The power developed at King Hill would be used to elevate the water between three and four hundred feet onto the mesa and used in the irrigation of the Sunnyside Tract. Nothing very definite has been done for the simple reason that the water is being held and has been held by the Idaho Power Company for a period of somewhere between thirty and forty years. There is no use to attempt a movement of that kind until there is a possibility of getting the water. No extensive surveys have been made for anything of that sort. It is quite apparent to anyone that there are 5,000 second feet of water passing King Hill, out of this desert country. Because of the holdings of the Idaho Power Company, it seems as if this water is designed to go forever to the ocean. This is the only explanation possible in regard to getting the water out on to the land in a manner which would be feasible.

THE COMMISSIONER: Have you any assurance to offer that in case this application should be denied, and the water referred to in the application for permit become available for appropriation, that this object could be obtained?

Mr. BURKHART: No definite assurance.

THE COMMISSIONER: Would this be connected in any way with the Perrine Project?

Mr. BURKHART: No, sir. What I know about the Perrine Project, there is nothing to it. There is only one place where this water can be diverted and that is at the Upper Salmon Falls.

THE COMMISSIONER: I believe that this is one of their points of diversion.

THE COMMISSIONER: You proposed and stated that if this application for extension of time is granted, you will proceed forthwith to develop the Twin Falls Site.

Mr. J. L. Boone requested to be sworn and under oath made the following statement.

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In connection with the Upper Salmon Falls site, I think that I have stated to you the approximate cost involved in the construction of the works and the building of the power plant and I wish again to repeat that we do not think in fairness to our customers and to the company itself that the development of that big site at this time is either economical or feasible. Mr. Commissioner, in connection with the statement Mr. Burkhardt made as to the use of the water of Snake River at Upper Salmon Falls for irrigation purposes, this company has had that matter in mind. We have spent, at that point, over five hundred thousand dollars in development work. If there is any immediate prospect of an irrigation scheme being actually developed which would make use of a portion of the water at Upper Salmon without prejudice to our power plants at Lower Salmon and Swan Falls, we are, of course, interested in any such scheme.

It would be far better if such a scheme is favorable and any where near possible within the immediate future that these extensions be granted from time to time as need be rather than that this company go ahead and develop the entire amount of water at Upper Salmon Falls, which, if we did, would mean that somebody in connection with the irrigation scheme would have to reimburse us for the development at said site which we had made and the money spent therein. I, of course, make this statement without prejudice, but simply as pointing out that we have this matter in mind.

THE COMMISSIONER: Are there any questions which Mr. Burkhart would care to ask?

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Mr. SENER: My name is Henry L. Senger.

Mr. BOONE: You have been in charge of a substantial portion of the construction of diversion works at Upper Salmon?

SENER: Yes, sir;

BOONE: You are familiar with the work that has been done at Upper Salmon?

SENER: Yes, sir.

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SENGER: No. All of the works that would be involved could not be used in the final installation, therefore, some of the investment would be a total loss.

THE COMMISSIONER: The proposed development would cost some 750 thousand to a million dollars?

SENGER: Not to exceed 750 thousand, probably less.

THE COMMISSIONER: Have you estimated the cost of a similar development at the Upper Salmon?

SENGER: It would be in excess of 750 thousand dollars.

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BOONE: Just so there won't be any misunderstanding in this, if we would go ahead with a development at Upper Salmon Falls, for the monies that we have already spent and the monies which we would have to spend in finishing the works and constructing the power plant. We would expect to be compensated for that. Supposing that in the near future irrigation development should start, the power company would be sympathetic in that development, but would expect to be reimbursed for the money spent.

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It might be a feasible project and the cost of the water might be such that it would not be feasible any more.

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THE COMMISSIONER: Mr. Burkhart, after a full and free discussion of the situation, have you now any opposition to granting the extension of time for the completion of works at the Upper Salmon Falls site?

BURKHART: No.

BOONE: Mr. Burkhart, you understand that if our needs during the next four years would be such as to require us to develop our Upper Salmon site, we would feel free to do so under our permit?

BURKHART: Yes.

THE COMMISSIONER: This is a hearing on the application of the IDAHO POWER COMPANY to extend the time for meeting the requirements of Water Permit No. 17069. The hearing will be informal and directed to the main purpose of eliciting the facts in the case. Strict rules of evidence will not be observed.

Mr. W. R. BURKHART of Bliss appeared and asked to be heard with reference to the matter, but announced that he did not desire to enter a formal protest. The Commissioner of Reclamation announced that under the law he did have authority to swear witnesses, but with the consent of Mr. J. L. Boone, attorney for the Idaho Power Company, and Mr. Burkhardt, all testimony or statements made with reference to the matter will be considered as having been made under oath. The application was submitted to Mr. Burkhardt for examination, but he said he did not care to take the time to read it.

THE COMMISSIONER: The application shows the number of the permit and also shows that the basis of the application for extension of time is the financial conditions have not justified the completion of the works.

Mr. BOONE: Mr. Faris, we present this application at this time for an extension of time for doing the work under Permit No. 17069, making the application under the requirements of Senate Bill No. 129, an Act passed by the 23rd Legislature of the State of Idaho, at the regular session thereof, approved by the Governor on the second day of March, 1935, which appears as Chapter 75 of the Session Laws of the State of Idaho, for the year 1935. This applicant is the owner of the permit and has heretofore done the one-fifth of the works required under and in support of this permit. This one-fifth was done prior to October 7, 1931. We are asking for this extension of time for completion of works under Permit No. 17069. We do this because this is a large power development and requires the expenditure of many hundreds of thousands of dollars, in fact, several million dollars. Business conditions during the past five years have not been such as to warrant us in completing this project at this time, nor do the future business conditions, with the increase of the load which we have in sight, seem to warrant such an expenditure of money, and even if by any possibility, we thought that business would justify a plant of this size, we would have to finance the plant and works at a great financial loss and sacrifice to the company which would affect not only the company, but its rate payers. We have thought that to meet a bigger future growth, it is better

at this time to develop a smaller site and then put our efforts in on the larger site such as Upper Salmon when business purposes greatly justify its completion, and that is the reason, Mr. Commissioner, that we have filed this application."

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THE COMMISSIONER: Have you any assurance to offer that in case this application should be denied, and the water referred to in the application for permit become available for appropriation, that this object could be obtained?

Mr. BURKHART: No definite assurance.

THE COMMISSIONER: Would this be connected in any way with the Perrine Project?

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THE COMMISSIONER: I believe that this is one of their points of diversion.

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THE COMMISSIONER: Mr. Burkhart, after a full and free discussion of the situation, have you now any opposition to granting the extension of time for the completion of works at the Upper Salmon Falls site?

BURKHART: No.

BOONE: Mr. Burkhart, you understand that if our needs during the next four years would be such as to require us to develop our Upper Salmon site, we would feel free to do so under our permit?

BURKHART: Yes.

THE COMMISSIONER: This is a hearing on the application of the IDAHO POWER COMPANY to extend the time for meeting the requirements of Water Permit No. 17069. The hearing will be informal and directed to the main purpose of eliciting the facts in the case. Strict rules of evidence will not be observed.

Mr. W. R. BURKHART of Bliss appeared and asked to be heard with reference to the matter, but announced that he did not desire to enter a formal protest. The Commissioner of Reclamation announced that under the law he did have authority to swear witnesses, but with the consent of Mr. J. L. Boone, attorney for the Idaho Power Company, and Mr. Burkhart, all testimony or statements made with reference to the matter will be considered as having been made under oath. The application was submitted to Mr. Burkhart for examination, but he said he did not care to take the time to read it.

THE COMMISSIONER: The application shows the number of the permit and also shows that the basis of the application for extension of time is the financial conditions have not justified the completion of the works.

Mr. BOONE: Mr. Faris, we present this application at this time for an extension of time for doing the work under Permit No. 17069, making the application under the requirements of Senate Bill No. 129, an Act passed by the 23rd Legislature of the State of Idaho, at the regular session thereof, approved by the Governor on the second day of March, 1935, which appears as Chapter 75 of the Session Laws of the State of Idaho, for the year 1935. This applicant is the owner of the permit and has heretofore done the one-fifth of the works required under and in support of this permit. This one-fifth was done prior to October 7, 1931. We are asking for this extension of time for completion of works under Permit No. 17069. We do this because this is a large power development and requires the expenditure of many hundreds of thousands of dollars, in fact, several million dollars. Business conditions during the past five years have not been such as to warrant us in completing this project at this time, nor do the future business conditions, with the increase of the load which we have in sight, seem to warrant such an expenditure of money, and even if by any possibility, we thought that business would justify a plant of this size, we would have to finance the plant and works at a great financial loss and sacrifice to the company which would affect not only the company, but its rate payers. We have thought that to meet a bigger future growth, it is better

at this time to develop a smaller site and then put our efforts in on the larger site such as Upper Salmon when business purposes greatly justify its completion, and that is the reason, Mr. Commissioner, that we have filed this application."

Mr. BURKHART: I have in mind a proposition involving the water at the Upper Salmon Falls. As it seems to me that as long as this is the only opportunity for the extending of irrigation development in Southern Idaho, I might give you an idea of what I have in mind. Starting at Upper Salmon Falls, at an elevation of 2900 feet, diverting 5,000 second feet of water into a canal leading into the neighborhood of King Hill, a distance of 28 miles, using a portion, perhaps a half of this water under a potential head of 400 feet, and carrying the rest on at 2900 feet across King Hill Creek. The power developed at King Hill would be used to elevate the water between three and four hundred feet onto the mesa and used in the irrigation of the Sunnyside Tract. Nothing very definite has been done for the simple reason that the water is being held and has been held by the Idaho Power Company for a period of somewhere between thirty and forty years. There is no use to attempt a movement of that kind until there is a possibility of getting the water. No extensive surveys have been made for anything of that sort. It is quite apparent to anyone that there are 5,000 second feet of water passing King Hill, out of this desert country. Because of the holdings of the Idaho Power Company, it seems as if this water is designed to go forever to the ocean. This is the only explanation possible in regard to getting the water out on to the land in a manner which would be feasible.

THE COMMISSIONER: Have you any assurance to offer that in case this application should be denied, and the water referred to in the application for permit become available for appropriation, that this object could be obtained?

Mr. BURKHART: No definite assurance.

THE COMMISSIONER: Would this be connected in any way with the Perrine Project?

Mr. BURKHART: No, sir. What I know about the Perrine Project, there is nothing to it. There is only one place where this water can be diverted and that is at the Upper Salmon Falls.

THE COMMISSIONER: I believe that this is one of their points of diversion.

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THE COMMISSIONER: You proposed and stated that if this application for extension of time is granted, you will proceed forthwith to develop the Twin Falls Site.

Mr. J. L. Boone requested to be sworn and under oath made the following statement.

Mr. BOONE: My name is James L. Boone, and as the Vice President of the Idaho Power Company, I make these statements on behalf of the Idaho Power Company, the applicant in this procedure. We have the two rights on Snake River which are governed by Water Permits and which are undeveloped sites at this time. The one is at Twin Falls, and the other at Upper Salmon, the latter being the site involved in this particular matter. The Upper Salmon site is a large development and calls for the expenditure of several millions of dollars. This site, to develop it at this time, would call for large financing which we do not believe could be accomplished now, without considerable sacrifice and loss due to the cost of financing for utilities. Neither do we see at this time any satisfactory market in sight for power of the quantity developed at this site. There is, however, a necessity for some additional power as we see it within the next three or four years. This power can be made available, more economically, from a standpoint of the company and its rate bearers, by the development of our site at Twin Falls. The development at Twin Falls can be had for an amount approximately between 750 thousand dollars and a million dollars, which will include not only the works of diversion, but will include the power generator plant as well. This expenditure, it seems to us, in view of the business conditions, is a wise one to make as against making an expenditure at Upper Salmon of approximately two million dollars for diversion works alone and with an additional 250 million approximately for generating facilities. This matter has been thoroughly considered by the management of the company and due to the decision which the management made, as choosing between the development of these two sites, at this time, we made this application for an extension of time at the Upper Salmon Falls site. As is perhaps familiarly known, the Idaho Power Company has been negotiating with the United States Bureau of Reclamation for a conservation of water at American Falls. In fact, the Idaho Power Company has, during the last three or four years, especially the last two years, conserved practically the whole of its secondary water which in round figures amounts to 255 thousand acre feet for summer irrigation, the greater part of

the water having been stored at American Falls and not run over Milner Dam, at the insistence of the irrigators in the Twin Falls section and also the irrigators in what we call the Upper Snake River Valley. We are about to negotiate a contract with the Bureau of Reclamation which will further reduce the amount of capacity which will be available to us at the American Falls Plant. In this contract, we proposed in order to conserve water to take care of certain winter and summer requirements for what you may know as the Minidoka Project. This expectation of ours, under the contract together with a small increase in load for other purposes, and with the hope on our part that business conditions will again resume their trend toward normal makes it advisable that we provide ourselves with some additional capacity. By the construction of the Twin Falls site, which, Mr. Commissioner, we proposed to immediately start work upon, we will gain for the company the additional capacity which we need, because of the proposed contract with the Bureau of Reclamation and the small increase in load which has already taken place of the additional increase in load which we hope will take place as business conditions resume their trend toward normal. The Idaho Power Company expects to start work at Twin Falls, this week, which is the week beginning April 15. We have acquired a license from the Federal Power Commission at that point and our water permit from the State of Idaho is in good standing and all that is required from the company at this time is that work be started, which I have said we are prepared to do and which we are testifying, under oath this morning, that we are going to do.

In connection with the Upper Salmon Falls site, I think that I have stated to you the approximate cost involved in the construction of the works and the building of the power plant and I wish again to repeat that we do not think in fairness to our customers and to the company itself that the development of that big site at this time is either economical or feasible. Mr. Commissioner, in connection with the statement Mr. Burkhardt made as to the use of the water of Snake River at Upper Salmon Falls for irrigation purposes, this company has had that matter in mind. We have spent, at that point, over five hundred thousand dollars in development work. If there is any immediate prospect of an irrigation scheme being actually developed which would make use of a portion of the water at Upper Salmon without prejudice to our power plants at Lower Salmon and Swan Falls, we are, of course, interested in any such scheme.

It would be far better if such a scheme is favorable and any where near possible within the immediate future that these extensions be granted from time to time as need be rather than that this company go ahead and develop the entire amount of water at Upper Salmon Falls, which, if we did, would mean that somebody in connection with the irrigation scheme would have to reimburse us for the development at said site which we had made and the money spent therein. I, of course, make this statement without prejudice, but simply as pointing out that we have this matter in mind.

THE COMMISSIONER: Are there any questions which Mr. Burkhart would care to ask?

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Mr. SENER: My name is Henry L. Senger.

Mr. BOONE: You have been in charge of a substantial portion of the construction of diversion works at Upper Salmon?

SENER: Yes, sir.

BOONE: You are familiar with the work that has been done at Upper Salmon?

SENER: Yes, sir.

(Report as submitted. Copy of memorandum work in connection with Permit No. 17069.)

BOONE: These matters that you have testified to, are they matters which you are personally acquainted with?

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SENER: 8400 kilowatts.

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SENER: No, sir. This plant is upstream from the Upper Salmon site so that the water would flow on down.

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THE COMMISSIONER: The work that you have done now consists, as I understand it, of a diversion dam and structures, such as control gates, and headraces, canal, part of control gates are completed, intake structure and part of the canal. You propose to divert water at the point below the outlet bridge and conduct it about one-half a mile down the river and establish a power plant there. Do you, as an engineer, consider it advisable to make a temporary installation there to develop the small amount of power needed?

SENGER: No. All of the works that would be involved could not be used in the final installation, therefore, some of the investment would be a total loss.

THE COMMISSIONER: The proposed development would cost some 750 thousand to a million dollars?

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THE COMMISSIONER: Are there any questions which Mr. Burkhart would care to ask?

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Mr. SENDER: My name is Henry L. Senger.

Mr. BOONE: You have been in charge of a substantial portion of the construction of diversion works at Upper Salmon?

SENGER: Yes, sir;

BOONE: You are familiar with the work that has been done at Upper Salmon?

SENGER: Yes, sir.

(Report as submitted. Copy of memorandum work in connection with Permit No. 17069.)

BOONE: These matters that you have testified to, are they matters which you are personally acquainted with?

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THE COMMISSIONER: In connection with your partial development at Upper Salmon, could you not make a temporary development to provide the amount of power you now need as cheaply and efficiently as at Twin Falls?

SENGER: No, sir.

17069

17069

Notice of Public Hearing

Before the Commissioner of Reclamation, Department of Reclamation, State of Idaho.

In the Matter of the Application of Idaho Power Company to Extend the Time for Meeting the Requirements of Water Permit No. 17069.

Notice is hereby given that at 10:00 o'clock A. M., on Monday, the 15th day of April, 1935, at the office of the Commissioner of Reclamation, in the Capitol Building, at Boise, County of Ada, State of Idaho, the Commissioner of Reclamation will hold a public hearing on the application in due form of Idaho Power Company for an extension of time under Senate Bill No. 122, an Act duly passed by the Twenty-third Legislature of the State of Idaho at the regular session thereof and approved by the Governor of the State of Idaho on the 2nd day of March, 1935, now appearing as Chapter 10 of the Session Laws of Idaho for the year 1935, for the completion of work under Water Permit No. 17069, and order extending the time for doing the work thereunder, heretofore issued by the Commissioner of Reclamation of the State of Idaho, at which hearing any and all persons owning or in possession of a right to the use of any waters of a stream or source of supply affected by the said extension may have an opportunity to be heard either orally or by deposition.

1. The number of the permit involved in said hearing is 17069 and the proof of completion of work is due March 15th of the 2nd day of April, 1935.

2. The name of the owner of such permit is Idaho Power Company.

3. The amount of water right for in said permit is 1000 cubic feet per second.

4. The source of supply is Snake River.

5. The time and place for the hearing is as above stated.

Witness my hand and seal at Boise, Idaho, this 15th day of March, 1935.

Commissioner of Reclamation

PUBLISHER'S AFFIDAVIT

COUNTY OF GOODING, }
STATE OF IDAHO } ss.

F. F. Swan being first duly sworn, deposes and says that he is Publisher, of The Gooding Leader, a newspaper of general circulation in Gooding County, Idaho, published weekly in the City of Gooding, in said County and State; that said newspaper has been published in said county uninterruptedly and continuously for more than seventy-eight consecutive weeks prior to the first publication of the attached notice; that a notice, of which the annexed is a true copy, was published in the said newspaper for at least Two consecutive issues, commencing with the issue dated April 4, 1935 and ending with the issue dated Apr. 11, 1935 in the regular and entire issue of said newspaper and not in any supplement thereof.

F. F. Swan
Affiant's Signature.

Subscribed and sworn to before me this 12th day of Apr, 1935.

D. T. Kuyper
Notary Public.
Residing at Gooding, Idaho.

Exhibit A

NOTICE OF PUBLIC HEARING

BEFORE THE COMMISSIONER OF
RECLAMATION, DEPARTMENT OF
RECLAMATION, STATE OF IDAHO

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of Idaho Power Company to Ex-
tend the Time for Meeting the Re-
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17069.

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Reclamation will hold a public hear-
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Idaho Power Company for an exten-
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an act duly passed by the Twenty-
third Legislature of the State of Idaho
at the regular session thereof, and ap-
proved by the Governor of the State of
Idaho on the 2nd day of March, 1935,
now appearing as Chapter 75 of the
Revised Laws of Idaho for the Year
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thereunder, heretofore issued by the
Commissioner of Reclamation of the
State of Idaho, at which hearing any
and all persons owning or in posses-
sion of a right to the use of any waters
of a stream or source of supply af-
fected by the said extension may have
an opportunity to be heard either orally
or by affidavits:

1. The number of the permit involved
in said hearing is 17069 and the
proof of completion of works is due
thereon on the 2nd day of April, 1935.
2. The name of the owner of such
permit is Idaho Power Company.
3. The amount of water called for
in said permit is 6,500 cubic feet per
second.
4. The source of supply is Snake
River.
5. The time and place of said hear-
ing is as hereinbefore in this notice
stated.

Dated at Boise, Idaho, this 30th
day of March, 1935.

(Seal)

R. W. Faris
Commissioner of Reclamation.

(672)

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Twin Falls } ss.

I, Vernon R. Frost, do solemnly swear that I am the
publisher of THE BUHL HERALD, a weekly newspaper
of general circulation, published once each week at Buhl,
Idaho; that the notice attached hereto was published in
said newspaper TWO consecutive weeks, the first
publication having been made on the 4th day of
April, 1935, and the last
publication having been made on the 11th day of
April, 1935; that said

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

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

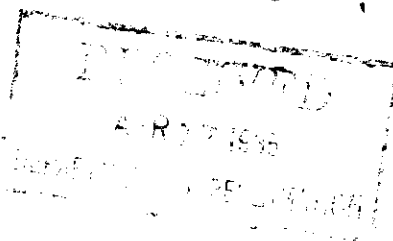
Vernon R. Frost

Subscribed and sworn to before me this

11th day of April, 1935

Notary Public

Notary Public



17069

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date March 30, 1935

GOODING LEADER
Gooding, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for ^{two}~~four~~ consecutive weeks prior to April 15, 1935, the date set for ^{hearing}~~proof~~, the expense of the publication to be paid by the applicant, IDAHO POWER COMPANY, Boise, Idaho

to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

R. W. FARIS

Commissioner of Reclamation

17069

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date March 30, 1935

BUHL HERALD
Buhl, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for ^{two}~~four~~ consecutive weeks prior to April 15, 1935, the date set for ^{hearing}~~proof~~ the expense of the publication to be paid by the applicant, Idaho Power Company, Boise, Idaho

to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

R. W. FARLS

Commissioner of Reclamation

17069

17069

17069

BEFORE THE COMMISSIONER OF RECLAMATION

DEPARTMENT OF RECLAMATION

STATE OF IDAHO

In the Matter of the Application of)
Idaho Power Company to Extend the Time)
for Meeting the Requirements of Water)
Permit No. 17069.)

APPLICATION

COMES NOW the Idaho Power Company, a Maine corporation, authorized to do business within the State of Idaho, and respectfully shows the Honorable Commissioner of Reclamation of the State of Idaho as follows:

I.

That on or about the 2d day of April, 1929, Idaho Power Company, the Applicant above named, acting by and through its Agent, M. L. Hibbard, filed in the office of the Commissioner of Reclamation of the State of Idaho Application No. 24072 for permit to appropriate for power purposes 6,500 c.f.s. of the waters of Snake River at what is commonly known as Upper Salmon Falls on Snake River; that the said application was duly approved by the Honorable Commissioner of Reclamation of the State of Idaho as Water Permit No. 17069, which permit was duly recorded in Book 61, at Page 17069, in the office of said Commissioner of Reclamation, and provided that one-fifth of the work specified therein be completed on or before October 2, 1931 and that the whole of said work be completed on or before April 2, 1934, and the beneficial use of water appropriated in accordance therewith be made on or before April 2, 1940.

II.

That acting under and pursuant to the provisions of Chapter 40 of the Session Laws of Idaho for the year 1933, your Petitioner made application to the Commissioner of Reclamation of the State of Idaho for an order extending the time for an additional period of two years for the completion of the whole of said work under said Water Permit No. 17069, and thereby automatically

17069

extending the time for a like period for making proof of completion of such works and the time for a like period for making proof of application of water to beneficial use; that on the 24th day of May, 1933, the Commissioner of Reclamation of the State of Idaho, after public hearing duly had pursuant to notice as provided in said Chapter 40, issued an order under the seal of the Department of Reclamation extending the time for a period of two years, to April 2, 1936, within which work shall be done under said permit, and further ordered that such extension of time for completion of work under said permit shall automatically extend the time under said permit for a period of two years for making proof of completion of such work, and also automatically extend the time under said permit for a period of two years for making proof of application of water to beneficial use.

III.

That your Applicant has acquired all rights of way necessary for the construction, operation and maintenance of works necessary and required under said Water Permit No. 17069; that more than one-fifth of the works of construction necessary to the completion of works required under and in support of said permit was done prior to October 2, 1931.

IV.

That said Water Permit No. 17069 and said order so extending the time for doing work thereunder are within the purview of Senate Bill No. 129, an act duly passed by the Twenty-third Legislature of the State of Idaho at the regular session thereof and approved by the Governor of the State of Idaho on the 2nd day of March, 1935, appearing as Chapter 75 of the Session Laws of Idaho for the year 1935.

V.

That your Applicant is the owner of Water Permit No. 17070, duly recorded in Book 61, at Page 17070, in the office of the Commissioner of Reclamation, to appropriate for power purposes 1,500 c.f.s. of the waters of

Snake River at what is commonly known as Twin Falls on Snake River; that the time for completion of works of diversion under said permit have been extended by order of the Commissioner of Reclamation under date of August 11, 1934 to June 11, 1939.

VI.

That additional time is required for the completion of works contemplated by Water Permit No. 17069 and said order extending time for doing work thereunder because the general economic conditions prevalent during the whole of the past four years, and directly affecting this Applicant and its ability to finance the works necessary under said permit, have been and are such as make the financing necessary for the construction of the works of the magnitude required under said Water Permit No. 17069 difficult to accomplish, except at extraordinary costs; that present market conditions within the territory of your Applicant and such increased demands as may be expected by your Applicant make it more economical and in the best interests of the Company and its consumers that further work under said Water Permit No. 17069 be postponed and the time for doing such work be further extended; that considering present business conditions and the prospect of a return to normal business conditions, it is more economical to proceed at this time with the construction of the less costly development which can be made under Water Permit No. 17070; that if the extension herein prayed is granted, your Applicant will begin the necessary work under Water Permit No. 17070 as soon as physical conditions reasonably permit and, in any event, not later than May 1, 1935, and shall proceed diligently with the construction of the works so required under said permit to their final completion.

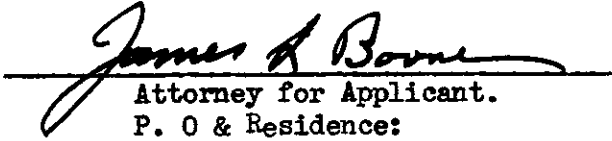
VII.

That your Applicant has been and is proceeding with the work under said Water Permit No. 17069 diligently and in good faith as is contemplated by Section 41-204, Idaho Code Annotated, and said Senate Bill No. 129 and said Chapter 75; that this application is made in good faith and without purpose

17069

or intent to injure any other applicant's water rights, or any other water rights, or rights of any person or persons owning or in possession of a right to the use of any water of streams or source of supply affected by this extension, or any rights of the State of Idaho; that it is deemed to be for the best interests of the present and future consumers of electricity on Applicant's system that said Applicant be not required to complete its works at the time required under said Water Permit No. 17069 and said order extending the time for doing the works thereunder.

WHEREFORE, your Applicant prays an order calling a public hearing on this application and fixing the time and place therefor and directing notice of said hearing to be published as provided by law, and prays a further order extending for an additional period of four years the time for the completion of the whole of said work under said Permit No. 17069, and automatically extending the time for a like period for making proof of completion of said work, and also automatically extending the time for a like period for making proof of application of water to beneficial use.


Attorney for Applicant.
P. O & Residence:
Boise, Idaho.

STATE OF IDAHO,)
) ss.
COUNTY OF ADA.)

JAMES L. BOONE, being first duly sworn, on oath, deposes and says:

That he is Vice President of the Idaho Power Company, Applicant in the above and foregoing application; that he has read the above and foregoing application and knows the contents thereof, and that he believes the facts therein stated to be true.

James L. Boone

Subscribed and sworn to before me this 30th day of March,

1935.

(NOTARIAL SEAL)

M. E. Hughes
Notary Public,
Residing at Boise, Idaho.
My Commission Expires
March 27, 1936

BEFORE THE COMMISSIONER OF RECLAMATION

DEPARTMENT OF RECLAMATION

STATE OF IDAHO

In the Matter of the Application of)
Idaho Power Company to Extend the Time)
for Meeting the Requirements of Water)
Permit No. 17069.)

NOTICE OF PUBLIC HEARING

Notice is hereby given that at 10:00 o'clock A. M., on Monday, the 15th day of April, 1935, at the office of the Commissioner of Reclamation, in the Department of Reclamation, in the Capitol Building, at Boise, County of Ada, State of Idaho, the Commissioner of Reclamation will hold a public hearing on the application in due form of Idaho Power Company for an extension of time under Senate Bill No. 129, an Act duly passed by the Twenty-third Legislature of the State of Idaho at the regular session thereof, and approved by the Governor of the State of Idaho on the 2d day of March, 1935, now appearing as Chapter 75 of the Session Laws of Idaho for the year 1935, for the completion of work under Water Permit No. 17069, and order extending the time for doing the work thereunder, heretofore issued by the Commissioner of Reclamation of the State of Idaho, at which hearing any and all persons owning or in possession of a right to the use of any waters of a stream or source of supply affected by the said extension may have an opportunity to be heard either orally or by affidavits:

1. The number of the permit involved in said hearing is 17069 and the proof of completion of works is due thereon on the 2d day of April, 1936.

2. The name of the owner of such permit is Idaho Power Company.

3. The amount of water called for in said permit is 6,500 cubic feet per second.

4. The source of supply is Snake River.

5. The time and place of said hearing is as hereinbefore in this notice stated.

Dated at Boise, Idaho, this 30th day of March, 1935.

(SEAL)

17069


Commissioner of Reclamation.

BEFORE THE COMMISSIONER OF RECLAMATION

DEPARTMENT OF RECLAMATION

STATE OF IDAHO

In the Matter of the Application of)
Idaho Power Company to Extend the Time)
for Meeting the Requirements of Water) ORDER
Permit No. 17069.)

Upon reading the application herein which is in such form and sets up such facts as this Commissioner has designated and approved and requests an extension of time within which to do the work required to be done under Applicant's Permit No. 17069 and also extending the time for doing the work thereunder on or before the 2d day of April, 1936;

IT IS ORDERED that a public hearing on said application be held on the _____ day of _____, 1935 before the Commissioner of Reclamation, at the office of said Commissioner, Department of Reclamation, in the Capitol Building, at Boise City, County of Ada, State of Idaho; and

IT IS FURTHER ORDERED that notices of said hearing setting forth such matters as are required by law be published, at the expense of Applicant, for two consecutive issues prior to said date of said hearing in each The Buhl Herald, published in Buhl, Twin Falls County, Idaho, and The Gooding Leader, published in Gooding, Gooding County, State of Idaho, both of said newspapers being newspapers of general circulation in the counties in which the works contemplated by said permit are located.

Dated at Boise, Idaho, this _____ day of _____, 1935.

(SEAL)

Commissioner of Reclamation.

17069

BEFORE THE COMMISSIONER OF RECLAMATION

DEPARTMENT OF RECLAMATION

STATE OF IDAHO

In the Matter of the Application of)
Idaho Power Company to Extend the Time)
for Meeting the Requirements of Water)
Permit No. 17069.)

ORDER

Upon reading the application herein which is in such form and sets up such facts as this Commissioner has designated and approved and requests an extension of time within which to do the work required to be done under Applicant's Permit No. 17069 and also extending the time for doing the work thereunder on or before the 2d day of April, 1936;

IT IS ORDERED that a public hearing on said application be held on the _____ day of _____, 1935 before the Commissioner of Reclamation, at the office of said Commissioner, Department of Reclamation, in the Capitol Building, at Boise City, County of Ada, State of Idaho; and

IT IS FURTHER ORDERED that notices of said hearing setting forth such matters as are required by law be published, at the expense of Applicant, for two consecutive issues prior to said date of said hearing in each The Buhl Herald, published in Buhl, Twin Falls County, Idaho, and The Gooding Leader, published in Gooding, Gooding County, State of Idaho, both of said newspapers being newspapers of general circulation in the counties in which the works contemplated by said permit are located.

Dated at Boise, Idaho, this _____ day of _____, 1935.

(SEAL)

17069



Commissioner of Reclamation.

July 22, 1933

Re: Permits No. 17069, 17070, 17735

ENSIGN & ENSIGN
General Agents
Boise, Idaho

Attention: Mr. L. W. Ensign

Dear Sir:

We are enclosing herewith a duplicate of the National Surety Corporation assumption of liability certificate for each of the above permits. You will note that each of them has been approved by the Commissioner of Reclamation as of this date.

The original certificates have also been approved and placed on file in this office.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Mgr.

Encl.
Encl.

17069

National Surety Corporation

New York, N.Y.

RECEIVED

JUL 19 1933

DEPARTMENT OF RECLAMATION

ENSIGN & ENSIGN
(AUTHORITY LIMITED)
GENERAL AGENTS FOR
SOUTHERN IDAHO
FRANK G. ENSIGN
L. W. ENSIGN
RESIDENT VICE-PRESIDENTS

BOISE, IDAHO

July 18, 1933

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

Dear Sir:

We sent you in our letter of today, original assumption of liability certificates on the following permits:

#17069 - 17070 - 17735.

We now enclose duplicates of these liability certificates. When they have been approved by the Attorney General, will you please sign duplicates and return them to us for our records?

Yours very truly,

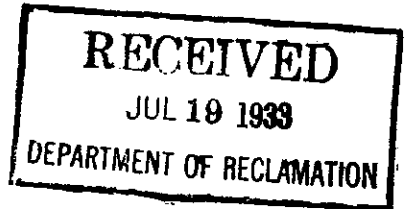
ENSIGN & ENSIGN
General Agents

By 
The Bond Man

LWE:HB
Enc.

17069

National Surety Corporation
New York, N.Y.



ENSIGN & ENSIGN
(AUTHORITY LIMITED)
GENERAL AGENTS FOR
SOUTHERN IDAHO
FRANK G. ENSIGN
L. W. ENSIGN
RESIDENT VICE-PRESIDENTS

BOISE, IDAHO

July 18, 1933

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

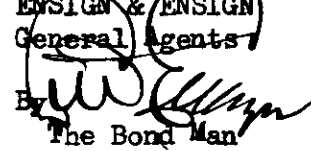
Dear Sir:

We are very pleased to enclose assumption of liability certificates by the National Surety Corporation taking over liability of the National Surety Company on water permit bonds filed by Idaho Power Company on permits #17069 - #17070 - #17735.

We have submitted this form of assumption of liability certificate to Mr. Bresnahan of the Attorney General's office and we believe that if you will submit these to him at this time he will approve them.

Yours very truly,

ENSIGN & ENSIGN
General Agents

By 
The Bond Man

LWE:HB
Enc.

17069

NATIONAL SURETY CORPORATION

ASSUMPTION OF LIABILITY CERTIFICATE

IMPORTANT NOTE:

For use ONLY covering Contract, License, Permit and Miscellaneous
Indemnity Bonds, Ten Thousand (\$10,000.00) Dollars each or less

RECEIVED

JUL 19 1933

DEPARTMENT OF RECLAMATION

This certificate is to be attached to bond or undertaking No. 3867930....., in the amount of \$..10,000.00....., executed by National Surety Company on or about the....6th....day ofMay....., 19..29, as surety in behalf of....Idaho Power Company....., principal(s), and in favor of....State of Idaho....., obligee(s), in connection with.....Bond on Water Permit #17069.....

THIS CERTIFIES that the NATIONAL SURETY CORPORATION, (hereinafter called the "Corporation"), in consideration of the agreements and covenants herein contained and other good and valuable considerations, assumes liability under the above described bond or undertaking, for all losses occurring after midnight of April 30, 1933, New York Standard Time, and for all other losses as to which no notice that there had or may have been or might be a loss was received by or on behalf of the NATIONAL SURETY COMPANY, (hereinafter called "Company"), prior to May 1, 1933. THIS CERTIFICATE is not effective until signed by the Principal and accepted by the obligee(s) named herein.

The obligee(s), by the acceptance of this certificate agree(s):

1. That liability of the Corporation under said bond or undertaking (a) shall be subject to all of the terms, conditions, limitations and warranties contained in the above described bond or undertaking and any amendment thereto or agreement between the obligee and the company affecting the same; and (b) shall in no event be greater than would have been the liability of the company had this certificate not been issued.
2. That the Company is released from all liability for loss(es) which are hereby assumed by the Corporation.
3. That all rights of the Company which would have been available to the Company by reason of its suretyship under the aforementioned instruments or otherwise if this certificate had not been executed shall inure to the benefit of and be fully enforceable by the Corporation.

SIGNED, SEALED AND DATED, this..15th.....day of....July....., 19..33..

Attest:

NATIONAL SURETY CORPORATION

By.....
Its Attorney-in-Fact

ACCEPTED:

Countersigned

By.....
Resident Agent

By

In consideration of NATIONAL SURETY CORPORATION issuing this Assumption of Liability Certificate, the undersigned hereby agrees to be bound to said corporation as principal under said bond and according to all the terms and conditions of all indemnity agreements given to NATIONAL SURETY COMPANY. It is understood and agreed that the Corporation assumes no liability for the return of premiums paid or payable to the National Surety Company.

APPROVED

JUL 21 1933

Idaho Power Company
Department of Reclamation

17069

IDAHO POWER COMPANY

Principal

By.....
President

June 12, 1933

RE: PERMIT NO. 17069

AMERICAN FALLS RESERVOIR DISTRICT
Twin Falls,
I d a h o

Attention: Mr. E. B. Johnson

Dear Sir:

We are enclosing herewith office receipt for \$1.50 paid by you in connection with copy of application for extension of time for completion of works under the above permit, held by the Idaho Power Company, which was furnished by this office.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

C
Encl.

17069

OFFICERS:

R. E. SHEPHERD, PRESIDENT
H. K. WILEY, VICE-PRESIDENT
J. H. BARKER, SECRETARY
W. H. SPENCE, TREASURER

DIRECTORS:

R. E. SHEPHERD C. J. CHAPMAN
F. E. SAYRE W. H. SPENCE
J. H. BARKER H. K. WILEY
A. A. DAVIS

American Falls Reservoir District

TWIN FALLS, IDAHO

OFFICE OF THE SECRETARY

June 8th. 1933.

State of Idaho, Department of Rec.,

Boise, Idaho.

Gentlemen;-

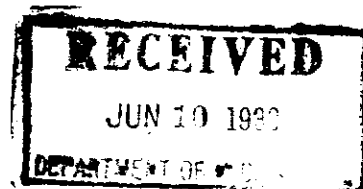
Herewith our check for \$1.50 in payment of
your claim for that amount for Copy of Application for
extension of time for completion of works, Idaho Power Co.

Yours truly,

American Falls Reservoir Dist.,

By

E. B. Johnson
Assistant Secretary.



17069

June 3, 1933

RE: PERMIT NO. 17069
Idaho Power Company

MR. E. C. KIERNSTED
Idaho Power Company
Boise, Idaho

Dear Sir:

We are herewith enclosing office receipt
in the sum of fifty cents, covering the amount paid
by you in connection with a certified copy of the
extension of time granted under the above permit.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By
Chief Clerk & Office Engr.

C

17069



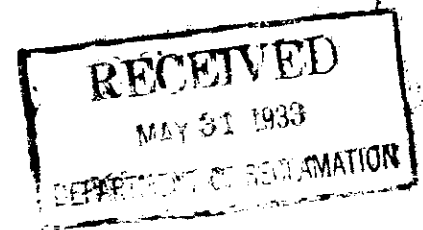
E. C. KIERSTED
SPECIAL AGENT

IDAHO POWER COMPANY

BOISE, IDAHO

87-7-2-B

May 29, 1933



Department of Reclamation,
State of Idaho,
Boise, Idaho

Gentlemen:

This will acknowledge receipt of yours of May 24,
1933, transmitting Order Granting Extension of Time for Completion
of Works under Water Permit No. 17069, for which we thank you.

Very truly,

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

E. C. Kiersted,

Special Agent.

ECK:LR

17069

BEFORE THE COMMISSIONER OF RECLAMATION

DEPARTMENT OF RECLAMATION

STATE OF IDAHO

In the Matter of the Application)
of Idaho Power Company to Extend)
the Time for Requirements of Permit)
No. 17069 under the Provisions of)
Chapter 40, Idaho Session Laws of)
1933.)

ORDER GRANTING EXTENSION OF TIME
FOR COMPLETION OF WORKS

WHEREAS, the Idaho Power Company, owner of Permit No. 17069, has made formal application for extension of time in which to complete the necessary works required under said permit and automatically extending thereby the time for a like period for making proof of completion of said works, and also automatically extending the time for a like period for making proof of application of water to beneficial use; and

WHEREAS, completion of works and proof thereof are required to be made on or before the 2d day of April, 1934 and covers the full period of time allowed by statute for the making of such proof; and

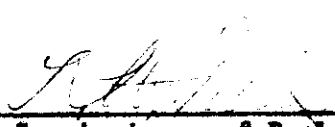
WHEREAS, notice of hearing on said application was published, as required by law, in two consecutive issues of each The Gooding Leader, Gooding, Gooding County, State of Idaho, and The Buhl Herald, Buhl, Twin Falls County, State of Idaho, both being newspapers of general circulation in the counties in which the works contemplated by said permit are located; and

WHEREAS, at the hearing before the Commissioner of Reclamation at his office in the Department of Reclamation in the Capitol Building, Boise, County of Ada, State of Idaho, held at 10 o'clock A. M., on Wednesday, the 3d day of May, 1933, no persons appearing either orally or by affidavits, or otherwise, in opposition to the granting of said application, and the owner of said permit having, under oath, furnished satisfactory evidence of its good faith and made a satisfactory showing as to the necessity for such extension of time;

NOW, THEREFORE, the time set within which the owner of said permit shall be required to do the work under said Permit No. 17069 be, and the same hereby is, extended a period of two years to April 2, 1936 and that such extension of time for completion of work under said permit shall, and the same hereby does, automatically extend the time for a period of two years for making proof of completion of such work, and also automatically extending the time for a period of two years for making proof of application of water to beneficial use.

WITNESS My hand and the seal of the Department of Reclamation, this
24th day of May, 1933.

(SEAL)



Commissioner of Reclamation.

May 24, 1933

RE: PERMIT NO. 17069
Idaho Power Company

MR. E. C. KIERSTED
Idaho Power Company
Boise, Idaho

Dear Sir:

We are enclosing herewith ORDER GRANTING EXTENSION OF TIME FOR COMPLETION OF WORKS under the above permit, issued today by the Commissioner of Reclamation and extending the time for completion of said works until April 2, 1936. This extension has been duly incorporated in the records of the Department.

Very truly yours,
R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engineer

C

17069



MEMORANDUM
WORK IN CONNECTION WITH
PERMIT NO. 17069

The works necessary to make diversion of the 6,500 second feet of water contemplated under Permit No. 17069 consist of a diversion dam, canal intake, canal, forebay, and penstock. The canal will have an enlarged section or pool formed by the construction of two earth dams across what is known as Yahoo Creek Basin. The canal, therefore, is in two sections, the water flowing into the Yahoo Creek Basin through the upper section and flowing out of the basin through the lower section to the forebay and penstock. The purpose of the pool or enlarged canal is primarily to absorb surges set up in the canal consequent to operation. Lands for the purpose of construction and future operation consist of those necessary for rights-of-way, roads, camp sites, borrow pits, storage space, gravel pits and operators' cottages and all are in the title and holding of the Company.

The location of these works is at the Upper Salmon Falls on Snake River. The falls, essentially, include a series of lesser falls and rapids extended over about two miles of stream bed. The scheme of development combines the several drops into a total single net drop of about 82 feet by construction of a diversion dam about 1,400 feet long and a canal about 7,300 feet long. The dam, intake and canal are in a partial state of completion. The structures of the dam are built of concrete and steel. The dam will consist of three principal sections, namely, a tainter gate spillway section, a flashboard section, and an intake section. The concrete foundations, floors and piers to support six tainter gates, 15 feet by 30 feet, for

flood control are completed. These are located in a deep river channel near the north side of the river. The concrete abutment connecting this gate section to the north shore is also completed. The combined length of gate section and abutment is about 427 feet. This work included the filling of a crevice in the stream bed 30 feet deep. The concrete piers are about 30 feet high, 40 feet long, and 8 feet thick. The foundation is solid rock. The intake section, including the abutment at the south shore and a trash gate, is 570 feet long. These structures are all of concrete and steel. The concrete foundations, floors, piers and steel work to support the trashracks of the intake are all completed. The concrete piers are about 24 feet high, 32 feet long on the base, and 4 feet thick. Seven 35-foot openings are provided. The trashgate structure, about 70 feet long, is divided into two openings for passing river trash, and is completed. The foundation is all solid rock. Extensive cofferdam structures were necessary to unwater the stream bed where the dam and intake works are built. The first half mile of the canal is largely in rock. The size of the canal proposed in this section has a 33-foot base and 1-to-1 side slopes. The same section is maintained to Yahoo Creek Basin. The pool at Yahoo Basin will be formed by two long earth dams across the basin. From pool to forebay, a distance of about 1,850 feet, the section is in earth and is enlarged to 40 feet bottom width, with side slopes of $1\frac{1}{2}$ -to-1 on both sides. The entire canal is to be lined to reduce friction and prevent leakage. The forebay will consist of a concrete structure with gates to control the flow into the steel penstocks. Excavation for the canal is partly completed throughout its length. Further

excavation is necessary to enlarge the canal section to the dimensions proposed. The maximum cost of these works, which include a concrete dam and intake and other steel structures attendant thereto, a canal lined with concrete, two earthdams across Yahoo Basin, concrete forebay structures, gates and steel penstocks, all of permanent construction, is estimated at about \$2,000,000. This estimate, based on maximum costs, contemplates the building of structures of a permanent character, using concrete and steel to a very large extent. The costs of the dam, intake and canal may greatly be reduced if a rock-filled wooden crib dam were to be substituted for a concrete dam and a wooden lining for the concrete lining of the canal. By the use of materials of less permanent character and, consequently, shorter life, the estimated total cost of the diversion works, including the dam, intake and penstocks, can be reduced to about \$1,000,000. The cost of that part of the work completed prior to October 2, 1931 under requirements of Permit No. 17069 was over \$500,000, which includes the cost of lands for the project, field surveys, diamond drilling and construction work on canal, dam and intake. It is quite impossible to make a reasonable prediction of the duration of the present economic conditions and it may be necessary and prudent to modify the present plans which contemplate the building of structures of a very permanent nature and thereby reduce the investment in the project so that the continuing cost of operation will be in conformity with the then existing economic conditions.

May 4, 1933
George S. Engle, Ch. Engr.
Idaho Power Company
17069

TWIN FALLS - BRUNEAU PROJEKT
TWIN FALLS - BOISE PROJEKT

665 PARAMOUNT BUILDING

Los Angeles, Calif.

April 29, 1933

Mr. F. Lee Johnson
Commissioner of Agriculture
Boise, Idaho

My dear Mr. Johnson:

Your letter received in regard to the power people wanting to make some arrangement in getting their filing postponed for a couple of years. All we can say is this: that we wish to work in harmony with the power people for the future development of Idaho and, as you know, under our plan we will bring into Idaho perhaps one hundred thousand people within the next few years and this will greatly increase the present power revenue in all the cities they are now connected with and all we want to do is to use the water of the Snake River for irrigation wherever it seems advisable. At the same time this will leave plenty of power that can be developed for the power company.

Mr. Olmsted and I are working up a new map that you will be greatly pleased with. At the same time we show where and how best to use the Snake River water and I think it will please the power company when they understand our plan.

Now at Upper Salmon Falls where the power company are doing some work we have no objection to their getting an extension of time providing it will not interfere with us in taking water for irrigation at this same point under some arrangements whereby we can repay them for this work, as you understand their plan at Upper Salmon Falls is along the lines of a plan we had for diverting the water from Snake River into the Low Line Canal. This water at Low Line Canal is to be used for irrigation only in the summer months but in the winter months we plan on using it to manufacture fertilizers and other products and I do not see how in any way this could interfere with the market for the power company. In fact it would only increase their market

17069

29/4/33

by building up the cities in Idaho where they already have plants installed.

Mr. Ford is just as enthusiastic as ever and I think Mr. Hollister has been writing Mr. Haga keeping him posted and he now has a wonderful crowd with financial support and can go right ahead in our plans for developing the Bruneau and other projects.

We expect to leave here in a few days with this party and will see you in Idaho.

I wish to thank you for the great interest you have taken in this matter and we all appreciate same.

With kindest regards I remain,

Yours very truly,

A handwritten signature in dark ink, appearing to read 'I. B. Perrine', written in a cursive style.

I. B. PERRINE

IBP b

17069

NOTICE OF PUBLIC HEARING

BEFORE THE COMMISSIONER OF
RECLAMATION, STATE
OF IDAHO

In the Matter of the Application
of Idaho Power Company to Ex-
tend the Time for Requirements
of Permit No. 17069 under the
Provisions of Chapter 40, Idaho
Session Laws of 1933.

Notice is hereby given that at 10
o'clock A. M., on Wednesday, the 3rd
day of May, 1933, at the office of the
Commissioner of Reclamation, in the
Department of Reclamation, in the
Capitol Building, at Boise, County of
Ada, State of Idaho, the Commissioner
of Reclamation will hold a public hear-
ing on the application in due form of
Idaho Power Company for an exten-
sion of time under Chapter 40, Idaho
Session Laws of 1933, for the comple-
tion of work under permit No. 17069
heretofore issued by the Commissioner
of Reclamation of the State of Idaho,
at which hearing any and all persons
owning or in possession of a right to
the use of any waters of a stream or
source of supply affected by the said
extension may have an opportunity to
be heard either orally or by affidavits:

1. The number of the permit in-
volved in said hearing is 17069 and the
proof of completion of works is due
thereon on the 2nd day of April, 1934.
2. The name of the owner of such
permit is Idaho Power Company.
3. The amount of water called for in
said permit is 6,500 cubic feet per sec-
ond.
4. The source of supply is Snake
River.
5. The time and place of said hear-
ing is as hereinbefore in this notice
stated.

Dated at Boise, Idaho, this 17th day
of April, 1933.

(SEAL) R. W. FARIN
Commissioner of Reclamation.
Published April 20 and 27, 1933.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Twin Falls } ss.

I, A. W. McCallum, do solemnly swear that I am the
publisher of THE BUHL HERALD, a weekly newspaper
of general circulation, published once each week at Buhl,
Idaho; that the notice attached hereto was published in

said newspaper two consecutive weeks, the first
publication having been made on the 20th day of
April, 1933, and the last
publication having been made on the 27th day of
April, 1933; that said

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

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

A. W. McCallum
Subscribed and sworn to before me this
27th day of April, 1933

Notary Public

17069

April 27, 1933

RE: PERMIT NO. 17069
Idaho Power Company

HON. JAMES R. BOTHWELL
Attorney at Law
Twin Falls, Idaho

Dear Judge:

Pursuant to your letter of April 25 we are enclosing herewith a copy of the application of the Idaho Power Company for an extension of time in which to complete the works required under the above permit, under the provisions of House Bill No. 82, 1933 Session Laws; and also a copy of the notice of public hearing which is being published in the Buhl Herald in Twin Falls County, and in the Gooding Leader in Gooding County.

If no protests are filed on or before May 3, which is the date set for hearing, an order will be prepared extending the time in accordance with the application.

There is a charge due of \$1.50 for preparing this copy. If there is any other information you desire in connection with this matter, we should be glad to submit same upon request.

Respectfully yours,

Chief Clerk & Office Engineer

MLH:NC
Encls.

17069

JAMES R. BOTHWELL
ATTORNEY AND COUNSELLOR AT LAW
SUITE 6-10 WOODS BUILDING
TWIN FALLS, IDAHO

JAMES R. BOTHWELL

VAUGHN A. PRICE

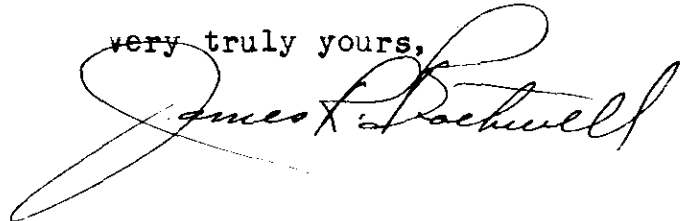
APRIL TWENTY-FIFTH
Nineteen thirty-three

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

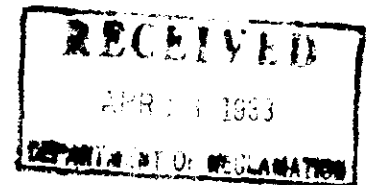
Dear Mr. Faris:

Please send copy of the notice of the hearing to be had before you on the power company application for proof so that we may make some investigation and determine just what effect the granting of the permit may have upon the American falls reservoir.

very truly yours,



JRB-A



17069

April 18, 1933

RE: PERMIT NO. 17069
Idaho Power Company

MR. E. C. KIERSTED
Special Agent
Idaho Power Company
Boise, Idaho

Dear Sir:

This will acknowledge receipt of the application of the Idaho Power Company for an extension of time in compliance with the provisions of House Bill No. 82, which was passed in the last session of the Legislature. We have checked over the application and find that it complies with the terms of this act.

We have mailed notice for publication to both the Gooding Leader at Gooding, and the Buhl Herald at Buhl, of a hearing to be held on May 3 in this office, at which time any person whose rights will be affected by such extension may offer protest either orally or by affidavit.

Immediately after the date of hearing appropriate action will be taken on this application.

We are returning the preliminary papers which you filed in connection with the application in this office under date of April 15.

Very truly yours,
R. E. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engineer

ELH:MC
Encls.

17069

April 17, 1933

RE: PERMIT NO. 17069
Idaho Power Company

THE EDITOR
Gooding Leader
Gooding, Idaho

Dear Sir:

We are herewith enclosing notice which should be published once a week for two consecutive weeks prior to May 3. Please bill the Idaho Power Company at Boise for this service.

After the publication has been completed, kindly furnish the Idaho Power Company with an affidavit of proof of publication.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

FIH:MC
Encl.

17069

BEFORE THE COMMISSIONER OF RECLAMATION

DEPARTMENT OF RECLAMATION

STATE OF IDAHO

In the Matter of the Application)
of Idaho Power Company to Extend)
the Time for Requirements of Permit)
No. 17069 under the Provisions of)
Chapter 40, Idaho Session Laws of)
1933.)

NOTICE OF PUBLIC HEARING

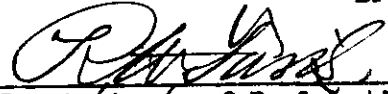
Notice is hereby given that at 10 o'clock A. M., on
Wednesday, the 3rd day of May, 1933, at the office of the
Commissioner of Reclamation, in the Department of Reclamation, in the Capitol
Building, at Boise, County of Ada, State of Idaho, the Commissioner of Recla-
mation will hold a public hearing on the application in due form of Idaho
Power Company for an extension of time under Chapter 40, Idaho Session Laws
of 1933, for the completion of work under Permit No. 17069 heretofore issued
by the Commissioner of Reclamation of the State of Idaho, at which hearing
any and all persons owning or in possession of a right to the use of any
waters of a stream or source of supply affected by the said extension may
have an opportunity to be heard either orally or by affidavits:

1. The number of the permit involved in said hearing is 17069
and the proof of completion of works is due thereon on the 2d day of April,
1934.
2. The name of the owner of such permit is Idaho Power Company.
3. The amount of water called for in said permit is 6,500 cubic
feet per second.
4. The source of supply is Snake River.
5. The time and place of said hearing is as hereinbefore in this
notice stated.

Dated at Boise, Idaho, this 17th day of April, 1933.

(SEAL)

17069


Commissioner of Reclamation.

April 17, 1933

RE: PERMIT NO. 17069
Idaho Power Company

THE EDITOR
Buhl Herald,
Buhl, Idaho

Dear Sir:

We are herewith enclosing notice which should be published once a week for two consecutive weeks prior to May 3. Please bill the Idaho Power Company at Boise for this service.

After the publication has been completed, kindly furnish the Idaho Power Company with an affidavit of proof of publication.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

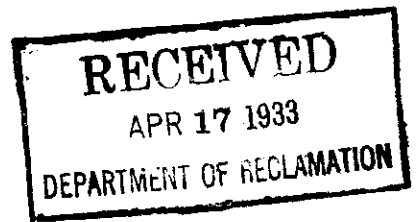
By _____
Chief Clerk & Office Engr.

PLH:MC
Encl.

BEFORE THE COMMISSIONER OF RECLAMATION

DEPARTMENT OF RECLAMATION

STATE OF IDAHO



In the Matter of the Application)
of Idaho Power Company to Extend)
the Time for Requirements of Permit)
No. 17069 under the Provisions of)
Chapter 40, Idaho Session Laws of)
1933.)

APPLICATION

COMES NOW the Idaho Power Company, a Maine corporation, fully authorized to do business within the State of Idaho, and respectfully shows the Honorable Commissioner of Reclamation of the State of Idaho as follows:

I.

That on or about the 2d day of April, 1929, Idaho Power Company, the Applicant above named, acting by and through its agent, M. L. Hibbard, filed in the office of the Commissioner of Reclamation of the State of Idaho Application No. 24072 for permit to appropriate for power purposes 6,500 cubic feet per second of the waters of Snake River; that the said application was duly approved by the Honorable Commissioner of Reclamation of the State of Idaho as Permit No. 17069, which permit was duly recorded in Book 61, at Page 17069, in the office of the said Commissioner of Reclamation, and provided that one-fifth of the work specified therein be completed on or before October 2, 1931, and that the whole of said work be completed on or before April 2, 1934, and that beneficial use of water appropriated in accordance therewith be made on or before April 2, 1940; that proof of completion of works under said permit is due on the 2d day of April, 1934.

II.

That said Permit No. 17069 is a permit authorizing the appropriation of water and is within the purview of said Chapter 40, Idaho Session Laws of 1933.

III.

That additional time is required for completion of works contemplated

by the said permit for the reason that the general economic conditions prevalent over the past two years and directly affecting this Applicant and its ability to finance the work necessary to complete the works under said permit are at the present time and have been such as make necessary financing for construction of works required under said permit difficult to obtain, excepting at great and excessive costs; that since the filing of said application and as the doing of work under said permit has progressed, radical changes in conditions have occurred to bring about a substantially lessened demand for electrical energy in all markets already served by this Applicant, with a probable further decrease in this demand; that the market in prospect for the electrical energy to be generated hereunder is, due to economic conditions, not now available and, so far as Applicant can now see, such energy will not be saleable for a period of time of considerably longer duration than the period of the extension prayed hereunder; that completion of work under this permit and development of the project therein involved are not financially possible, excepting at exorbitant costs and great loss to Applicant, and are not necessary until a return to normal business conditions has greatly increased the present demand for electrical energy; that these conditions are of a nature over which this Applicant has no control.

IV.

That your Applicant has acquired all rights of way necessary to the construction, operation and maintenance of works necessary under said Permit No. 17069; that more than one-fifth of the work of construction necessary to the completion of works required under and in support of said permit was done prior to October 2, 1931.

V.

That this Applicant has at all times been, and now is, proceeding with the work under said permit diligently and in good faith as contemplated by Section 41-204, Idaho Code Annotated, and Chapter 40, Idaho Session Laws of 1933; that this application is made in good faith and without purpose or intent to injure any other applicant's water rights, or any other water rights, or any rights, of the State of Idaho; that it is for the best interests of present and future consumers of electricity on Applicant's system that said

17069

Applicant be not required to complete its works at the time required under said permit.

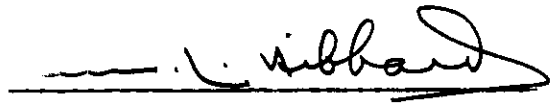
WHEREFORE, your Applicant prays an order calling a public hearing on this application and fixing the time and place therefor and directing notice of said hearing to be published, as provided by law, and prays a further order extending for an additional period of two years the time for the completion of the whole of said work under said Permit No. 17069 and automatically extending the time for a like period for making proof of completion of said works, and also automatically extending the time for a like period for making proof of application of water to beneficial use.


Attorney for Applicant.
P. O. & Residence,
Boise, Idaho.

STATE OF IDAHO,)
) ss.
COUNTY OF ADA.)

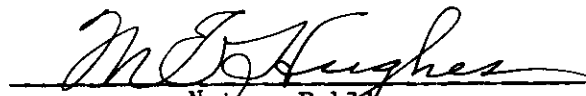
M. L. HIBBARD, being first duly sworn, on oath, deposes and says:

That he is the President of the Idaho Power Company, Applicant in the above and foregoing application; that he has read the above and foregoing application and knows the contents thereof, and that he believes the facts therein stated to be true.



Subscribed and sworn to before me this 17th day of April,
1933.

(NOTARIAL SEAL)


Notary Public,
Residing at Boise, Idaho.

PREPARED D.E.C.
CHECKED L.E.C.
APPROVED

SPECIFICATIONS-CIVIL
CONCRETE MASONRY-STANDARD

EBASCO ENG. DEPT.
AUGUST 8, 1924
SHEETS 51-54

SUPERSEDES E-4944 AND IS EXACT REPRINT OF D-19072

XIV. PROTECTION AND CURING OF CONCRETE

Walking or working over finished surfaces of concrete will not be permitted until the cement has hardened beyond danger of damage.

All concrete shall be kept moist for ten days after placing. Frequent or continuous sprinkling, flooding or covering with sufficient wetted burlap or other blanketing for retaining moisture will be required during these ten days. The use of calcium chloride or other chemical for this purpose will be permitted, if at all, only under special direction of the Engineer.

IV. MASONRY UNDER WATER

No concrete shall be deposited under water with out explicit permission of the Engineer and then only in strict accordance with his directions. Water shall not be allowed to rise on any concrete until the mortar shall have set at least twenty-four hours.

XVI. WORK IN FREEZING WEATHER

Concrete shall not be mixed or laid in the work during freezing weather without explicit permission. If it is directed or permitted to build concrete structures during cold weather, required or approved precautions shall be taken for removing ice and frost from the materials and for protecting the newly made masonry from freezing, and for securing work satisfactory in all respects.

In general, any concrete masonry permitted to be built in winter weather shall be subject to the principle that no frozen materials can be used, no concrete be placed against a frozen surface and no concrete allowed to freeze in any part within ten days after mixing and placing.

The fundamental condition will involve more or less complete housing of new concrete according to location and climate.

Double forming, steam heating and adequate top surface covering will be required to insure maintenance of temperature of air not lower than 40 degrees Fahrenheit against all faces of concrete which is less than ten days old.

No concrete materials shall be heated by ovens or direct fire, but steam shall be employed for this purpose.

Sand shall be heated by steam coils or jets to not less than 70 degrees Fahrenheit.

Water shall be supplied at from 100 to 200 degrees Fahrenheit, as condition of the aggregates may require. Gravel if dry may require only the heat of the sand and water for satisfactory use.

If coated with frost, the ice must be removed from gravel and all plum stones before using them in the masonry.

XVII. FINISH

Unless especially called for on the approved drawings, no work is to be done by the way of finishing concrete surfaces after the forms are removed, except that serious faults in the concrete surface shall be chiseled out and a pocket formed and filled with cement mortar in such a manner that the patch is securely keyed into the concrete surface.

When special finishing is required as provided above, the entire surface of exposed concrete must be washed with a thin grout, of the consistency of whitewash mixed in the same proportion as the mortar of the concrete or in the form of neat cement grout as may be directed by the Engineer. The wash shall be applied with a brush after the concrete surface has been rubbed with wooden floats and the loose particles of sand washed off with water. This work shall be done while the concrete is still green, and while the surface is kept moist. After brushing on the grout the coating shall be frequently or continuously moistened for ten days.

XVIII. WATERPROOFING

When required to render concrete more impervious or to protect the concrete against the action of alkali or other salts in solution in the ground waters, suitable precautions shall be taken to waterproof the surfaces and foundations of all structures, according to special specifications issued to meet the particular conditions.

XIX. FORMS

Forms, molds and centers shall be skillfully made, and they shall be maintained accurately and firmly to lines and grades established by the Engineer to conform to the structural plans.

Lumber in face forms shall be sized to thickness and width and surfaced on the side next to con-

crete.

It shall be sound lumber, free from loose knots, and shall be secured to the studding in horizontal courses unless otherwise directed by the Engineer.

Forms for specified faces of concrete may be required of matched edged lumber.

Studding and all lumber shall be of ample size and strength for the purpose in hand.

Steel or steel lined forms shall be used, on such areas as may be designated on the drawings, where a metal-moulded glaze of surface is required on the face of the concrete.

All forms shall be of such substantial and rigid character and so braced and tied as to be unyielding to the weight and pressure of the given mass of fluid concrete.

Rods and wires employed for ties of forms shall be of ample proportions and spacing, and the ends of such metal shall be cut back two inches into the concrete and sealed with cement mortar packed into each hole where appearance or watertightness may require it.

Mouldings of three-quarter inch triangular section will be required for corners of walls, piers and other features designated on plans or needed for proper finish of exposed corners.

Additional interior forms, braces and moldings shall be employed for bonding grooves, cut-off corrugations or construction joints which are indicated on the structural plans or may become necessary during the progress of the work.

Lumber once used for forms shall be well cleaned before reuse.

Forms for exposed concrete surfaces shall be clean, smooth and coated with soap or oil for preventing adhesion of concrete.

Exposed faces of concrete which are not cast against suitable molds shall be screeded to form and skillfully troweled or rubbed to the character of finish required by the plans.

Removal of forms shall be done without injury to the concrete and only when authorized by the Engineer who will prescribe the time and manner of removal of arch centers of other important features.

Approved:

Oliver A. Pratt
Engineering Manager.

ELECTRIC BOND AND SHARE COMPANY
NEW YORK

17069

SPECIFICATIONS-CIVIL CONCRETE MASONRY-STANDARD

ESABCO ENG. DEPT.
AUGUST 8, 1924
SHEETS 51-54

SUPERSEDES E-4844 AND IS EXACT REPRINT OF D-19072

These coarser grades of aggregate must be piled or hoppers so that the draft into the measurement "batchers" will be centrally out of the middle of the pile of hopper, while the renewed supply falls into the circular crater formed by such draft. When aggregate is hand shoveled out of storage for small jobs great care must be used to preserve the uniform mixture of sizes.

Weighing may be substituted for equivalent bulk measuring in proportioning broken stone or gravel into concrete.

Water by weight or measurement in calibrated tank shall be accurately apportioned for each batch to give the specified consistency of concrete.

Mixing: All concrete shall be mixed in a rotary type machine of an approved standard design and the machine must be maintained to full efficiency by replacement of worn vanes and by making other necessary repairs.

Where the mixer is charged with the aggregates from overhead bins, or where materials are otherwise assembled at fixed plants there shall be provided adjustable measuring or weighing "batchers" for accurate apportionment of the several materials before they enter the charging hopper or chute into the mixer.

For portable self-loading mixers with elevating hoppers, the apportioning shall be accomplished accurately either by leveling and striking each layer of every batch of aggregate to a mark in the hopper, or by loading the hopper with correct proportions of aggregates carefully measured in barrows, carts, buckets, or other fully calibrated conveying units each of which shall be filled and struck to a gaging mark.

In all cases the adequacy of the measuring and mixing devices shall be subject to the Engineer's approval.

After charging the mixer with all materials, each batch shall remain in rotation at the rated speed of the machine for the full period of two minutes before beginning the discharge. Each mixer shall be equipped with a revolution counter or other effective timing device for regulating the time of mixing each batch. In mixers of less than 1/2 cu yd capacity and with speed exceeding 12 revolutions per minute, the time of mixing each batch may be reduced to 90 seconds.

Consistency: The consistency of the mixed concrete shall be adapted to the work in hand, varying from plastic mash for walls of two feet or more in thickness to a viscous fluid for thin walls of reinforced section.

In no case shall the consistency be such as to permit the separation of coarse parts from the mortar while being conveyed to place, nor such as will result in the rise of laitance and flooding of water in the forms, nor such as will require a water-cement ratio beyond that for satisfactory workability of the concrete in the given situation.

For the regulation of consistency, tests shall be made by the Contractor when required, and under the Engineer's direction, for determination of the slump and fluidity of the concrete.

The standard slump test of Am.Soc.T.M., made with a cone will be employed as a guide to correct consistency for the work in hand.

For the test of fluidity the contractor shall provide a section of a flat bottom steel chute ten feet long, 6" deep, 18" wide, to be used upon demand under the direction of the Engineer for determining the slope required for any chuted conveyance of concrete on the job.

Conveyance: The mode of conveying concrete from the mixer to the point of deposit shall in all cases be subject to the requirement for consistency of mix and the maintenance of the same with no separation of concrete constituents.

If delivery by chute is employed in any part of the work the slope of the chute shall in no case be flatter than 3-1/2 horizontal to 1 vertical.

Concrete of maximum permissible slump for thin reinforced walls may be mixed wet enough to flow in a chute of inclination 3:1 but must refuse to flow at inclination of 3-1/2:1.

Concrete for massive work which can be laid down by shovelers working within the forms may be mixed to a mush that will flow or slide, without separation of constituents, on slope of 2:1 and will flow on slope of 3:1.

In no case shall concrete be delivered directly into the forms through a continuous line or system of chutes of greater total length than 100 feet. Where a longer line of chutes is used the delivery of concrete shall be controlled and regulated through an intermediate hopper placed at the forms and operated in a manner to meet the requirements of these specifications for systematic laying of concrete masonry.

Placing: All concrete shall be placed within 45 minutes after the time of mixing. No retempering will be permitted for concrete or mortar after one hour from first wetting.

All necessary provision shall be made for prompt transportation of concrete from the mixer to a point from which it will be dumped directly into place and evenly spread in a horizontal layer of specific thickness in a designated position of the structure.

It shall be deposited upon its suitably prepared bed directly under the end of the conveyor, without a vertical drop which will cause separation of its mass.

Where the conveying system involves lateral distribution combined with the vertical drop for delivering the concrete to place, all necessary chutes and baffles must be employed and all necessary time taken to prevent separation, on the one hand, or on the other hand to prevent clogging the forms with an excessive depth of layer which cannot be spaded and compacted to its full depth.

Each layer of concrete is to be regarded as a unit of masonry to be laid and perfected in place before the succeeding layer can be superposed in the process of monolithic construction.

The Engineer will require each such layer to be placed as a general rule in the lowest plane of the wall to a depth of 6" to 12" according to his judgment of the local needs, with careful spading and compacting with suitable tampers, to expel air and water and insure density and smooth surfaces, not permitting the concrete to be dragged sideways into place with hoes not hydraulicked to the low spots by accumulated water in the forms.

If accidental separation and clogging should occur in any sudden rush of concrete, the Engineer or Inspector shall require cessation of delivery until the overcharge can be rectified by remixing and properly placing the concrete in the regular layer.

Should stone pockets or mortar pondage occur in spite of efforts to prevent them, the Contractor shall dig them out and refill the cavities with sound concrete under direction of the Engineer, with no charge for extra work in such connection.

Wherever work may be suspended on any section for more than one hour, the edges of the concrete next to the forms shall be brought to a level and struck off with straight edge and trowel, in order that no rough edged joints will show in the finished work.

II. FOUNDATION FOR CONCRETE

All concrete footing shall be suitably prepared by thorough shaping, cleaning, washing and unwatering the surfaces of rock, earth piles, metal or other contacts as may be called for by the approved plans or as directed by the Engineer to meet the requirements of the various situations encountered in the work.

XII. JOINING NEW CONCRETE TO OLD

In joining fresh concrete to concrete which has become hard, or to old masonry, the old surface shall be thoroughly cleaned and washed free from all loose material, dirt, oil, and laitance, and roughened with a suitable tool. This surface shall be thoroughly wetted and coated with a layer of neat cement paste at least 1/8 inch in thickness which shall be thoroughly rubbed into the concrete surface with a broom or wire brush and the concrete applied before the cement paste has had time to set. In general a tongue and groove joint shall be made between the different days work by placing timbers in the surface of the concrete or in heavy sections by placing pudding stones partially exposed in the layer of concrete to form a rough surface.

All patching of imperfections in concrete shall be done by skilled workmen under immediate direction of the Engineer who will insist upon the required regulation of moisture as the essential element of success.

XIII. PIPES, REINFORCEMENT & OTHER METAL BUILT INTO CONCRETE

When pipes, reinforcement, anchor bolts, gate guides, conduits or other metal work is built into concrete, special care shall be taken to secure such objects in the forms so that they may not become broken, defaced or displaced during concreting. Anchor bolts for small structures and machines shall be set by templates. All reinforcing bars shall be cleaned of mortar which may have collected during previous concreting.

PREPARED D.W.C.
CHECKED L.B.C.
APPROVED

SPECIFICATIONS-CIVIL CONCRETE MASONRY-STANDARD

EBASCO ENG. DEPT.
AUGUST 8, 1924
SHEETS 51-54

SUPERSEDES E-4944 AND IS EXACT REPRINT OF D-19072

In the process of constructing cyclopean concrete the stones shall be delivered and handled at all times on the wall in a manner to avoid disturbance or breaking of bond of the cement in the partially completed work, and any such disturbance accidentally occasioned must be made good by removal of dislodged stones or concrete and the satisfactory repair of such damages at the expense of the contractor.

IV. MORTARS

Class-A. (Flat Surfacing) shall be used on all wearing surfaces, such as floors, walks, etc. It shall be mixed in the proportion one part cement to two parts sand, the sand to be of a texture adapted to the work in hand.

Class-B. (Cement Plaster) shall be used for ceilings, walls, partitions, etc. It shall be mixed in the proportion of one part hydrated lime paste to five parts Portland Cement and twelve parts sand, and, if necessary, sufficient hair or mineral wool shall be added to give it bond.

Class-C. (Grout) shall be mixed in the proportions and to a consistency ordered by the Engineer in local charge.

V. HYDRATED LIME

Where authorized by the plans and required by the Engineer, for the purpose of waterproofing masonry or improving the workability of concrete, an approved brand of hydrated lime shall be used.

Such lime shall be fully hydrated powder, free from lumps or hurtful impurities.

Ordinarily such lime may be used in the proportion of 5% of lime added to the weight of cement in the concrete, and not more than 10% will be permitted.

VI. CEMENT

Only Portland Cement of a brand approved by the Engineer shall be used in masonry work. It shall conform to the requirements of the standard specifications for Portland Cement as adopted by the American Society for Testing Materials. Cement shall be brought to the work either in barrels or bags, preferably the latter. It shall be properly protected from the weather until used in the work and when placed in the mixer shall be dry and entirely free from lumps.

In the discretion of the Engineer, cement may be delivered in bulk if handled and protected in a satisfactory manner.

All cement shall be subject to the standard tests at the mill, with release of shipments upon approved accelerated tests accompanying the manufacturer's certificate of soundness.

VII. SAND

Sand for concrete shall be composed of hard, sound silicious or equivalent mineral particles, free from shale, mica scales or other deleterious substances and from trash, organic matter and adhesive clay.

Unattached and powdered clay or non-vegetable silt or loam may be permitted to a maximum of 3% of the mass. Sand shall be of a reasonably coarse texture with a gradation from 1/4" grains to fine particles such that no more than 30% of the grains will pass a standard 50 mesh sieve and that the proportion of voids in the dry sand will not be more than 33% of the mass.

Maximum size of sand grain shall be determined by passing through 1/4" round perforations of 16 gauge sheet metal. To obtain the required density it may be convenient to use the following proportioning: Passing through a #4 standard sieve not less than 90% Passing through a #60 standard sieve not more than 30% Weight removed by decantation not more than 3%.

All sand shall show tensile strength at least equal to standard Ottawa sand in 1:3 mortar by tests at 7 days and 28 days.

All sand shall be accepted subject to colorimetric or other tests which will serve to detect any organic impurities in damaging quantities.

The cleanness of sand will be a determining consideration and provision must be made for thorough washing in addition to screening of all pit sand or gravel in which the grains of material are coated with dirt or intermingled with objectionable foreign substances.

Approved sound crushed rock, mechanically equivalent to sand as herein specified, will be acceptable in lieu of natural or pit sand.

VIII. BROKEN STONE, GRAVEL OR SLAG

Coarse aggregate for concrete shall consist of clean, sound, hard, durable crushed stone or gravel of the size above specified.

When gravel is used it shall be free from shale, or stones of less than 2.50 specific gravity, and from clay balls, silt, mud, dust or vegetable matter and loose trash. Slag shall be clean, dense, air cooled, blast furnace slag, weighing not less than 70 lbs. per cubic foot when loosely placed in the measure and containing not more than 1.3% of sulphur as sulphides.

Screening and washing of gravel will be required where necessary to remove foreign matter or attached dirt.

Where necessary for accurate proportioning of sizes to secure density of concrete, the coarse aggregate shall be screened and separated into two approximately equal portions, to furnish an intermediate size of aggregate midway between sand and the maximum size. Coarse aggregate shall be well graded from fine to coarse within the limits specified under the several classes of concrete.

The following table indicates desirable gradings for coarse aggregate for certain maximum sizes:

Max. Size of Aggregate in inches.	Percentage by weight passing through Standard Sieves with square openings.				
	3"	2"	1 1/2"	1"	3/4"
3"	100%				
2"		100%			
1 1/2"			100%		
1"				100%	
3/4"					100%

Not more than 15% shall pass a #4 Standard Sieve
Not more than 5% shall pass a #8 Standard Sieve

Coarse aggregates will be accepted subject to standard tests which will show concrete having compressive strength in pounds per square inch for Class A-2500, Class B-2000, Class C-1600, Class D-1300, Class E-1000; at the end of 28 days wet curing.

IX. WATER

All water for mixing and curing concrete shall be clean, fresh and free from oil, acid, alkali, and vegetable or other foreign substances in solution or suspension which render it objectionable for use in cement hydration.

WATER UNDER PRESSURE

For various purposes of cleaning concrete and its rock foundations, and for wetting and washing the materials and the work in progress, there shall be provided clean water in pipes under pressure, with hose and all necessary appliances for convenient use of water jets, with nozzle pressure of 50 lbs per sq inch or as much greater as may be necessary for the work in hand.

X. PROPORTIONING, MIXING AND PLACING

The several ingredients for concrete shall be assembled at the mixing plant in a manner which will preserve their specified qualities until used.

For proportioning by bulk measurement, cement in bulk, or in packages shall be assumed to weigh 100 lbs per cu ft.

Measurement of cement in original bag package of 94 pounds net weight will be permitted only where that amount is consistently shaken out of the bags into the aggregates for each batch.

On jobs having 3000 cu yd and upwards, to be produced from one set-up of the mixer, the concrete plant shall include provision for accurate weighing of the cement for each batch.

Sand in dry bulk shall be assumed to weigh 110 lbs per cu ft. Measurement of sand shall be accomplished accurately by means of hoppers or batchers suitably gauged and controlled or else by means of reliable weighing equipment.

Measurement of sand by its bulk in hoppers or by its weight shall be corrected for the varying degrees of moisture as they may occur from time to time in progress of work. Correction of measurement by bulk or by weight will also be made where permission is given for use of non-silicious or other sand aggregate having specific gravity which varies materially from 2.65.

Broken stone or gravel shall either be assembled in two portions, coarse and medium, or shall be stored and handled throughout in a manner rigidly to prevent segregation of crusher or bankrun sizes of particles.

17069

PREPARED - D.M.A.C.
CHECKED - L.R.C.
APPROVED - A.C. [Signature]

SPECIFICATIONS-CIVIL

CONCRETE MASONRY-STANDARD

EBASCO ENG. DEPT.
AUGUST 8, 1924
SHEETS 51-54

SUPERSEDES E-4944 AND IS EXACT REPRINT OF D-19072

I. NOTICE

Recognizing that good concrete masonry must be a highly specialized product, the following specifications are based on five fundamental principles briefly stated below.

- First: Sound cement and aggregates, delivered, stored and handled to preserve all of their tested qualities up to the mouth of the mixer.
- Second: Accurate proportioning and thorough mixing of the concrete during sufficient time.
- Third: Close regulation of mixing water for proper consistency of plastic concrete.
- Fourth: Effective conveying of the scrupulously maintained mixture and the systematic placing and compacting thereof in suitable layers of masonry.
- Fifth: Faithful curing of all concrete by absolute prevention of drying or freezing within ten days after laying or finishing.

Contractors, Superintendents and Inspectors are hereby served with notice that this specification for concrete masonry must be lived up to in each and every essential particular and that Engineers in charge will insist upon a practically literal interpretation and enforcement of all of the provisions hereof.

Variance from this specification will be permitted only after careful consideration of each case of special or local conditions and only upon written authority of the Engineer in responsible charge.

All concrete shall be produced and placed in the presence and under the direction of an Inspector, who, as deputy for the Engineer, will require the fulfillment of the provisions herein stated.

II. GENERAL

All concrete or mortar shall be of one of the classes specified as indicated on the drawings or stipulated by the Engineer.

In proportioning concrete the object in general will be to secure a mixture suitable to the location and for the character of the structure of which it forms a part. This requires that the densest mixture which can be readily obtained from the material available and for the class of work specified shall be used. The ratio of sand to broken stone or gravel shall be determined on this basis but in no case shall the ratio of the cement content to the sum of the inert contents, each measured separately, be less than in the class of material specified.

Before beginning construction, the Engineer in charge shall determine the proper proportions and strengths for the classes specified. If the tests indicate that the mixtures called for are not sufficiently strong or impervious, the proportions shall be modified to conform to the tests but no mixture leaner than those called for shall be used without special permission from the Engineer. During the progress of the work additional tests shall be made from time to time, of the materials available for aggregate.

III. CLASSES OF CONCRETE

Concrete shall be specified according to the following classification: The numbers refer to the volumes respectively of cement, sand and broken stone or gravel to be used for each class.

Class-A. Concrete (1:1½:3) will commonly be used for roofs, partition walls in bus compartments, and for thin slabs in general.

The proportioning shall be based on one part cement to 1-1/2 parts sand and 3 parts broken stone or gravel which will pass a one half inch ring.

Class-B. Concrete (1:2:4) will commonly be used for thin reinforced sections.

The proportioning shall be based on one part cement to 2 parts sand and 4 parts broken stone or gravel which will pass a 1-1/2 inch ring.

Class-C. Concrete (1:2½:5) will commonly be used for thick reinforced and thin plain sections. The proportioning shall be based on one part cement to 2-1/2 parts sand and 5 parts broken stone or gravel which will pass a 2" ring.

Class-D. Concrete (1:3:6) will commonly be used for massive construction without reinforcement but occasionally may be indicated for such reinforcement as will be called for by the approved drawings. The proportioning shall be based on one part cement to 3 parts sand and 6 parts broken stone or gravel which will pass a 2-1/2 inch ring.

Class-E. Concrete (1:4:8) will commonly be used where dead weight of filling only is required.

The proportioning shall be based on one part cement to 4 parts sand and 8 parts broken stone or gravel which will pass a 2-1/2 inch ring.

Class-F. Concrete (1:3:6:3) (Plum Concrete) may be specified for use in heavy mass work, such as dams and large foundation or retaining walls where weight, strength and impermeability are required.

Proportioning shall be based on one part cement, three parts sand, six parts broken stone or gravel which will pass 3" ring, and three parts broken stone or gravel graduated in size 3" to 8" in greatest dimension.

Plum concrete shall be mixed in a machine of not less than 1½ cu yd wet batch capacity and otherwise handled as regular concrete.

Class-G Concrete (adjustable mix) Intermediate between any of these classes of concrete, the proportions of the ingredients may be adapted to local materials and to the specified requirements for strength and density of the mass, where this shall be specifically authorized by the Engineer and controlled by adequate field laboratory equipment and inspection for testing and regulating the character and proportions of materials entering the work.

Class-H. Cyclopean Concrete In portions of the work where shown on the plans or where designated by the Engineer, stones may be embedded in Class C, D, or E concrete in accordance with the following conditions.

The boulders or rock fragments shall be sound, hard, dense rock free from loose seams, thin edges, or uncemented cleavage planes and from soft streaks or coatings of moss or other vegetable growth.

Rock for this purpose shall have specific gravity not less than 2.60 except in special cases where the approved plans require the use of specified local material of less density.

No such rock shall be brought onto the wall until it has been thoroughly cleaned of all foreign matter and no cleaning of dirty stones will be permitted on the wall, but they shall be removed to the pit for that purpose.

All such rock shall be clean and wet when laid in the concrete.

In building the cyclopean concrete of derrick sized stones, the work shall proceed from the low spots in the wall toward the higher levels, so as to avoid any tendency of the concrete to settle away from the embedded stone. A bed or layer of fresh plastic concrete, not less than six inches in depth, must be prepared for the reception of these stones, which are to be lowered gently and not dropped into place by the derrick.

Each stone will then be shaken down to a firm bed by a bar suitably manipulated under one edge, with a lateral motion which will serve to float the stone to stable equilibrium in its matrix.

Each stone shall be placed on its best and broadest bed, care being taken to select a convex rather than a concave side for the bed, thereby avoiding any trapping of air under the stone or other interference with its perfect contact at all points with the concrete mortar.

Hand placed stones shall be similarly floated into firm bearing in fresh concrete, the larger sizes being rocked or twisted laterally by hand to give a flush bedding of each stone on its best base, or else squeezed into satisfactory bedding by standing on it with a suitable rocking motion.

The distribution of stones of all sizes in the concrete shall be such that when finally placed, every stone shall be carried by its bed of mortar and no stone shall rock upon an underlying stone or lie in arching contact with other stones or structural metal or face forms.

In vertical placement the stone shall be so embedded as to afford a vertical bond across all structural levels of the wall, with all layers of concrete showing a toothed top of projecting stones.

In general, the cyclopean structure should be studded with the maximum volume of stones of varying sizes which can be contained by the concrete matrix, while in cross-section the successive layers of work should be built up with a slight super-elevation maintained for the downstream side of the wall.

17069

PUBLISHER'S AFFIDAVIT

COUNTY OF GOODING, }
STATE OF IDAHO } ss.

F. F. Swan being first
duly sworn, deposes and says that he is
Printer, of The
Gooding Leader, a newspaper of general cir-
culation in Gooding County, Idaho, published
weekly in the City of Gooding, in said County
and State; that said newspaper has been pub-
lished in said county uninterruptedly and
continuously for more than seventy-eight con-
secutive weeks prior to the first publication
of the attached notice; that a notice, of which
the annexed is a true copy, was published in
the said newspaper for at least TWO
consecutive issues, commencing with the issue
dated Apr. 20, 1933 and ending
with the issue dated Apr. 27, 1933
in the regular and entire issue of said news-
paper and not in any supplement thereof.

F. F. Swan
Affiant's Signature.

Subscribed and sworn to before me this
29th day of Apr, 1933

P. P. Rutledge
Notary Public.
Residing at Gooding, Idaho.

W. N. Carter

Bond.

KNOW ALL MEN BY THESE PRESENTS, That IDAHO POWER COMPANY
of Boise, Idaho, as principal, and NATIONAL SURETY COMPANY
A New York Corporation

as surety, are held and firmly bound unto the State of Idaho in the full
and just sum of TEN THOUSAND AND NO/100 - - - - - (\$10,000.00) 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
2nd day of April, 1929, filed in the office of the Commissioner of Reclama-
tion 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. 24072, in accordance with which said
application the Commissioner of Reclamation granted and issued to the said principal herein a cer-
tain permit numbered No. 17069, a full, true and complete copy of which application No. 24072
and permit No. 17069, is of record in the office of the Commissioner of Reclamation in Book
61 of Permits, at Page 17069.

Now, if the above bounden principal shall faithfully carry to completion the said works of diver-
sion as specified in said application No. 24072 and permit No. 17069, 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 6th day of May, 1929

WITNESSES: ATTEST: By IDAHO POWER COMPANY (SEAL)
By JAMES L. BOONE VICE PRESIDENT & GENERAL MANAGER
ATTEST: Helen Biggs (SEAL)
Resident Assistant Secretary
Helen Biggs
STATE OF IDAHO, } ss: By NATIONAL SURETY COMPANY (SEAL)
County of } Countersigned L. W. Ensign
By Resident Agent

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

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

Subscribed and sworn to before me this day of , 1929

17069

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 17069

E. C. Kierstedt
Boise, Idaho

Boise, Idaho, **April 2, 1929**

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.

P. O. Box 910

GEO. N. CARTER
Commissioner of Reclamation.

17069

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise

Permit No.**17069**.....

NOTICE

You are advised that in order to keep this permit in force a bond in the sum of \$ **10,000.00** must be filed in the office of the Commissioner of Reclamation on or before June 1 1929 conditioned upon faithfully carrying to completion the works of diversion as specified in said permit and in the application therefor.

GEO. H. CARTER
Commissioner of Reclamation

17069

COPY

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D. C. 20426

02-02036
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JAN 11 1999

Department of Water Resources

DEC 28 1998

02-02060
02-02057

OFFICE OF HYDROPOWER LICENSING

Project No. 2778-Shoshone Falls
Project No. 2777-Upper Salmon Falls
Project No. 2061-Lower Salmon Falls
Project No. 1975-Bliss
Idaho Power Company

L. Lewis Wardle, Project Manager
Hydro Relicensing Department
Idaho Power Company
P.O. Box 70
Boise, ID 83707

Dear Mr. Wardle:

On February 13, 1998, FERC sent to Idaho Power requests for Additional Information (AIRs) for the above mentioned hydropower projects.

You have requested that AIR #5 and #11 be eliminated based on consultation and concurrence by the Idaho Department of Fish & Game and the U.S. Fish and Wildlife Service.

Staff have reviewed your request and find it reasonable. Your request is granted.

Sincerely,

Ann F. Miles for AFM

Ann F. Miles
Chief
Licensing West Branch

cc: Public Files
Mailing List

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Idaho Power Company) Project No. 2777

NOTICE OF AUTHORIZATION FOR CONTINUED PROJECT OPERATION

(November 2, 1998)

On December 20, 1995, Idaho Power Company, licensee for the Upper Salmon Falls Project No. 2777, filed an application for a new or subsequent license pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. Project No. 2777 is located on the Snake River in Gooding and Twin Falls Counties, Idaho.

The license for Project No. 2777 was issued for a period ending October 31, 1998. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year to year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in Section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of Section 15 of the FPA, then, based on Section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to Section 15 of the FPA, notice is hereby given that an annual license for Project No. 2777 is issued to Idaho Power Company for a period effective November 1, 1998, through October 31, 1999, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before October 31, 1999, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under Section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

Project No. 2777

- 2 -

If the project is not subject to Section 15 of the FPA, notice is hereby given that Idaho Power Company is authorized to continue operation of the Upper Salmon Falls Project No. 2777 until such time as the Commission acts on its application for subsequent license.

David P. Boergers
Secretary

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NOV 09 1998

Department of Water Resources

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D. C. 20426

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APR 20 1998
Department of Water Resources

OFFICE OF HYDROPOWER LICENSING

Project Nos.: 1975 - Bliss 02-2064.
2064 - Lower Salmon Falls. 02-2001A.
2777 - Upper Salmon Falls 02-2036.
2778 - Shoshone Falls 02-2057.
Idaho Power Company

APR 08 1998

Craig Jones, Project Manager
Hydro Relicensing Dept.
Idaho Power Company
P.O. Box 70
Boise, ID 83707

Dear Mr. Jones :

This letter confirms our meeting and site visits of the Bliss, Lower & Upper Salmon Falls, and Shoshone Falls hydroelectric projects on the Snake River.

The purpose of the meeting and site visits is to familiarize FERC's Contractor Staff, Berger and Associates, with project operations and associated resource issues prior to their preparing the environmental review of project impacts.

A meeting will be held Monday, May 4, 1:30 - 4:30 at Idaho Power's Corporate headquarters, 1221 W. Idaho Street, Boise, to brief FERC Contractor Staff. May 5, 8:00 - 5:00 will be site visits of Shoshone Falls and Upper Salmon Falls projects; May 6, 8:00 - 5:00 will be site visits of Lower Salmon Falls and Bliss projects.

By copy of this letter, all parties in these proceedings are notified of the meeting and site visits and may attend if they so desire. If you plan to attend the meeting or any of the site visits, please RSVP John Blair by FAX (202) 219-2152 no later than April 22.

Sincerely,



Carol L. Sampson
Director
Office of Hydropower Licensing

cc: Public Files
Service Lists

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C.

Office of Hydropower Licensing

Project Nos. 503, 1971,
1975-014, 2055, 2061-004,
2726, 2777-007, 2778-005

DATE: DEC 18 1997

MEMORANDUM TO: The Party Addressed

SUBJECT: Scoping document 2 for the (1) cumulative analysis of the Snake River Basin and (2) the project-specific analysis for the Bliss Project (FERC No. 1975-014), Lower Salmon Falls Project (FERC No. 2061), Upper Salmon Falls Project (FERC No. 2777), and Shoshone Falls Project (FERC No. 2778-005)--Idaho

The Federal Energy Regulatory Commission is evaluating issues associated with new licenses for the continued operation of the Bliss, Lower Salmon Falls, Upper Salmon Falls, and Shoshone Falls Hydroelectric Projects, located on the Snake River in Twin Falls, Elmore, Gooding, and Jerome Counties, Idaho, along with the cumulative effects of these four projects and four other Idaho Power Company projects (C.J. Strike, Upper and Lower Malad, Hells Canyon, and Swan Falls Projects).

Scoping Document 2 is enclosed for your information. We revised Scoping Document 1, dated June 1997, based on your written comments. Key changes to Scoping Document 1 are identified in italicized, bold type.

We will be issuing an additional information request and responding to pending additional study requests shortly.

You may direct questions to Alan Mitchnick at (202) 219-2926, or John Blair at (202) 219-2845.

Attachment: Scoping Document 2

SCOPING DOCUMENT 2



I. CUMULATIVE ANALYSIS OF THE SNAKE RIVER BASIN

and

II. PROJECT-SPECIFIC ANALYSIS

BLISS PROJECT (P-1975)
LOWER SALMON FALLS PROJECT (P-2061)
UPPER SALMON FALLS PROJECT (P-2777)
SHOSHONE FALLS PROJECT (P-2778)

December 1997

Federal Energy Regulatory Commission
Office of Hydropower Licensing
Washington, D.C.

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DEC 30 1997

Department of Water Resources

02-02057

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SCOPING DOCUMENT 2

I. CUMULATIVE ANALYSIS OF THE SNAKE RIVER BASIN

II. PROJECT-SPECIFIC ANALYSIS

Bliss (P-1975)
Lower Salmon Falls (P-2061)
Upper Salmon Falls (P-2777)
Shoshone Falls (P-2778)

1.0 INTRODUCTION

On December 20, 1995, Idaho Power Company (Idaho Power) filed license applications with the Federal Energy Regulatory Commission (Commission) for the continued operation and maintenance of the existing Bliss, Lower Salmon Falls, and Upper Salmon Falls Hydroelectric Projects.¹ Idaho Power filed an application for the Shoshone Falls Project on May 29, 1997. These four projects are located within a 57-mile-long reach of the Snake River. Between November 1998 and June 2008, Idaho Power Company is expected to file applications to relicense an additional four projects (7 dams) in the Snake River Basin. The location of the eight projects is shown in figure 1 and summarized in table 1.

The Commission, under the authority of the Federal Power Act (FPA),² may issue licenses for up to 50 years for the construction, operation, and maintenance of non-federal hydroelectric developments.

Under the Commission's regulations, issuing a licensing decision for any project first requires preparation of either an Environmental Assessment (EA) or Environmental Impact Statement (EIS), in accordance with the National Environmental Policy Act (NEPA) of 1969.³

¹ The licenses for the Lower Salmon Falls and Bliss Projects expire on December 23, 1997, and February 28, 1998, respectively. The Commission authorized the advancement of the expiration date of the Upper Salmon Falls Project from May 31, 1999, to November 1, 1998.

² U.S.C. Sect. 791(a)-825(r).

³ Pub. L. 91-190, 42 U.S.C. 4321-4347, January 1, 1970, as amended by Pub. L. 94-52, July 3, 1975, Pub. L. 94-83, August 9, 1975, and Pub. L. 97-258, §4(b), Sept. 13, 1982.

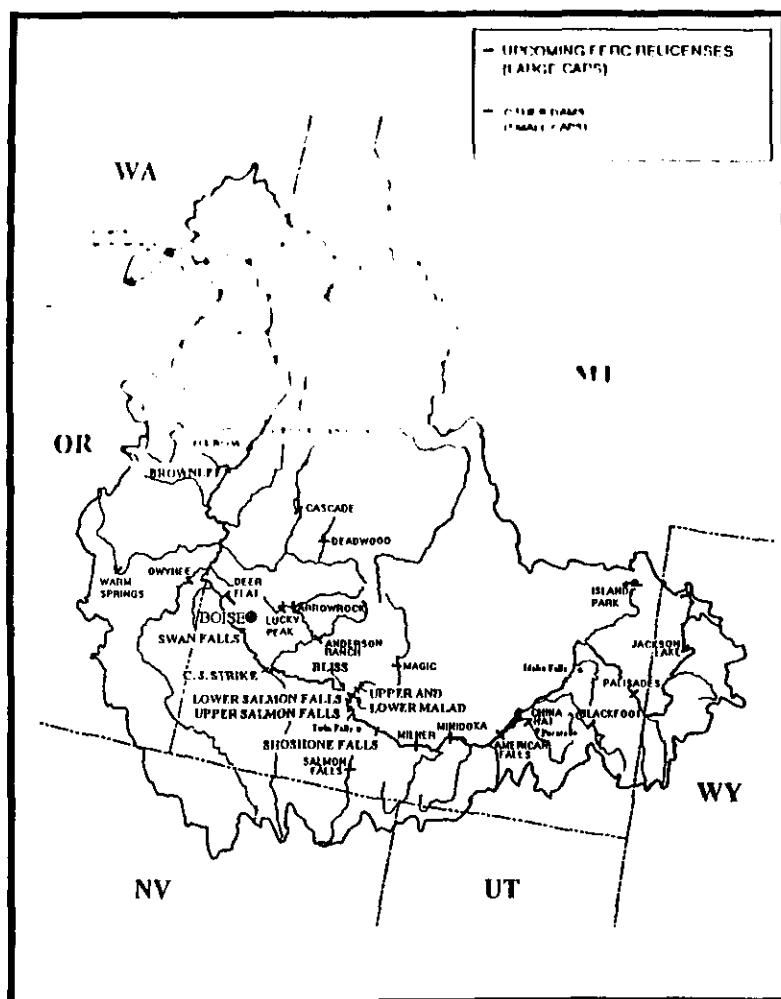


Figure 1. Location of eight Idaho Power Company projects (11 dams) coming up for relicensing in next 15 years along with other selected dams in the Snake River Basin.

Table 1. Description of Idaho Power relicense projects.

Project Name	Location	FERC No.	Expected Filing Date*	Snake River mile
Bliss	mainstem Snake River, about 6 miles west of Bliss, in Gooding, Twin Falls, and Elmore Counties, Idaho	1975	December 1995	560.0
Lower Salmon Falls	mainstem Snake River, about 2 miles south of Hagerman, in Gooding and Twin Falls Counties, Idaho	2061	December 1995	573.0
Upper Salmon Falls	mainstem Snake River, about 3 miles south of Hagerman, in Gooding and Twin Falls Counties, Idaho	2777	December 1995	580.0
Shoshone Falls	mainstem Snake River, about 4 miles east of Twin Falls, in Jerome and Twin Falls Counties, Idaho	2778	May 1997	615.0
C.J. Strike	mainstem Snake River about 20 miles southwest of Mountain Home, in Owyhee County, Idaho	2055	Nov. 1998	494.0
Upper and Lower Malad	Upper Malad development	2726	July 2002	enters the Snake River at river mile 571.5
	Lower Malad development			
Hells Canyon	Brownlee development	1971	July 2003	284.6
	Oxbow development			272.2
	Hells Canyon development			247.0
Swan Falls	mainstem Snake River, about 35 miles south of Boise, Ada and Owyhee Counties, Idaho	503	June 2008	458.0

* Commission regulations require applicants for a new license to file an application at least 2 years prior to expiration of the project license.

We have concluded that issuing licenses for the first four projects would be a major federal action significantly affecting the quality of the human environment--thus we would prepare a multi-project EIS for these four projects.

Approaches to Site-specific and Cumulative Impacts

Evaluating cumulative effects of the Idaho Power projects in the Snake River Basin provides a challenge given that four applications have already been filed and applications for the remaining four projects will be filed during the next 12 years. In developing approaches for assessing cumulative impacts, staff considered the following factors--the timing of the expiration of the licenses, the geographic location of these projects, and the availability of data with which to conduct a cumulative impact assessment.

Because of the substantial interest in relicensing the Snake River projects, staff initially prepared a discussion paper outlining two approaches (approaches A and B), held a public meeting, and solicited comments. Based on the comments, we agreed to delay selection of an approach until after scoping. We also added two additional approaches (approaches C and D) to Scoping Document 1. The four approaches are summarized below. (See appendix A for more detailed information on the approaches.)

Approach A--Staff would prepare a site-specific EIS for the Bliss, Lower Salmon Falls, Upper Salmon Falls, and Shoshone Falls Projects, which would include a cumulative analysis of all eight Idaho Power relicense projects--but only for resources affected by the first four projects (anadromous fish would be deferred). Separate environmental documents would be prepared for the remaining projects (C.J. Strike, Upper and Lower Malad, Hells Canyon, and Swan Falls Projects) as these applications are filed; additional or revised cumulative analyses would be included as appropriate.

Approach B--Staff would first conduct a basin-wide cumulative analysis for all resources, then proceed with site-specific EIS's tiering off the cumulative analysis. The analysis would stand apart from, but be integrated with, separate and more detailed EIS's covering the project-specific impacts of the projects. The cumulative analysis would be updated as new information is developed.

Approach C--Staff would initiate a basin-wide cumulative analysis for all resources (as in approach B), but would simultaneously begin preparation of the project-specific EIS for the Bliss, Lower Salmon Falls, Upper Salmon Falls, and Shoshone Falls (as in approach A). Both documents would be issued concurrently. Subsequent environmental documents would tier off of the cumulative analysis.

Approach D--similar to C, but staff would produce separate reports for certain key resources.⁴

Scoping Comments

In response to SD1, we received six recommendations on the approach (see Section 2.2). Idaho Department of Fish and Game recommended approach A, but recommended that we proceed now with multi-project analysis for sturgeon and anadromous fish. The National Marine Fisheries Service prefers approach B. Idaho Power recommends approach C because it believes that this approach best addresses its concern with the potential for extensive reopeners. The Forest Service also recommends approach C, but requests that study plans for the Hells Canyon Project that are relevant to the cumulative analysis be identified and deferred until the cumulative analysis is completed. The Environmental Protection Agency supports a combination of approaches A and B by using either approach C or D. American Rivers et al. favors approach D. Interior, although not endorsing a specific approach, recommends that the Commission should begin the cumulative effects analysis now, with initiation of the site-specific analysis for the first four projects.

Although no consensus on the approach was reached during scoping, it is clear that there is little support for any approach that substantially delays consideration of the first four projects and that there is support for beginning a cumulative analysis on the anadromous fish issue now.

Selected Approach

We have selected approach A, along with an initiation of a review of anadromous fish issues involved in the relicensings of the Idaho Power projects.

Using this approach, we would minimize the delays in acting on the first four relicense applications; analyze cumulative effects on the resources affected by these projects; and evaluate projects located close to each other at the same time to the extent possible. Separate reports (or appendices) on certain cumulative issues (e.g., water quality) would be issued simultaneously with the DEIS where appropriate.

We see no need to analyze the anadromous fish issue in detail in the environmental document for the first four projects for the following reasons:

⁴ American Rivers approach contemplates the Commission issuing annual licenses with protection measures in the event the cumulative analysis is delayed. In the past, the Commission has only conditioned annual licenses in extraordinary circumstances.

⁵ The EIS will include a limited analysis of the anadromous fish issue, focusing primarily on the reservation of authority needed to address future anadromous fish passage issues.

- *The relationship between the first four projects and the downstream projects in terms of anadromous fish is limited given the limited storage of these four projects and the downstream obstacles that must be overcome before serious consideration can be given to restoring anadromous fish upstream of Bliss dam*
- *Any unresolved anadromous fish issues (such as future fish passage) at the first four projects can be dealt with through reopeners*
- *Information on anadromous fish for the Hells's Canyon Project is incomplete-- Idaho Power is just initiating its relicensing studies (most won't be complete until 2000-2001)*
- *The Bureau of Reclamation's Snake River Resources Review, which would provide information that could be used by the Bureau to alter operation of its projects--and thus could significantly affect the timing and quantity of flows in the project reaches--won't be completed until 2000*
- *The National Marine Fisheries Service's existing Biological Opinion on endangered Snake River salmon species will be reissued after 1998*

Although we do not plan to initiate a cumulative analysis of anadromous fish at this time, we do not plan to ignore the anadromous fish issue. We will initiate a preliminary review of the anadromous fish issues associated with the relicensing of the Idaho Power projects. Given the great regional interest and the expected controversy in this issue, getting an early start evaluating the anadromous fish issue would be prudent. Our early involvement will allow us to: evaluate information and study needs; coordinate with the collaborative team and with the Bureau of Reclamation's Snake River resources review; and develop analytical tools earlier in the process. This effort will complement and be coordinated with the Commission's discussions with the National Marine Fisheries Service on the impacts of the Hells Canyon Project on listed salmon species.⁶

Concerning reopeners, we have determined that the need for reopeners to address unresolved issues for the first four projects would be limited. Based on a review of scoping comments and our preliminary analysis, potential reopeners would likely be limited to fish passage questions.

We will hold workshops and work with the Snake River Relicensing Collaborative resource workgroups as necessary to better define issues and develop analytical techniques to

⁶ Letter from James J. Hoecker, Chairman, Federal Energy Regulatory Commission, Washington, D.C., to William Stille, Jr., Regional Administrator, National Marine Fisheries Service, Seattle, Washington, December 3, 1997.

deal with certain issues (such as water quality modeling) for both the cumulative analysis and anadromous fish review.

Questions concerning Snake River relicensing should be directed to Alan Mitchnick, Chief, Lands Review Section, West Branch, FERC, at (202) 219-2826, or John Blair, Snake River Relicensing Environmental Coordinator, FERC, at (202) 219-2845.

2.0 SCOPING

Scoping is the process used to identify issues, concerns, and opportunities associated with a proposed action.

2.1 Purposes of Scoping

The purposes of the scoping process are as follows:

- Invite participation of federal, state, and local agencies, Indian tribes, and other interested persons to identify significant environmental and socioeconomic issues related to the proposed action
- Determine the depth of analysis and significance of issues to be addressed in the EIS
- Identify how the projects would or would not contribute to cumulative impacts to the project area and the Snake River Basin
- Identify reasonable alternatives to the projects that we should evaluate
- Eliminate from detailed study the issues and resources that don't require detailed analysis during review of the projects

We issued Scoping Document 1 (SD1) on June 5, 1997,⁷ to enable appropriate resource agencies, Indian tribes, and other interested parties to more effectively participate in and contribute to the scoping process. In SD1, we requested clarification of preliminary issues concerning the Bliss, Lower Salmon Falls, Upper Salmon Falls, and Shoshone Falls Projects and the Cumulative Analysis of the Snake River Basin and identification of any new issues that needed to be addressed in the environmental documents. We revised SD1

⁷ Copies of SD1 were mailed to all entities included in appendix F on June 11, 1997. A notice of intent to prepare an EIS and conduct scoping meetings and a site visit was published in the Federal Register on June 11, 1997 (volume 62, no. 112, pp. 31815-31816), and in local newspapers on July 1, and July 8, 1997.

following the scoping meetings and after reviewing comments filed during the scoping comment period. Scoping Document 2 presents our current view of issues and alternatives to be considered in the EIS. Additions are in bold and italic type.

2.2 Scoping Meetings and Written Comments

We conducted two scoping meetings concerning project-specific impacts associated with the Bliss, Lower Salmon Falls, Upper Salmon Falls, and Shoshone Falls Projects--on July 15, 1997, in Twin Falls, Idaho, and on July 17, 1997, in Boise, Idaho. We also held a separate scoping meeting on July 18, 1997, in Boise, Idaho, regarding the cumulative analysis of Idaho Power's eight relicense applications in the Snake River Basin. Announcement of the scoping meetings and site visit was published in local newspapers and in the Federal Register. A court reporter recorded the scoping meetings.

We also held a site visit to the Bliss, Lower Salmon Falls, Upper Salmon Falls, and Shoshone Falls Projects on July 16, 1997.

In addition to comments received at the scoping meetings, the following entities filed written comments on scoping document 1:

Entity	Date of Letter
Duane Reynolds	July 6, 1997
Middle Snake River Recreation Work Group	July 13, 1997
Vince Thompson	July 15, 1997
Dana Olson-Elle	July 15, 1997
Magic Valley Fly Fishers	July 16, 1997
Country Club Estates	July 21, 1997
Elmore County Wildlife Club	August 5, 1997
Twin Falls Area Chamber of Commerce	August 11, 1997
Idaho Department of Water Resources	August 14, 1997
Columbia River Inter-Tribal Fish Commission	August 14, 1997
Twin Falls County Parks and Recreation Advisory Commission	August 14, 1997
Environmental Protection Agency	August 14, 1997
American Rivers, Idaho Rivers United, Hells Canyon Preservation Council, Idaho Conservation League, Idaho Wildlife Federation, Friends of the Earth, and Federation of Fly Fishers	August 15, 1997

Entity	Date of Letter
Idaho Power Company	August 15, 1997
Wallowa-Whitman National Forest	August 15, 1997
Idaho Departments of Fish and Game and Parks and Recreation	August 15, 1997
George Coiner	August 15, 1997
Nez Perce Tribal Executive Committee	August 18, 1997
Department of the Interior	September 3, 1997
Oregon Department of Fish and Wildlife	October 23, 1997
National Marine Fisheries Service	November 10, 1997

All comments received are part of the Commission's official file for the projects. Copies of the official file are available through the Records and Information Management System (RIMS) in the Public Reference Room. Copies can also be obtained by writing or faxing (202-208-2320) your request to the Public Reference Room at the following address:

Federal Energy Regulatory Commission
Public Reference & Files Maintenance Branch
888 First Street, NE, Room 2-A
Washington, DC 20426
Attention: Mr. William G. McDermott, Chief

After careful consideration of all scoping input, we've revised SD1. Our responses to comments and any respective changes in the scoping document are shown as bold type. The general concerns raised by participants in the scoping process are summarized below by subject area. The summaries don't include every oral and written comment made during the scoping process. For instance, we have not addressed comments that are recommendations for specific information requests or license conditions. Such comments will be addressed in future additional information requests and in the EIS. We will request final terms, conditions, recommendations, and comments when we issue our Ready for Environmental Analysis notice after all additional information that we may request is filed.

Project-specific Issues

No Action Alternative

Many commenters (Interior, Nez Perce Tribal Executive Committee, American Rivers et al.) disagree with our no-action alternative. They believe that the no-action alternative should be license denial.

The no-action alternative is a difficult concept to apply to relicensing.⁹ Because there could be very serious socioeconomic and environmental impacts from license denial, our position has and continues to be that license denial, which would involve project retirement, is an action alternative; whereas, continued project operation under the terms of the existing license (status quo) is the better fit for the no-action concept in relicensing. The existing conditions represent the results of implementing past resource management decisions, and we agree with the Council on Environmental Quality's (CEQ) interpretation that in such a case, "no action" represents "no change" from current management direction.¹⁰

Baseline

Many entities continue to recommend that the environmental baseline must be the pre-project environment.¹⁰ This issue has been addressed previously (see appendix A).

Project Retirement

EPA and American Rivers et al. recommend that we consider the alternative of project retirement in the project-specific EIS, but provided no specifics as to what project retirement should entail.

Because of the agency comments, we will examine project retirement in the project-specific EIS for the projects, but we do not believe that it's reasonable to look at dam removal. We provide additional support for not evaluating dam removal as a reasonable alternative in Section 3.3.4.

Thousand Springs Project

Interior recommends that the Commission investigate the benefits of removing Idaho Power's unlicensed Thousand Springs Hydroelectric Project, located upstream of the Upper Salmon Falls Project. This project is not under the Commission's jurisdiction, and thus the Commission has no authority to remove this project.

⁹ For a detailed discussion of this issue, see *Public Service Company of New Hampshire* Order granting application for a new license, 68 FERC ¶61,177 (August 1, 1994).

¹⁰ Council on Environmental Quality, *Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations* (40 CFR 1500-1508), printed in *Federal Register* volume 46, no. 55, pp. 18026-18038, March 23, 1981.

¹⁰ The Commission's policy on baseline is found in the following two orders for the Cushman Project (FERC No. 460): (1) Declaratory order on nature of proceeding on application for a subsequent license after a minor part license expires, 67 FERC ¶61,132 (May 4, 1994); and (2) Order granting intervention and denying rehearing, 71 FERC ¶61,381 (June 22, 1995).

Economic Evaluation of Non-power Resources

EPA and American Rivers et al. recommend including an economic evaluation of non-power resources for comparison with the value of project power. We consider this recommendation to be directed towards our methods of analyses and outside the issue-identification purposes of this scoping document. We would, however, include the economic value of environmental resources in our analyses, if we can reasonably determine what they are, and if this information would help us decide what level of enhancement to recommend.

Cumulative Issues

Non-FERC-jurisdictional Upper Basin Projects

The Columbia River Inter-Tribal Fish Commission commented that we should evaluate various alternative operational and structural configurations of non-jurisdictional hydroelectric and non-hydroelectric developments, including those of the Bureau of Reclamation and U.S. Army Corps of Engineers in the upper basin, in order to provide augmented flows for anadromous fish:

The EIS should provide alternatives that assure the timely passage of upper Snake irrigation water through all dams in the upper Snake Basin so that water can be delivered to best benefit anadromous fish production needs downstream of the projects...FERC should also identify alternatives that address the basin-wide modifications of federal and private dam operations to determine how flows for anadromous fish production can be provided.

American Rivers et al. (Conservation Groups) "state:

The Conservation Groups believe that a rigorous analysis of existing water management above Milner Dam and in the major tributaries is required to determine how water management can be improved to reduce the environmental impacts caused by the lethal combination of low flows and hydroelectric dams, and to determine if there are opportunities for Idaho Power to increase flows through water acquisition or rental...the Conservation Groups recommend that FERC consult closely with the Bureau of Reclamation and the Idaho Department of Water Resources, to ensure that all relevant information is considered and potential flow improvement measures identified.

The Federal Power Act only provides the Commission with the exclusive authority to issue and condition licenses for nonfederal hydropower projects on navigable waterways and federal lands. The Commission does not have authority to issue and condition licenses for non-hydropower projects, any federally operated project, or non-federal hydropower projects on unnavigable waters. Accordingly, the Commission does not have the authority to direct

the actions of many projects in the Snake River Basin, including projects owned and operated by the Bureau of Reclamation and the U.S. Army Corps of Engineers and all non-hydropower projects. Therefore, we will not assume the role of lead agency in developing, analyzing, and directing alternative structural and/or operational configurations of non-jurisdictional projects in the Snake River Basin.

We will, however, evaluate how the eight Idaho Power projects could be operated to be consistent with all relevant federal or state comprehensive plans for improving, developing, or conserving the waters of the Snake River Basin, including plans for augmenting flows for anadromous fishes. In doing so, we will evaluate how the operation of the Idaho Power projects will affect the ability of the Bureau of Reclamation to meet its obligations to the Snake River Basin. We will also evaluate how the operation of the Idaho Power projects will affect the ability of the Bureau of Reclamation to meet its obligations to the Snake River Basin. We will also evaluate how the operation of the Idaho Power projects will affect the ability of the Bureau of Reclamation to meet its obligations to the Snake River Basin.

Basin-wide Flow Augmentation

Idaho Department of Water Resources commented that the relicensing project is not intended to impose a reallocation of water in ways that interfere with proprietary water rights.

Idaho Departments of Fish and Game and Recreation and Parks commented that the Commission "intended to examine the effects of all salmon-related flow augmentation actions throughout the Snake River Basin whether or not the flow augmentation was related to the relicensing of the Idaho Power projects."

Our evaluation of flow augmentation will be limited to evaluating how flow augmentation would change baseline conditions in the Idaho Power reach; how Idaho Power projects could be coordinated with the flow augmentation; what changes are needed at the Idaho Power projects; and the effects of these changes on economic and environmental resources.

Watershed Analysis

The Forest Service requests that a watershed analysis be conducted for the Hells Canyon Project and that riparian/wetland habitat, bald eagles, peregrine falcons, MacFarlane's four-o'clock, and native grassland and shrubs be evaluated at the 5th field hydrologic unit. The Forest Service suggests that a watershed analysis is a necessary part of the cumulative analysis.

The Forest Service's request for a watershed analysis for all of these resources focuses on the Hells Canyon Project area--thus we will defer consideration of a watershed analysis. Our cumulative effects analysis for MacFarlane's four-o'clock will be addressed in

the EIS prepared for Hells Canyon because of this species' restricted distribution in the Snake River to a portion of Hell's Canyon.

3.0 IDAHO POWER RELICENSES AND ALTERNATIVES

3.1 Bliss, Lower Salmon Falls, and Upper Salmon Falls Projects

The Bliss Project, built in 1941, involves 183.95 acres of Bureau of Land Management (BLM) land. The Lower Salmon Falls Project, built in 1910 involves 29.2 acres of BLM land and 58.06 acres of National Park Service (NPS) land (Hagerman Fossil Beds National Monument). The Upper Salmon Project, built in 1910, doesn't involve any federal lands. The location of the three projects is shown in figure 2.

3.1.1 Project Facilities

The Bliss Project (figure 3) consists of:

- A 364-foot-long, 38-foot-high concrete gravity dam and 216-foot-long spillway
- A 5-mile-long, 255-acre reservoir at elevation 2,654.0 feet above mean sea level (msl), with a total storage capacity of 11,100 acre-feet
- A powerhouse (integral with the dam) with a total capacity of 75 megawatts (MW), producing about 493 gigawatt-hours (GWh) annually
- A 10.5-mile-long, 138-kilovolt (kV) primary transmission line

The Lower Salmon Falls Project (figure 4) consists of:

- A 700-foot-long, 38-foot-high dam, consisting of a 31-foot-long powerhouse section, a 97-foot-long concrete bulkhead section, which includes an intake to the fish ladder; a 312-foot-long gated spillway section; a 180-foot-long overflow dam section, and an 80-foot-long left (west) abutment
- A 6.6-mile-long, 750-acre reservoir at elevation 2,798.0 feet msl, with a total storage capacity of 10,900 acre-feet
- A powerhouse with a total capacity of 60 MW producing about 343 GWh annually

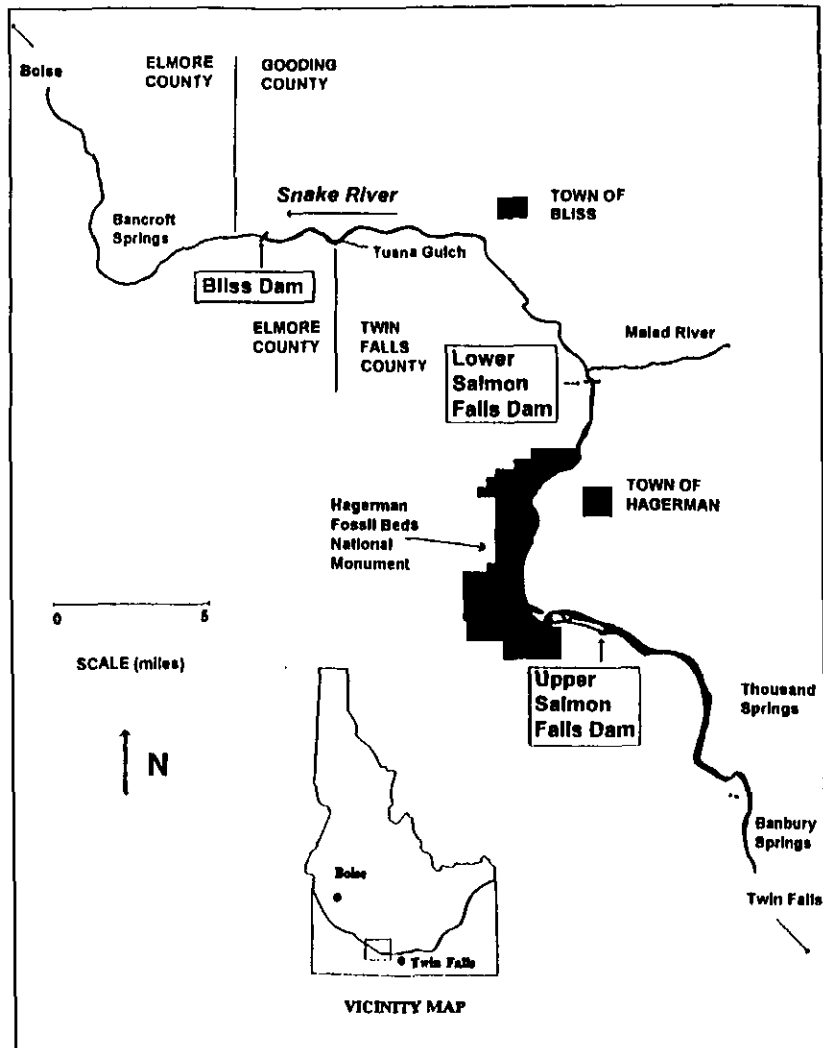


Figure 2. Location of the Bliss, Lower Salmon Falls, and Upper Salmon Falls Projects.

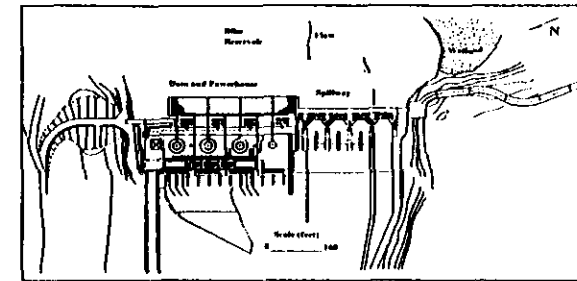


Figure 3. Project facilities for the Bliss Project (Source: Idaho Power, as modified by staff).

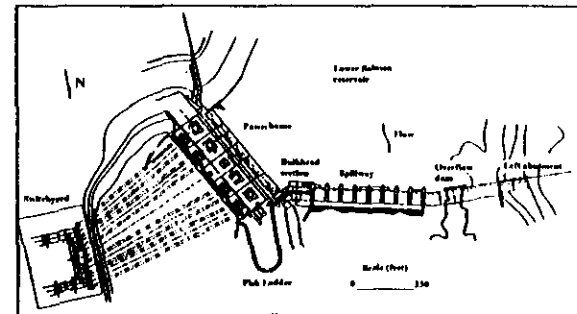


Figure 4. Project facilities for the Lower Salmon Falls Project (Source: Idaho Power, as modified by staff).

- Two 138-kV primary transmission lines (0.10- and 0.15-mile-long) from the switchyard to the King substation

The Upper Salmon Falls Project (figure 5) consists of:

- A 1,620-foot-long, 14-foot-high concrete dam, consisting of a 240-foot-long gated spillway section; a 610-foot-long gravity dam with flashboards; a 275-foot-long intake structure; and a 420-foot-long abutment gravity section
- A 5.8-mile-long, 50-acre reservoir at elevation 2,878.2 feet msl, with a total storage capacity of 600 acre-feet

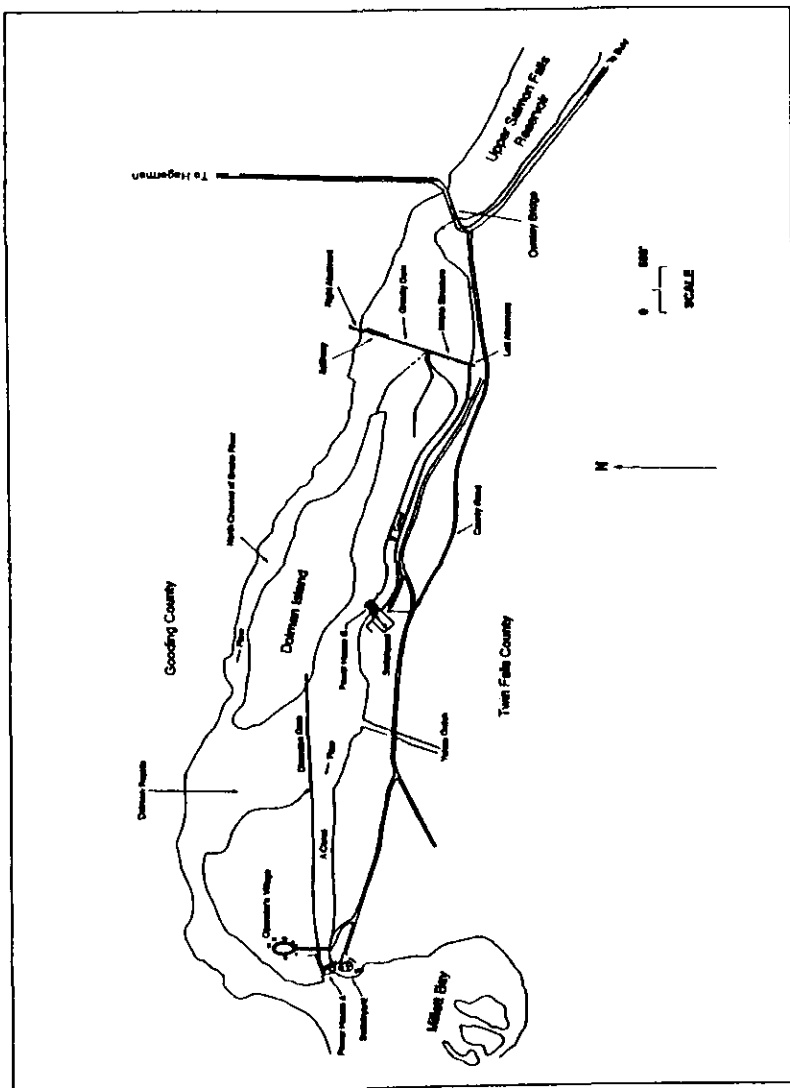


Figure 5. Project facilities for the Upper Salmon Falls Project.

- A 3,200-foot-long, concrete-lined canal
- A 1,380-foot-long, diversion structure across Dohnan Rapids, separating the north channel from the main channel of the Snake River
- Two powerhouses (A and B), with a total capacity of 34.5 MW producing about 321 GWh annually
- A 1.8-mile-long bypassed reach

3.1.2 Proposed Project Operation

Figure 6 shows, schematically, the river-mile location, reservoir size, plant hydraulic capacity, and method of operation for the Bliss, Lower Salmon Falls, and Upper Salmon Falls Projects on the middle Snake River. Except for automating some of the plant operations, as described below, Idaho Power is not proposing any changes to the existing mode of operation.

Bliss Project

The Bliss powerhouse was automated in 1995 and is currently staffed 8 hours a day. During the unmanned periods the plant is controlled remotely, by an operator stationed at Idaho Power's Boise Bench Dispatch Center, located southeast of Boise.

Idaho Power operates the Bliss Project to help meet its peak hourly system loads; over a 24-hour period project releases are equal to inflow to the reservoir. The reservoir is maintained between elevation 2654.0 and 2649.0 feet msl. Operating within this range provides 1,250 acre-feet of useable storage.

Lower Salmon Falls

The Lower Salmon Falls Project is manually operated, with personnel on duty 24 hours per day, seven days a week. The project is operated to maintain reservoir levels between the elevations of 2792.0 and 2798.0 feet msl. With 4,100 acre-feet of useable storage, Idaho Power operates the project to help meet short-term (hourly) peak system loads. Idaho Power *automated the project* in 1996 for remote operation from the Boise Bench Dispatch Center. After automation, operators will be on-site eight hours per day and on call during the remaining time.

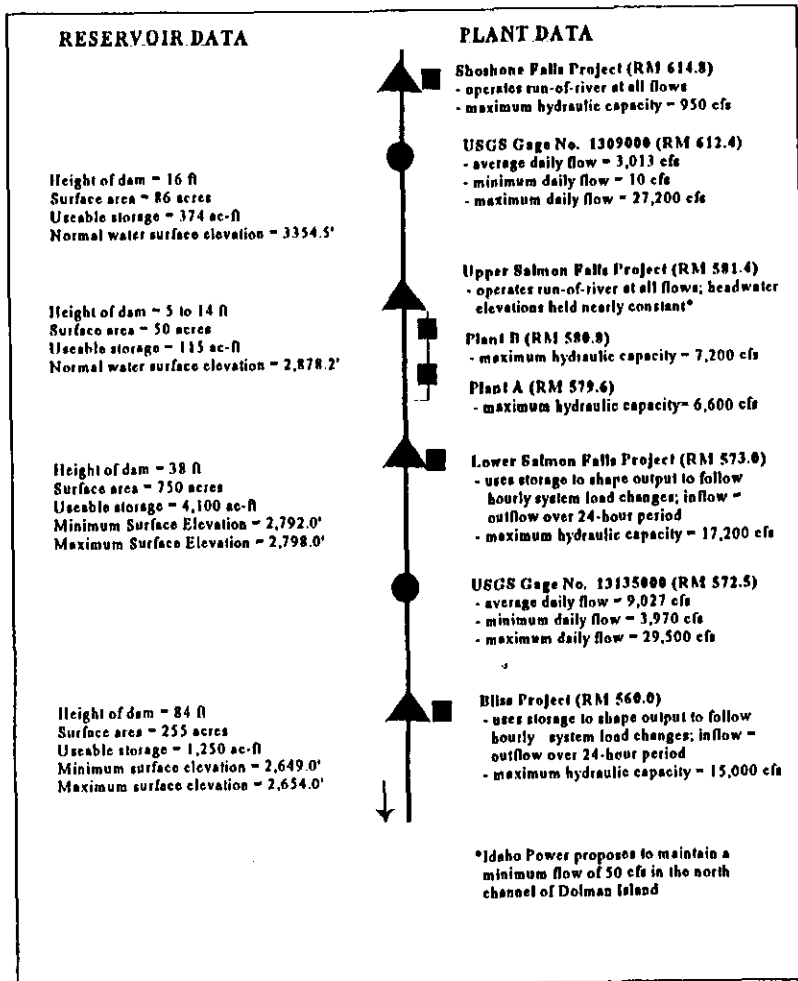


Figure 6. Reservoir and plant data for the Bliss, Lower Salmon Falls, Upper Salmon Falls, and Shoshone Falls Hydroelectric Projects.

Upper Salmon Falls

The Upper Salmon Falls Project has two powerhouses: plant A is located 1.8 miles downstream of the Upper Salmon Falls dam and plant B is about 0.6 mile below the dam. Plant A is manned 24 hours a day and plant B is manned from 7:30 a.m. to 4:30 p.m.; when plant B is not manned, it is controlled remotely from plant A. Idaho Power automated plant A in 1997, and plans to automate plant B in 1998.

Idaho Power proposes to continue to operate the Upper Salmon Falls Project run-of-river under all river flow conditions. Except for minor fluctuations caused by changing inflows, headwater elevation is held constant at 2841.3 feet msl at Plant A and 2878.2 feet msl at Plant B. The project reservoir provides a useable storage of 115 acre-feet.

3.1.3 Proposed Protection and Enhancement Measures

Idaho Power proposes to operate the projects as described above, with the following protection and enhancement measures. These measures are discussed in detail in volume 6 of the technical appendices of the license applications.

Water Quality and Quantity

- Continue its involvement in the Middle Snake River Watershed Management Plan
- Harvest aquatic macrophytes at all three projects
- Provide a minimum flow of 50 cfs in the north channel at the Upper Salmon Falls Project
- Monitor temperature and dissolved oxygen at all three projects to ensure that state standards are met

Aquatic Resources

- Stock fish in Bliss (undetermined numbers of warmwater fish species), Lower Salmon Falls (23,000 catchable-sized rainbow trout), and Upper Salmon Falls (6,000 catchable-sized rainbow trout) reservoirs
- Continue its involvement in the development of a white sturgeon conservation plan
- Protect spring habitat for aquatic endangered species, Idaho species of special concern, and rainbow trout spawning

- Continue its involvement in the development of a snail conservation plan

Terrestrial Resources

- Preserve, enhance, and manage 76 acres of the 425-acre Thousand Springs Preserve, now owned and operated by The Nature Conservancy, which supports sensitive riparian habitats, springs, and sensitive plants (Idaho Power has contributed about \$500,000 towards the purchase of the preserve.)
- Implement the following enhancement/protection measures at Banbury Springs: (1) protect the rare water birch (*Betula occidentalis*) community from further degradation, (2) revegetate disturbed areas, and (3) monitor the revegetation efforts and the continued health of the forest
- Provide long-term protection of the riparian vegetation associated with Dolman Rapids through continued maintenance of the barbed wire fence Idaho Power constructed in 1992 to prevent cattle from straying into the riparian vegetation and entering the streambed
- Preserve riparian resources on the applicant's existing landholdings at Bancroft Springs, Lower Salmon Falls, and Tuana Gulch by: (1) developing a land management plan for each area, (2) removing grazing through fencing or agreements with the Bureau of Land Management, (3) revegetating severely disturbed areas, (4) installing sediment traps at Tuana Gulch, and (5) maintaining and monitoring revegetated areas
- Provide additional protection to heron rookeries by protecting and enhancing habitat conditions of islands owned by Idaho Power
- Create a preserve for chatterbox orchid (*Epipactis gigantea*) at Banbury Springs
- Create a preserve for Torrey's blazingstar (*Mentzelia torreyi* var. *acerosa*) at Tuana Gulch
- Enhance weed control on Idaho Power lands

Aesthetic Resources

- Preserve and protect the aesthetic value of Bancroft Springs, Banbury Springs, and Thousand Springs
- Prepare an Aesthetic Resource Protection Plan

- At Upper Salmon Falls, landscape an area immediately adjacent to an existing visitor overlook

Cultural Resources

- Implement cultural resources management plans to maintain the historical integrity of cultural resources at the projects
- Establish a 375-acre cultural research preserve to protect prehistoric and historic archeological sites in the preserve, and to support innovative archeological research that would be applicable to other projects
- Construct and maintain interpretive kiosks to educate the public about Native American use of the project areas

Recreational Resources

- Continue to operate and maintain the Upper Salmon Falls powerhouse 'A' picnic area
- Enhance the Owsley Bridge boat launch facility by enlarging the parking area, installing a vault toilet, improving the boat ramp and dock facilities, graveling the parking area, and redesigning traffic patterns within the facility
- Enhance the Lower Salmon Falls Park by increasing the parking area, providing a new restroom facility, improving the boat ramp and dock facilities, paving roads and parking areas, adding a group picnic shelter, landscaping, and redesigning traffic patterns within the park
- Enhance the Lower Salmon Falls whitewater access below the Lower Salmon Falls dam by graveling the parking area, providing a portable toilet (seasonal), and improving the float boat ramp
- Enhance the Snake/Malad Rivers whitewater access site by enlarging the parking area, providing a portable toilet (seasonal), and improving the float boat ramp
- Enhance the Bliss reservoir boat launch access area by obtaining a long-term lease of the property, enlarging the parking area, providing a vault toilet and additional picnic sites, and improving the boat ramp and dock
- Continue to operate and maintain the existing Bliss day-use park facility

- Provide buffer zones at developed recreation facilities and special resource value areas--through such things as signs, safety/no wake buoys, and fencing--to ensure public safety and protect natural resources
- Consult with resource agencies every 10 years to decide if a needs assessment is necessary for reviewing the adequacy of the recreation plan
- Provide monetary assistance to the National Park Service to enhance environmental education and visitor information in the Hagerman Fossil Beds National Monument and Upper Salmon Falls and Lower Salmon Falls project vicinities.

3.1.4 Additional Study Requests

In response to the notice of tendering of the application for the Bliss, Lower Salmon Falls, and Upper Salmon Falls Projects, issued on January 4, 1996, nine entities filed 75 study requests (appendix B).

3.2 Shoshone Falls Project

3.2.1 Project Facilities

The project, initially built between 1901 and 1909, involves 4.85 acres of lands administered by BLM. Major facilities (figure 7) include:

- A 779.6-foot-long (average height of 16 feet) concrete diversion dam located above the crest of Shoshone Falls, consisting of four sections separated by rock islands, three of which function as uncontrolled overflow spillway sections, and a fourth, 380-foot-long gated spillway section fitted with 5-foot-high wooden slide gates
- A 1.8-mile-long, 86-acre reservoir at normal operating elevation of 3,354.5 feet msl, with a total storage capacity of 1,500 acre-feet and a usable storage of 374 acre-feet
- A 450-foot-long tunnel and 120-foot-long, 10-foot-diameter penstock
- A powerhouse located on the north bank of the river downstream of Shoshone Falls with three units with a total generating capacity of 12.5 MW, producing about 110 GWh annually
- A 100-foot-long tailrace

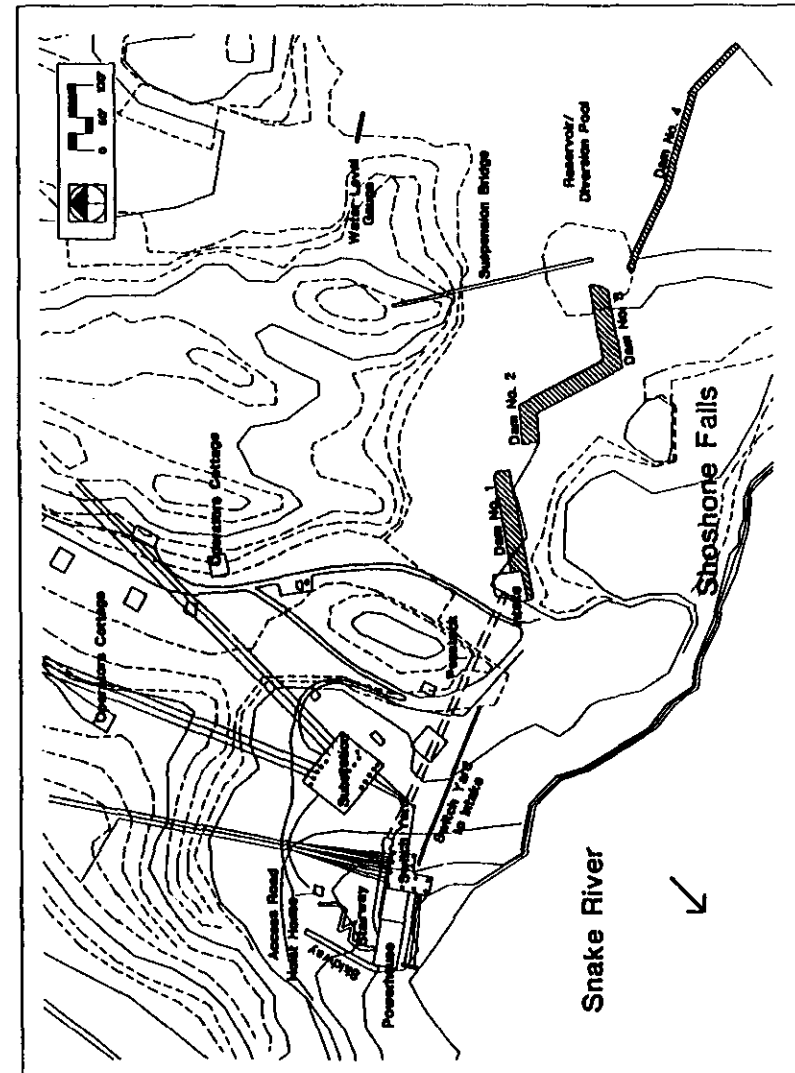


Figure 7. Project facilities for the Shoshone Falls Project (Source: Environmental Vision, October 1996).

3.2.2 Proposed Project Operation

The Shoshone Falls Project is manually operated with personnel on duty eight hours a day. Idaho Power proposes to continue operating the project run-of-river by controlling the flow through the project to maintain the headwater elevation near the crest of the overflow spillway. The headwater elevation is normally maintained at least 10 feet and personnel are on-call when the plant is necessary. Idaho Power plans to automate the plant in 1998, enabling remote operation from the Boise, Idaho, control room.

All of the project's water is released into the river downstream of the project. The project's capacity to generate power is limited by the amount of water that can be released from the reservoir. The project's water release is shown in figure 2.

3.2.3 Proposed Project Mitigation and Enhancement Measures

Water Quality and Quantity

- Adopt and fully implement the Middle Snake River Watershed Management Plan
- Monitor water temperature and dissolved oxygen in powerhouse releases from June 15 through October 15

Aquatic Resources

- Establish a sport fishery in the reservoir by annually stocking 2,500 catchable-sized trout

Terrestrial Resources

- Develop artificial wetlands at the LQ and LS Drains

Aesthetic Resources

- Assure a minimum flow over the falls of 300 cfs from April 1 through Labor Day during daylight hours

Cultural Resources

- Construct signs depicting history of hydropower development in the project area
- Conduct limited data recovery at rock shelters within the project area

- Construct interpretive kiosks on Native American presence in the project area
- Develop a permanent exhibit at the Herrett Museum, College of Southern Idaho, Twin Falls, and a traveling exhibit to depict contributions of Euro-Americans and Chinese miners to local history
- Document and remove stone operator's cottage 072

Recreational Resources

- Invest \$50,000 toward recreational facility enhancements in the vicinity of the Shoshone Falls Project area
- Match, dollar for dollar, expenditures toward recreational or viewing opportunities in Shoshone Falls Park
- Develop and implement an interpretation and information plan for the public

3.2.4 Additional Study Requests

On June 13, 1997, the Commission issued a notice requesting additional study requests for the Shoshone Falls Project. We received requests for three studies from Idaho Department of Fish and Game (appendix B).

3.3 Alternatives

3.3.1 Staff's Modification to Idaho Power's Proposed Action

We will consider alternative mitigation and enhancement measures not proposed by the applicant. Alternative measures could include recommendations by resource agencies, other organizations, Indian tribes, the general public, or the staff. We will assess the environmental effects of these measures. To the extent that these measures would reduce the power production from the proposed project, we will evaluate the costs and any fossil-fueled-generation contributions to airborne pollution.

Specifically, we will consider recommending that the projects operate run-of-river at all times to reduce environmental impacts associated with wide and/or rapid fluctuations in the project reservoirs and in downstream river sections. Environmental, economic, and operational consequences of this alternative will be evaluated.

We will develop a preferred alternative for the projects based on a balancing of the expected benefits and costs of the proposed action and the recommendations provided by all stakeholders.

3.3.2 Project Retirement (No Dam Removal)

This alternative would involve denial of the relicense application and surrender or termination of the existing license with appropriate conditions. This alternative would involve retaining the dams and reservoirs and disabling or removing equipment used to generate power. Project works would remain in place and could be used for historic or other purposes. This would require the Commission to identify another government agency willing and able to assume regulatory control and supervision of the remaining facilities (such as project dams, lakes, and existing recreational facilities).

3.3.3 No Action

Under the no-action alternative, the projects would continue to operate under the terms and conditions of their existing licenses, and no new environmental protection, mitigation, or enhancement measures would be implemented. We will use this alternative to establish the baseline environmental and economic conditions for comparison with other alternatives.

3.3.4 Alternatives Considered But Eliminated from Detailed Study

At present, we are proposing to eliminate the following alternatives from detailed study in the EIS.

Project Retirement (Dam Removal)

Under this alternative, project retirement would be accomplished by removing one or more of the project dams. This alternative would involve surrender or termination of the existing license or licenses with appropriate conditions. Existing recreation facilities would be operated and maintained by other entities or removed. Project retirements with dam removal would have the following effects.

- *The energy generated by one or more of the projects would be lost. .. Historically, the four projects have produced about 1,267 GWh of electricity per year. If the energy was no longer available, it would have to be replaced by an alternative source of energy with its associated environmental effects (including emissions of air pollutants)*
- *Project-generated employment and project-generated tax revenues would be lost*
- *The environmental enhancements currently proposed by Idaho Power (see sections 3.1.3 and 3.2.3), including preservation of spring habitat and*

recreational enhancements, and any additional enhancement measures required by the Commission, would be foregone

- *Short-term increases in downstream turbidity and sedimentation and temporary increases in noise, dust, exhaust emissions, and traffic in the project vicinity during dam removal activities would result*
- *Loss of over 1,000 acres of flatwater would result if all four projects were removed--the existing recreational benefits attributed to one or more project's reservoirs (water skiing, swimming, boating, fishing) would be lost or substantially reduced, with related economic losses to local communities*
- *Use of existing recreational facilities (picnic areas, restrooms, boat ramps, etc.) operated and maintained by Idaho Power would be lost if not taken over and managed by other entities*
- *The irrigation pump station at Lower Salmon reservoir may be made inoperable*
- *Removal of the dams would increase riverine habitat by as many as 20 miles, benefiting fish, wildlife, and riparian resources; recreational opportunities (rafting, kayaking, fishing) associated with riverine conditions would increase, with related economic benefits to local communities*
- *Cessation of operation would eliminate impacts associated with water-level fluctuations in reservoirs and in downstream reaches, benefiting fish and riparian habitats*
- *Visual benefits would result from removal of project structures and transmission lines*
- *If one or more of the project dams were removed, then improved fish passage and survival would result*

We are not aware of any agency or commenter recommending removal of any or all of the four project dams.

Based on the above, we don't believe dam removal is a reasonable alternative in this case.

Federal Government Takeover

We don't consider federal takeover to be a reasonable alternative. Federal takeover of the project would require congressional approval. While that fact alone wouldn't preclude further consideration of this alternative, there is currently no evidence showing that a federal takeover should be recommended to Congress. No party has suggested that federal takeover would be appropriate and no federal agency has expressed interest in operating the project.

Nonpower License

A nonpower license is a temporary license that the Commission would terminate whenever it determines that another governmental agency will assume regulatory authority and supervision over the lands and facilities covered by the nonpower license. At this point, no agency has suggested a willingness or ability to do so. No party has sought a nonpower license and we have no basis for concluding that the project should no longer be used to produce power. Thus, we don't consider a nonpower license a realistic alternative to relicensing in this circumstance.

3.4 Description of Idaho Power Relicenses with Applications Not Yet Filled

The following is a description of the other Idaho Power projects that will be evaluated in any cumulative analysis.

3.4.1 Upper and Lower Malad Project

The project, built in 1948, is located on the Malad River--the lowermost part of the project is located about 400 feet from the confluence with the Snake River. The project is located adjacent to the Malad Gorge State Park. No federal lands are affected.

The upper development includes:

- A 150-foot-long concrete gravity dam with a maximum height of about 18 feet
- An estimated 10-acre-foot reservoir at elevation 3,013 feet msl
- A 4,600-foot-long concrete flume
- A powerhouse with one unit with a generating capacity of 8,270 kW
- A 0.6-mile, 46-kV transmission line

The lower development includes:

- A 160-foot-long concrete gravity dam with a maximum height of 16 feet
- An estimated 10-acre-foot reservoir at elevation 2,884.3 feet msl
- A 5,450-foot-long concrete flume
- A powerhouse with one unit with a generating capacity of 13,500 kW

The project is operated run-of-river. A minimum flow of 70 cfs is released from each development.

3.4.2 C.J. Strike Project

The project, built in 1951, involves 3,019 acres of BLM land (Snake River Birds of Prey Natural Area). Major facilities include:

- A 3,220-foot-long dam with a maximum height of 115 feet
- A reservoir impounding 32 miles of the Snake River and 7 miles of the Bruneau River, with an area of 7,500 acres and a gross storage of 250,000 acre-feet
- A powerhouse with 3 units with total capacity of 82.8 MW
- Two 138-kV transmission lines spanning a total of 90 miles

The project is operated for peaking generation.

3.4.3 Swan Falls Project

The project, constructed in 1901, involves 211 acres of BLM land within the Birds of Prey Natural Area. A new powerhouse became operational in 1994. Major facilities include:

- A 1,218-foot-long concrete and rockfill dam, consisting of a 440-foot-long spillway section, a 290-foot-long powerhouse section, a 22.5-foot long intermediate dam section, and a 111.2-foot-long new powerhouse section
- A 900-acre reservoir with a length of 27 miles and gross storage of 4,800 acre-feet at full pool of 2,314 feet msl
- A powerhouse with two units with a total capacity of 25 MW
- A 1.2-mile-long, 138-kV transmission line

The project is operated to reregulate flows from the upstream C.J. Strike Project. A minimum flow of 5,000 cfs is released from April through September and 4,000 cfs from October through March.

3.4.4 Hells Canyon Project

The Hells Canyon Project involves 9,194 acres of federal land administered by the Forest Service (FS) (Payette and Wallowa National Forests and the Hells Canyon National Recreation Area) and the Bureau of Land Management. The Brownlee, Oxbow, and Hells Canyon developments were constructed in 1957, 1958, and 1965, respectively.

The Brownlee development includes:

- A 1,380-foot-long earth and rockfill dam with a maximum height of 395 feet
- A 14,621-acre, 58-mile-long reservoir with a total storage of 1,420,000 acre-feet and usable storage of 975,318 acre-feet at normal maximum elevation of 2077.0 feet msl (minimum elevation of 1976.0 feet msl)
- A powerhouse containing five units with a total generating capacity of 585.4 MW
- About 485 miles of 230-kV and 77.9 miles of 345-kV transmission line

The Oxbow development includes:

- A 945-foot-long earth and rockfill dam with a maximum height of 209 feet
- A 1,150-acre, 12-mile-long reservoir with a total storage of 53,386 acre-feet and usable storage of 11,100 acre-feet at normal maximum elevation of 1805.0 feet msl (minimum elevation of 1795.0 feet msl)
- A powerhouse containing four units with a total generating capacity of 190 MW
- About 75 miles of 230-kV transmission line

The Hells Canyon development includes:

- A 994-foot-long concrete gravity dam with a maximum height of 320 feet
- A 2,412-acre, 25-mile-long reservoir with a total storage of 167,720 acre-feet and usable storage of 23,060 acre-feet at normal maximum elevation of 1688.0 feet msl (minimum elevation of 1678.0 feet msl)

- A powerhouse containing three units with a total generating capacity of 391.5 MW
- 21.9 miles of 69-kV and 37.9 miles of 230-kV transmission line
- A fish trap

The three developments are operated in close coordination. Brownlee drives the operation of the entire complex. Brownlee is normally operated to meet daily load shaping. Oxbow is closely coordinated with the operation of the upstream Brownlee plant, and typically functions as a reregulating dam. Hells Canyon typically follows the general daily load shape. The project is also operated for navigation, flood control, and anadromous fish protection. Operation is subject to the 1980 Hells Canyon Settlement Agreement concerning anadromous fish mitigation.¹¹

4.0 CUMULATIVE ENVIRONMENTAL ISSUES

According to the Council on Environmental Quality's Regulations for implementing NEPA (50 CFR §1508.7), an action may cause cumulative impacts on the environment if its impacts overlap in space and/or time with the impacts of other past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time, including hydropower and other land and water development activities.

Site-specific analyses have the potential to overlook the big picture. For some resources, it may be necessary to look at more than one Idaho Power project or other actions in the basin to understand the relationship between unrelated actions or to develop a comprehensive solution to an existing resource problem. Examples that illustrate the importance of a cumulative look are presented in the box below.

Evaluating cumulative impacts is an iterative process. Issues will be refined based on preliminary analyses and new information. Further workshops will be needed to better develop issues and analyses.

¹¹ Order approving uncontested offer of settlement, February 27, 1980, 10 FERC ¶ 61,190.

BENEFITS OF CUMULATIVE LOOK

Comprehensive solution--In some cases a solution to a resource problem may depend on more than one project. For example, the need for fish passage at an upstream dam may be contingent upon passage at a downstream dam; creation of a multi-day boating trip may require facilities at more than one project; and wildlife enhancement at more than one project may be more effective if lumped together into one larger parcel.

Additive effects--Multiple activities can affect common resources. Adding the impacts or enhancement measures can give an idea of how the activities collectively impact a resource or contribute to meeting management goals for that resource.

Interactions between actions--It is important to look at the interactions of actions. For example, changes in flow at upstream projects may have positive or negative effects at lower projects; and improvement in water quality at upstream projects may eliminate the need for improvement measures at downstream projects.

Tradeoffs--There may be multiple solutions to issues in a basin. A cumulative look can aid in reaching the most effective solution to a resource issue in the basin. For example, a need for one recreational access point may be more cost-effective or desirable at a particular project rather than at any of the other projects.

4.1 Description of the Snake River Basin

The Snake River, the largest tributary of the Columbia River, flows over 1,000 miles from its origin in Yellowstone National Park (elevation 9,840 feet msl) to its confluence with the Columbia River (elevation 340 feet msl). The Snake River flows through much of Idaho and parts of Wyoming, Utah, Nevada, Oregon, and Washington (figure 2). The river drains 109,000 square miles and transports an average of 37 million acre-feet of water each year.

4.2 Evaluating Cumulative Effects

4.2.1 Identifying Cumulatively Affected Resources

Resources are selected based on:

- Whether the resource has been cumulatively affected or is likely to be affected by multiple projects or other activities in the basin
- The economic, ecological, recreational, and *cultural* value of the resource
- The national, regional, or local significance of the resource
- The degree of agency/public concern
- Basin-wide management plans

The goal is to narrow the scope by eliminating resources that are not relevant to the proposed actions or the eventual licensing decisions or if issues can be adequately addressed at the project-specific level (i.e., no need for a multi-project or comprehensive solution is needed). Resources are also eliminated if the potential cumulative effects or benefits are likely to be inconsequential.

The resources we selected to be included in a cumulative analysis are found in section 4.3.

4.2.2 Determining Geographic Scope

The geographic scope defines the physical limits or boundaries of the proposed actions' effects (positive and negative) on a resource. The scope will be based on how the projects interact with, affect, or are affected by other hydropower and non-hydropower activities in the basin. If the scope is too narrow, opportunities for resource mitigation or enhancement or the status or importance of the resource can be missed; if the scope is too broad, licensing decisions can be confounded by impact issues beyond the Commission's control. Not every resource will have the same geographic scope or emphasis.

Our analysis will generally focus on the mainstem Snake River roughly from Milner dam to the confluence with the Lower Granite reservoir ("affected reach") because:

- The reach physically includes the area of the eight Idaho Power relicense projects
- The reach includes the zone of effect of the eight projects, including the downstream effects of storage at the Hells Canyon Project
- This is the segment where the Commission, through its licensing authority, can actually do something
- Flows below Milner dam are typically reduced to about 200 cfs and are replenished downstream as a result of significant spring flows, irrigation return flows, and tributary inflow¹²

We will also be looking at upstream and downstream activities, but in less detail. For example, the effect of existing and future upstream flow regulation, both diversions and storage, on flow-dependent resources (water quality, fish habitat, riparian habitat, etc.) in the affected reach will be considered. Where necessary to understand the context of the resource

¹² The 1993 Idaho State Comprehensive Water Plan recognizes that the exercise of water rights above Milner dam has and may reduce flow at the dam to 0 cfs.

in the basin, the discussion of historic impacts will be broader (e.g., the discussion of the loss of riparian habitat will include the entire basin *and the loss of or blockage of access to fish habitats of key species, including white sturgeon, salmon, and steelhead, will extend to the Snake River tributaries to the extent of the particular species' historical range*).

For anadromous fish, the downstream scope will be *extended to the mouth of the Snake River*, to include efforts to improve salmon passage at the Corps of Engineer's lower Snake River projects.

One resource will have more localized scope:

Mollusc habitat--the area of examination will encompass the Snake River Basin from Banbury Springs to *Grandview*. This scope corresponds to the scope of the U.S. Fish and Wildlife Service recovery plan.

4.2.3 Determining Temporal Scope

The temporal scope defines the time limits or boundaries that will be considered in the analysis and will include past, present, and future actions and their effects on each resource that could be cumulatively affected. We will look at past impacts that have occurred to the degree that information is available and necessary in establishing the value or uniqueness of the resource. Is the resource increasing, decreasing, or stable? Is pre-project information needed to understand the continuing impacts on a resource and establish reasonable mitigation and enhancement measures? To determine how far to look in the future, we evaluate how long project-specific effects will last and time frames for future reasonably foreseeable actions.

For the purposes of our analysis, the temporal scope will look about 45 years into the future (through a potential 30-year new license term for the Swan Falls Project), concentrating on the effect on the resources from these reasonably foreseeable future actions.

4.2.4 Determining Actions to Include in the Analysis

Past and ongoing actions in the basin include: construction of dams and reservoirs for hydropower, irrigation, and flood control; irrigation, industrial, and municipal water diversions and discharges; agricultural development; grazing; logging; aquaculture; and recreational development (see appendix C).

Past activities that have affected or will likely affect the cumulative resource of concern will be incorporated into the analysis. Understanding past actions and their effects on resources can be important to understanding the consequences of future actions. The effects of past and present activities are reflected in the existing environment and provide a context for determining the value and importance of the resource and the potential for cumulative impacts.

For future actions, we will look at those actions that will potentially affect the cumulative resources and that are within the selected geographic boundary or time frames. Speculative or undefined future actions will be excluded.

A description of ongoing and future activities within the Snake River Basin is found in appendix C. The primary future actions that could potentially affect the relicensing of the Idaho Power Projects include:

- BR's Snake River Resources Review
- National Marine Fisheries Service's (NMFS's) Biological Opinion on Operation of the Federal Power System and future opinions
- NMFS's proposed recovery plan for Snake River salmon
- Northwest Power Planning Council's Columbia River Basin Fish and Wildlife Program
- FS's and BLM's Interior Columbia Basin Ecosystem Management Project
- Idaho's total daily maximum load plans for the middle Snake River

A list of plans on file with the Commission is found in appendix D.

4.3 Cumulative Effects Resources/Issues

The key cumulative effects issues for the Snake River basin are summarized in table 2.

Based on our preliminary review of Idaho Power's license applications, comments received from agencies and other interested groups, input from the Snake River Relicensing Collaborative Team's resource work groups, and preliminary staff analysis, we've tentatively identified the resources/issues listed below as being potentially cumulatively affected (positively or negatively) by the Idaho Power relicense projects in combination with other hydropower and non-hydropower activities in the Snake River Basin. *Based on the criteria outlined in figure 8, we refined the list of resources and issues (described below) that will be included in our cumulative analysis.*

For each resource, we discuss the specific cumulative resource issues involved and the relationship to the Idaho Power relicenses. *All the issues described below, with the exception of the anadromous fish issue, will be evaluated as part of the EIS for the first four projects. Anadromous fish and MacFarlane's four-o'clock will be deferred until future environmental documents.*

Issues	Cause	Resources Affected	Effects
Degradation of water quality	flow modifications, agricultural development, urbanization, hydroelectric development, industrial development, impoundments, municipal waste, flood control, mining, forestry, aquaculture, habitat conversion	anadromous fish, native resident fish (includes white sturgeon, bull trout, and redband trout), listed snails, benthic invertebrates, amphibians, bald eagle, aquatic furbearers, aquatic birds, contact recreation, aesthetics	reduced habitat quality; nuisance aquatic plant growth; reduced visual quality and recreational experience
Flow modification (timing and volume)	timing: hydroelectric development, flow augmentation, flood control, dam operations, irrigation (diversions, pumping, and return flows) volume: hydroelectric development, irrigation, municipal water consumption, agricultural development, aquaculture, mining, impoundments	anadromous fish spawning and rearing habitat, native resident fish (includes white sturgeon, bull trout, and redband trout), listed snails, riparian vegetation, riparian vegetation, recreational use, aesthetics, cultural resources	habitat loss; unsuitable water temperature; alteration of sediment transport, resulting in the loss of spawning habitat and loss of sand and gravel bar recruitment; and diminished aesthetic quality
Aquatic habitat loss, alteration, and fragmentation	habitat loss: channelization, levee construction, irrigation, impoundments, mining, logging, removal of riparian vegetation, road construction, clearing of stream channels, irrigation return waters, urbanization fragmentation: creation of barriers (dams, water quality barriers)	anadromous fish, native resident fish (includes white sturgeon, bull trout, and redband trout), listed snails, riparian vegetation	direct habitat loss: loss of habitat for spawning, rearing, and migration resulting from reduced water velocities; accumulation of sediments; poor water quality; loss of wetlands and riparian vegetation; increased competition from exotic species fragmentation: genetic isolation, isolation from critical life stage habitats, loss of metapopulation structure, increased susceptibility to local extinctions or extirpation

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Issues	Cause	Resources Affected	Effects
Loss of anadromous ecosystem	hydroelectric development, irrigation, flood control, and other factors	juvenile anadromous salmonids, other resident fish species, black bear, aquatic furbearers, eagles, insects, aquatic plants, riparian plants	loss of nutrient source for fish and invertebrates and wildlife food supply provided by salmon carcasses
Riparian/wetland habitat loss, alteration, and fragmentation	irrigation/water diversions, urbanization, hydroelectric power generation, industrial development, impoundments, flood control, mining, habitat conversion, grazing, recreational use	anadromous and resident fish, native/rare plant communities, seeps, springs, island habitats, bald eagles, aquatic furbearers, birds, insects, big game thermal cover, neotropical migrants	habitat loss: declines in abundance of wetland and riparian habitats, noxious weed infestations, decreased biodiversity and productivity fragmentation: isolation from critical life stage habitats, loss of metapopulation structure, increased susceptibility to local extinctions or extirpation, decreased biodiversity and productivity
Native grassland and shrubland loss, alteration, and fragmentation	agricultural development, industrial development, impoundments, mining, habitat conversion, grazing, roads, transmission lines, recreational use	native/rare plant communities, big game foraging and wintering habitat, birds, and small mammal habitat	habitat loss: declines in abundance of upland habitats and associated wildlife species, noxious weed infestations, decreased biodiversity and productivity fragmentation: isolation from critical life stage habitats, loss of metapopulation structure, increased susceptibility to local extinctions or extirpation, decreased biodiversity and productivity

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* Based on input from the Snake River Relicensing Collaborative's Resource Work Groups.

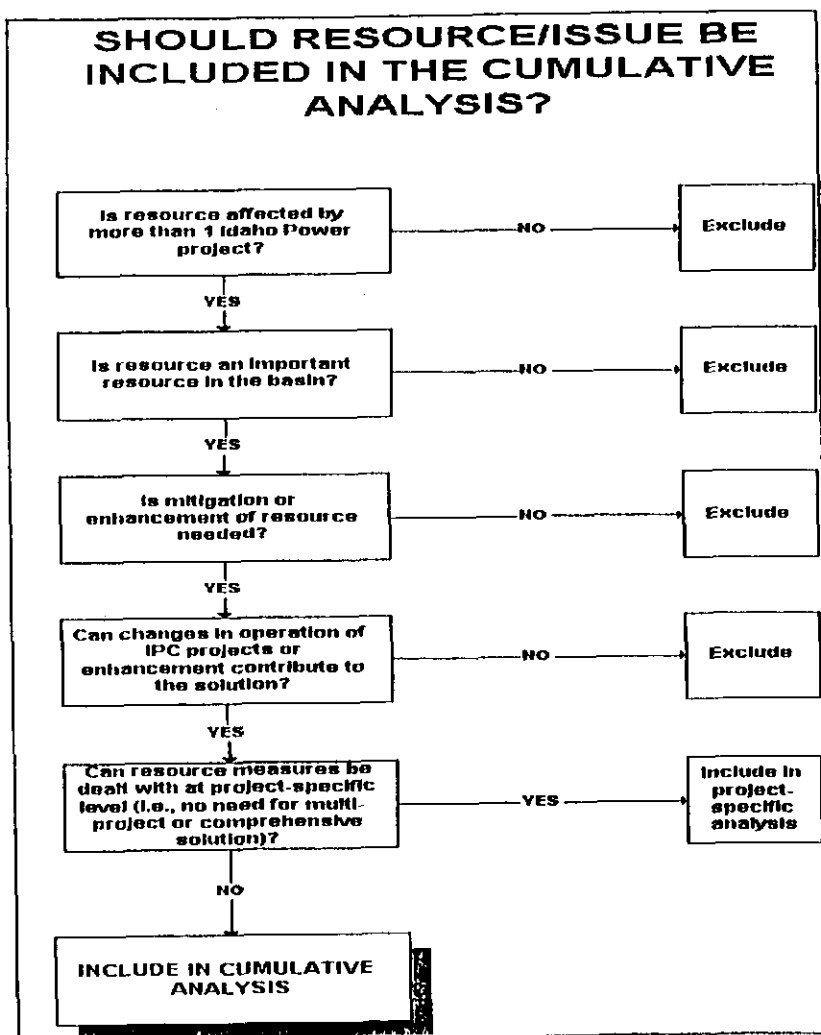


Figure 8. Steps in determining whether to include resources or issues in the cumulative analysis.

4.3.1 Water Quality

- Effects of degraded water quality (*including macrophyte growth*) on fish, snails, aquatic dependant wildlife, aesthetics, and recreation
- How the Idaho Power *projects' effects on flow timing and volume* contribute to water quality problems (dissolved oxygen, heavy metals and toxic sediment, nutrients, temperature, *total dissolved gases*) in the basin
- How the Idaho Power projects could be operated in combination with other actions in the basin to help meet water quality goals for fish habitat, snail habitat, aesthetics, and recreational use and opportunities
- How operation of the Idaho Power projects could be coordinated with future actions, such as the Middle Snake River Watershed Management Plan and future flow augmentation, to improve water quality or increase flows in the basin

4.3.2 Sediment Transport

- *How the Idaho Power projects' effects on flow timing and volume* contribute to erosion and sediment deposition and the associated effects on fish habitat, stream bank integrity, island, sand bar and beach formation/loss, cultural resources, and fossil deposits

4.3.3 Resident Fish (white sturgeon, Shoshone sculpin, rainbow trout, bull trout, and redband trout)

- How resident fish are affected by: barriers to upstream and downstream migration (*including habitat fragmentation effects*); project peaking flows and ramping rates; fish entrainment and turbine related mortalities; and water quality
- What measures are needed to protect and enhance resident fish populations (passage, flows, etc.)
- The effects of future changes in the timing and quantity of flow in the basin on resident fish

4.3.4 Anadromous Fish (spring/summer and fall chinook salmon, sockeye salmon, steelhead, and lamprey)¹³

- How the Hells Canyon, Swan Falls, and C.J. Strike Projects could be operated to enhance flows (timing, quantity) for anadromous fish habitat in the Snake River Basin above and below Hells Canyon Dam and for salmon migration
- What factors are preventing the restoration of anadromous fish upstream of Hells Canyon dam (habitat and food availability, water quality, passage, etc.), is upstream restoration feasible, and what measures are necessary at Idaho Power projects (upstream and downstream passage, habitat improvements, flows, etc.) in combination with other measures in the basin, to allow the restoration of anadromous fish
- How the Idaho Power hatchery program would contribute to the efforts to restore anadromous fish in the basin and what modifications may be needed
- How anadromous fish restoration would affect other resources (resident fish, wildlife, insects, and riparian and aquatic plants)
- How operation of Idaho Power Projects could be coordinated with other actions in the basin to provide flows for anadromous fish and improve passage at downstream dams

4.3.5 Federally Listed Aquatic Molluscs (the endangered Idaho springsnail, Utah valvata snail, Snake River physa snail, and Banbury Springs fanx, and the threatened Bliss Rapids snail)

- The effects of instream flows, water quality, and sediment transport on the quality and quantity of aquatic mollusc habitat.
- What changes in operation of the Bliss, Lower Salmon Falls, and Upper Salmon Falls Projects are needed to protect and enhance mollusc habitat
- How operation of the Idaho Power Projects could be coordinated with other actions in the basin, such as the Snake River Aquatic Species Recovery Plan

¹³ As previously discussed, anadromous fish won't be discussed in detail in the EIS for the Bliss, Lower Salmon Falls, Upper Salmon Falls, and Shoshone Falls Projects, but will be addressed in subsequent environmental documents.

4.3.6 Riparian/Wetland Habitat

- How the Idaho Power projects interact with other activities in the basin to reduce and alter riparian/wetland habitat, seeps, and springs
- The effects of altered flows and reduced and fragmented riparian/wetland habitat on abundance and connectivity of native/rare plant communities, aquatic furbearer habitat, waterfowl nesting cover, thermal cover for big game, and habitat for neotropical migrants and other birds
- The effects of altered flow and reduced and fragmented riparian/wetland habitat on noxious weed infestation
- The effects of future changes in the timing and quantity of flow in the basin on riparian/wetland habitat and the effects on riparian/wetland associated wildlife
- What measures are needed to protect and enhance riparian/wetland habitat

4.3.7 Terrestrial Threatened and Endangered Species

- The effects of altered flows and other activities in the basin on *germination and survival of native cottonwood trees, which are important sources of nest, perch, and roost sites for bald eagles*
- *The effects of icing that results from altered flows and impounded conditions at the reservoirs on available foraging habitat for bald eagles*
- The effects of human disturbances, *including changes in human access patterns and types of human activities associated with the project impoundments, transmission line maintenance, road use, and recreation, on bald eagles, peregrine falcons, and MacFarlane's four-o'clock*¹⁴
- The secondary effects of *project operations (i.e., water quality, fish resources, and avian prey) on forage bases of the bald eagle and peregrine falcon*

¹⁴ As previously discussed, MacFarlane's four-o'clock won't be discussed in detail in the EIS for the Bliss, Lower Salmon Falls, Upper Salmon Falls, and Shoshone Falls Projects, but will be addressed in the Hells Canyon EIS.

4.3.8 Native Grasslands and Shrublands

- How the Idaho Power projects interact with other activities in the basin to reduce and alter native grassland and shrublands
- The effects of reduced and fragmented native grassland and shrubland habitat on abundance and connectivity of native/rare plant communities, big game winter range and forage, and habitat for birds and small mammals
- How Idaho Power land management practices and policies interact with other basin-wide activities to affect noxious weed infestation in native grassland and shrubland habitats

4.3.9 Recreational Use Patterns

- How changes in reservoir management and flow changes for anadromous fish and other resources could affect recreational use patterns in the basin

4.3.10 Developmental Resources

- The additive effects of environmental enhancement measures on the economics of continuing to operate the projects *and the cost-effectiveness of operational changes designed for non-power benefits*
- How operational changes for environmental purposes affect other developmental purposes, such as flood control
- How changes at Idaho Power's projects, in combination with potential reductions in generation at other hydropower projects throughout the basin, could affect the power resources that serve the region, *and how these effects would affect consumers on a community, county, and Bureau of Economic Analysis area scale*

4.3.11 Air Quality

- Additive effects of reduced generation at the Idaho Power projects on the need for additional alternative sources of generation and the resulting increases in emissions of air pollutants *in the Snake River Basin and, specifically, relative to Forest Service Class I Airsheds (associated with wilderness areas) and other National Forest System Lands*

5.0 PROJECT-SPECIFIC RESOURCE ISSUES

A preliminary list of resource issues and concerns that we have identified for analysis in an EIS is presented below. Those issues identified by an asterisk (*) will be analyzed for cumulative impact, as well as project-specific effects. In analyzing the issues, we will evaluate various measures to mitigate, protect, or enhance the resources. This list is not intended to be exhaustive or final, but is an initial listing of issues that have been raised and could be potentially significant. For convenience, the issues have been grouped by resource categories.

5.1 Bliss, Lower Salmon Falls, and Upper Salmon Falls Projects

We have determined that there are no issues dealing with geology and soils, given the minimal amount of soil disturbance associated with relicensing these projects.

5.1.1 Water Quality

- * Effects of the projects' *operations* on water temperature, dissolved oxygen, nutrient levels, *and sediment transport*
- * *Effects of the projects' operations on algal production and the distribution of nuisance plants and their associated effects on water quality*

5.1.2 Aquatic Resources

- * *Effects of project operations on aquatic invertebrates in riverine and reservoir sections*
- * Effects of entrainment and turbine mortality on white sturgeon and other resident fish at the three projects
- * Effects of the project dams on the movement of migratory and non-migratory fish species
- Effects of project-induced water level fluctuations from load-following operations on habitat for aquatic resources in the project reservoirs and downstream of each project
- Effects of instream flows on the quantity and quality of aquatic habitat for fish and other aquatic resources in the Dolman Rapids *and North Channel* bypassed reaches of the Upper Salmon Falls Project and downstream of the *Lower Salmon Falls and Bliss* Projects

- Effects of project facilities and operations on the deposition of fine sediments in impounded areas as it relates to fish spawning habitat
- * Effects of project facilities and operations on the supply of and transport of spawning gravel downstream of the project dams
- * *What measures are needed to address the future passage of anadromous fish in the project areas*
- *Whether monitoring is necessary to determine the effects of protection, mitigation, and enhancement measures on fishery resources*
- *Effect of the Bliss Project on the Elmore County Wildlife Club fish-rearing pond*

5.1.3 Terrestrial Resources

- * Effects of project-induced water level fluctuations from load-following operations on riparian and wetland vegetation, both in the impounded and unimpounded areas
 - Do project operations favor the establishment of Russian olive and other non-native species in the riparian zone?
 - How do project-related changes in flow regimes affect regeneration of riparian tree species, specifically cottonwoods?
 - Whether project operations should be modified to benefit riparian habitat structure and function?
- * Whether modifications should be made to Idaho Power's current grazing policies to benefit riparian resources on project lands
- *Effects of project operation and maintenance (e.g. road use and transmission line corridor maintenance) on rare plants and rare plant communities.*
- *Effects of project operation and maintenance on key wildlife species*
- * Adequacy of proposed protection and enhancement measures, *including noxious weed control*, and whether additional enhancement measures are necessary to benefit *upland, riparian, wetland*, and spring habitats and the wildlife inhabiting these habitats

- Adequacy of proposed measures to protect rare plants (chatterbox orchid, Torrey's blazingstar) and rare plant communities (water birch, hackberry)

5.1.4 Threatened and Endangered Species

- * Direct and indirect effects of fluctuating water levels from the projects' load-following operations on the federally listed aquatic molluscs: the endangered Idaho springsnail (*Pyrgulopsis idahoensis*), Utah valvata snail (*Valvata utahensis*), Snake River physa snail (*Physa natricina*), and Banbury Springs lanx (undescribed *Lanx*), and the threatened Bliss Rapids snail (*Taylor concha serpenticola*)
- * Effects of instream flows and sediment transport on the quality and quantity of aquatic habitat for federally listed molluscs
- * *Direct and indirect effects of project operation and maintenance (including fluctuating water levels from the projects' load-following operations, transmission line maintenance, and road use) on the federally threatened bald eagle and endangered peregrine falcon*

5.1.5 Aesthetic Resources¹⁵

- Effect on visual resources from Idaho Power's grazing policies for project lands *owned by Idaho Power*
- Effect of water level fluctuations caused by project operations on the aesthetics of the Bliss, Lower Salmon Falls, and Upper Salmon Falls reservoirs, *including shoreline sloughing*
- Visual impacts of the Lower Salmon Falls Project facilities and operations as viewed from recreation areas and the Hagerman Fossil Beds National Monument, particularly the proposed visitor center, overlooks, and trails
- Visual impacts of the Upper Salmon Falls Project facilities and operations as viewed from Hagerman Fossil Beds National Monument, particularly the overlooks and trails

¹⁵ The issues "Visual impacts of the Upper Salmon Falls Project facilities and operations as viewed from the picnic area at powerhouse A" and "Visual impacts of the Bliss Project facilities and operations as viewed from recreation sites" were deleted based on discussions at the July 17, 1997, scoping meeting.

- Effect of the flow regime on the aesthetic characteristics of the Upper Salmon Falls Project's bypassed reach

5.1.6 Cultural Resources

- Effects of the projects on archeological and historic sites and what measures are necessary to comply with the National Historic Preservation Act

5.1.7 Recreation and Land Use¹⁶

- Whether Idaho Power should develop a float boat put-in directly downstream of Bliss dam
- *Whether Idaho Power should develop a river access site for recreational boating at the Bancroft Springs area*
- Whether a new take-out site for whitewater boaters on the popular Hagerman (Wiley) Reach of the Snake River is needed as a result of the 1993 Wiley landslide
- * Effects of fluctuating water levels from the projects' load following operations on the erosion of fossils at the Hagerman Fossil Beds National Monument
- Whether Idaho Power should participate in any efforts to establish a recreational trail along the Snake River, and if so, how
- Whether Idaho Power should provide monetary assistance (\$5,000 per year) to the NPS, as proposed, to enhance environmental education and research at the Hagerman Fossil Beds National Monument
- Whether the Dolman Island/Falls area should be granted a "protected" land use designation under Idaho Power's land management plan, as recommended by Idaho Power

5.1.8 Developmental Resources

Some of the proposed environmental enhancement measures would change how the projects are operated, thereby reducing the value of the projects for electric power production. Other measures would require direct expenditures by Idaho Power, increasing the cost of

¹⁶ The issue "Effects of fluctuating water levels from the projects' load following operations on boating and fishing on the reservoirs and in the reaches downstream of the projects" was deleted based on discussion at the July 17, 1997, scoping meeting.

operation and decreasing the cost advantage of the projects compared to other sources of power that could be used to meet the electricity needs of Idaho Power's customers. In the EIS, we would consider how the following would affect project generation or cost:

- Effects of providing minimum continuous flows in the Dolman Rapids reach and downstream of project dams on project generation and the value of project power
- Effects of reducing reservoir water surface fluctuations on load following capabilities and the value of project power
- Effects of funding various studies or providing additional protection and enhancement measures on the cost of project power

5.2 Shoshone Falls Project

5.2.1 Water Quality

- * Effects of the project's *operation* on water temperature, dissolved oxygen, gas supersaturation, and nutrient levels

5.2.2 Aquatic Resources

- * Effects of the project (water temperature, total dissolved gas levels) on downstream white sturgeon populations between Shoshone Falls and Upper Salmon Falls Projects
- Effects of the project on reservoir fishes and the desirability of stocking the reservoir with trout or other species

5.2.3 Terrestrial Resources

- * Adequacy of proposed protection and enhancement measures and whether additional enhancement measures are necessary to benefit riparian resources and spring habitats and the wildlife inhabiting these habitats

5.2.4 Aesthetic Resources

- Effects of the project's flow regime on the aesthetic characteristics of Shoshone Falls and what flows are necessary to adequately enhance the visual quality of the falls

- Visual impacts of the project facilities (dam structures, powerhouse, substation, and transmission lines) as seen from the existing and proposed recreation sites, particularly the overlooks

5.2.5 Cultural Resources

- Effects of the project on the historic and prehistoric resources and what measures are necessary to avoid, minimize, or compensate for adverse effects

5.2.6 Recreation and Fishery Resources

- Effects of the project on the recreational and fishery resources and what measures are necessary to avoid, minimize, or compensate for adverse effects
- Adverse effects of the project on the recreational and fishery resources

5.2.7 Socioeconomics

- Effects of the existing, proposed, and other alternative flow regimes over Shoshone Falls on visitation, the local economy, and tax revenues to local governments

5.2.8 Developmental Resources

- Effects of funding various studies or providing additional protection and enhancement measures on the cost of project power

6.0 SCHEDULE

The short-term schedule for initial processing of the Bliss, Lower Salmon Falls, Upper Salmon Falls, and Shoshone Falls Projects and completing scoping is provided below. The long-term schedule will be developed after we finalize the cumulative effects approach (see appendix A).

SCHEDULE		
Milestone	Target Date	
	Bliss, Lower Salmon Falls, and Upper Salmon Falls Projects	Shoshone Falls Project
Applications filed	December 20, 1995	May 29, 1997

Notice requesting additional study requests (ASR's)	January 4, 1996 (due 2/20/96)	June 13, 1997 (due 7/28/97)
Applications accepted	June 7, 1996	October 16, 1997
Notice requesting Interventions	June 24, 1996 (due 8/29/96)	October 21, 1997 (due 12/18/97)
Scoping document 1 issued	June 5, 1997 (comments due August 18, 1997)	
Scoping meetings/site visits	July 16-18, 1997	
Scoping document 2 issued	December 1997	
ASR's addressed	January 1998	
Additional information request issued	January 1997 (due 1/99)	
DEIS	Summer/Fall 1999	
FEIS	Spring 2000	

6.0 DRAFT EIS OUTLINE

The tentative outline for the EIS for the Bliss, Lower Salmon Falls, Upper Salmon Falls, and Shoshone Falls Projects is as follows:

COVER SHEET
FOREWORD
TABLE OF CONTENTS
EXECUTIVE SUMMARY

1. PURPOSE OF ACTIONS AND NEED FOR POWER
 - 1.1 Purpose of Actions
 - 1.2 Need for Power
 - 1.3 Scope of Environmental Impact Statement
 - 1.3.1 Cumulative Effects
 - 1.3.1.1 Geographic Scope
 - 1.3.1.2 Temporal Scope
2. PROPOSED ACTIONS AND ALTERNATIVES
 - 2.1 Idaho Power Company's Proposals
 - 2.1.1 Bliss Project
 - 2.1.1.1 Project Facilities
 - 2.1.1.2 Project Operations
 - 2.1.2 Lower Salmon Falls Project
 - 2.1.2.1 Project Facilities
 - 2.1.2.2 Project Operations
 - 2.1.3 Upper Salmon Falls Project
 - 2.1.3.1 Project Facilities
 - 2.1.3.2 Project Operations

- 2.1.4 *Shoshone Falls Project*
 - 2.1.4.1 *Project Facilities*
 - 2.1.4.2 *Project Operations*
 - 2.1.5 *Proposed Environmental Measures*
 - 2.1.6 *Mandatory Requirements*
 - 2.2 *Staff's Modification of Idaho Power Company's Proposals*
 - 2.3 *Project Retirement*
 - 2.4 *No-Action Alternative*
 - 2.5 *Alternatives Considered but Eliminated from Detailed Study*
3. **AFFECTED ENVIRONMENT**
- 3.1 *General Description of the Project Area and the Snake River Basin*
 - 3.2 *Cumulatively Affected Resources*
 - 3.2.1 *Water Quality*
 - 3.2.2 *Sediment Transport*
 - 3.2.3 *Resident Fish*
 - 3.2.4 *Federally Listed Aquatic Molluscs*
 - 3.2.5 *Riparian/Wetland Habitat*
 - 3.2.6 *Bald Eagle/Peregrine Falcon*
 - 3.2.7 *Native Grasslands and Shrublands*
 - 3.2.8 *Recreational Use Patterns*
 - 3.2.9 *Developmental Resources*
 - 3.2.10 *Air Quality*
 - 3.3 *Description of Ongoing Activities in the Snake River Basin*
 - 3.4 *Planned and Future Activities in the Snake River Basin*
 - 3.5 *Project-specific Resources*
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 - 3.5.3 *Terrestrial Resources*
 - 3.5.4 *Threatened and Endangered Species*
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 - 3.5.6 *Cultural Resources*
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- 4.1 *Idaho Power Company's Proposals and Modifications to Idaho Power's Proposals*
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 - 4.1.2 *Aquatic Resources*
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 - 4.1.4 *Threatened and Endangered Species*
 - 4.1.5 *Aesthetic Resources*
 - 4.1.6 *Cultural Resources*
 - 4.1.7 *Recreational and Land Use*
 - 4.1.8 *Socioeconomics*
 - 4.2 *Project Retirement*
 - 4.3 *No-action Alternative*
 - 4.4 *Unavoidable Adverse Impacts*
 - 4.5 *Irreversible and Irretrievable Commitment of Resources*
 - 4.6 *Relationship Between Short-term Uses and Long-term Productivity*

5. **CUMULATIVE ANALYSIS**
- 5.1 *Water Quality*
 - 5.2 *Sediment Transport*
 - 5.3 *Resident Fish*
 - 5.4 *Federally Listed Aquatic Molluscs*
 - 5.5 *Riparian/Wetland Habitat*
 - 5.6 *Bald Eagle/Peregrine Falcon*
 - 5.7 *Native Grasslands and Shrublands*
 - 5.8 *Recreational Use Patterns*
 - 5.9 *Developmental Resources*
 - 5.10 *Air Quality*
6. **DEVELOPMENTAL ANALYSIS**
7. **STAFF'S CONCLUSIONS**
- 7.1 *Comprehensive Development and Recommended Alternatives*
 - 7.2 *Cumulative Effects Summary*
 - 7.3 *Fish and Wildlife Agency Recommendations*
 - 7.4 *Consistency with Comprehensive Plans*
 - 7.5 *Relationship to Laws and Policies*
 - 7.5.1 *Water Quality Certification*
 - 7.5.2 *Endangered Species Act*
 - 7.5.3 *Pacific Northwest Power Planning and Conservation Act*
 - 7.5.4 *National Historic Preservation Act*
 - 7.5.5 *Americans with Disabilities Act*
 - 7.5.6 *Other Laws and Policies*
8. **LITERATURE CITED**
9. **LIST OF PREPARERS**
10. **LIST OF RECIPIENTS**

7.0 DISTRIBUTION LIST

Copies of this scoping document were sent to agencies, organizations, and individuals on the service list, FERC mailing list for the Bliss, Lower Salmon Falls, Upper Salmon Falls, and Shoshone Falls Projects, and Snake River Relicensing Collaborative Team mailing list (see appendix E).

Description of Approaches

Evaluating cumulative effects of the Idaho Power projects in the Snake River Basin provides a challenge given that four applications have already been filed and applications for the remaining four projects will be filed during the next 12 years. In developing approaches for assessing cumulative impacts, the following factors must be considered--the timing of the expiration of the licenses, the geographic location of these projects, and the availability of data with which to conduct a cumulative impact assessment.

We describe four possible approaches below.

APPENDIX A

APPROACHES TO CUMULATIVE IMPACTS IN SNAKE RIVER BASIN revised June 1997

In December 1996, the staff prepared a discussion paper titled "Approaches to Cumulative Analysis for the Snake River Basin," outlining two possible approaches for evaluating the cumulative effects of relicensing the eight Idaho Power projects.¹ These and other approaches are discussed in detail later in this appendix.

The staff conducted a meeting in Boise, Idaho, on February 4, 1997, to solicit input from federal and state agencies, Indian tribes, non-governmental organizations, the licensee, and the public on the approaches. About 75 people attended the meeting.

At the meeting, representatives of the Snake River Relicensing Collaborative Team commented that they were unable to recommend a specific approach until the range of cumulative effect issues that needs to be addressed is known. They recommended the following steps before deciding on an approach:

- Conduct scoping for the cumulative effects analysis
- Scoping should be done as soon as possible, using the Collaborative Team work groups as technical advisors
- Identify cumulative effects issues for the Middle Snake projects (Bliss, Lower Salmon Falls, Upper Salmon Falls, and Shoshone Falls Projects)
- Develop the approach based on scoping

Idaho Power was hesitant to agree to a particular approach until they know the scope of the issues that may require reopeners.

Following the meeting, written comments were received from the following entities:

Entity	Date of Letter
Idaho Wildlife Federation	March 5, 1997
Oregon Department of Fish and Wildlife	March 5, 1997

¹ Copies of the discussion paper are available from Alan Mitchnick at (202) 219-2826.

These analyses would build upon or tier¹ off the previous analyses. Additional resources that could be cumulatively affected would be evaluated as necessary and multi-project issues would be expanded and updated. Ultimately, the series of analyses would represent a comprehensive evaluation of cumulative impacts of the Idaho Power relicensing projects.

Approach B

This approach would involve the preparation of one basin-wide cumulative effects analysis for the area of effect of all the Idaho Power relicensing projects before any project-specific assessments are begun. The cumulative analysis would also be used to determine the appropriate groupings for processing the individual projects and the resources that...

Walla Walla County Court	March 5, 1997
Environmental Protection Agency	March 5, 1997
Shoshone-Bannock Tribes	March 5, 1997
Columbia Inter-Tribal Fish Commission	March 5, 1997
American River/Idaho Rivers United	March 5, 1997
Department of the Interior	March 5, 1997
Middle Snake Regional Water Resource Commission	March 5, 1997
Idaho Power Company	March 6, 1997
Idaho Department of Environmental Quality	March 6, 1997
Nez Perce Tribal Executive Committee	March 6, 1997
National Marine Fisheries Service	March 21, 1997

Summary of Comments Received on the Approaches

We've summarized the written comments below, followed by our response to the comments in *italics*.

General Comments

(1) Many commentors supported the collaborative teams recommendations.

We agree that scoping would provide a better information base on which to determine an approach. Accordingly, we will conduct scoping on both the project-specific issues associated with the Bliss, Lower Salmon Falls, Upper Salmon Falls, and Shoshone Falls Projects and the basin-wide cumulative issues prior to deciding on the approach.

(2) Many of the commentors, although not endorsing a particular approach, liked the early assessment of the earlier filed applications under approach A and the comprehensive aspects of approach B. Most believed that the project-specific analysis of the first filed application could proceed concurrently with the cumulative analysis.

We developed an additional approach that takes into consideration many of the comments (see approach C below).

(3) American Rivers/Idaho Rivers United was the only commentor that provided an alternative approach for the Commission's consideration. They recommend that cumulative impacts be analyzed in a series of individual, stand-alone studies addressing specific resources. This approach is supported by Oregon Department of Fish and Wildlife.

We will further explore this approach (see approach D below).

(4) Many of the comments were based on incorrect understanding of the two approaches.

(4a) Many commented that they believed that the cumulative analysis under approach A would only look at cumulative effects of the projects being evaluated in multi- or single project documents and would ignore the effects of the projects that apply to us. Thus, they believe that the analysis is project based and not cumulative.

This is incorrect. The cumulative analysis under approach A is basin-wide and not project-specific.

basin (as in approach B), but, instead of waiting until the cumulative assessment is complete, we would concurrently prepare a project-specific, multi-project EIS for the Bliss, Lower Salmon Falls, Upper Salmon Falls, and Shoshone Falls Projects (as we would in approach A). Subsequent NEPA documents would tier off of the cumulative analysis. This approach allows us to move forward with the first four projects concurrently with a cumulative effects analysis.

Approach D

The following are selected excerpts from the American Rivers and Idaho Rivers United proposal.⁴

Cumulative impacts would be analyzed in a series of individual, stand-alone studies addressing specific resources that are or may be affected by cumulative impacts.

The individual cumulative impact studies would form the basis for the evaluation of cumulative impacts in each project-specific NEPA document. In other words, the project-specific NEPA documents would tier to or incorporate only relevant individual cumulative impact analyses. The cumulative impact study results, including proposed remedial/protective measures, would then be used to identify specific action alternatives and remedial/protective measures in the project-specific NEPA document.

Each cumulative impact analysis would be designed to identify the causes of resource degradation at a broad spatial scale and over time, and to identify remedial and protective measures to restore and conserve the resource. The studies would identify interactions between Idaho Power's dams and other human activities in the Basin that degrade resources and identify remedial and protective measures at the scale of the analysis (e.g., increase flows by a specified amount, provide passage to potential spawning habitat, restore riparian habitat). Project-specific measures (e.g., the identification of how to provide passage to habitat or how to manage flows at a specific dam) would be analyzed in the project-specific NEPA documents.

Scoping of cumulative impact studies should begin immediately, and studies commence as soon thereafter as possible. The project(s)-specific NEPA documents would go forward as scheduled. If a particular cumulative impacts analysis was not complete in time to prepare a project-specific NEPA document as scheduled, there would be two options. First, if the missing information could substantially alter the alternatives under consideration, the project-specific analyses and final licensing decision would be stayed, and annual licenses would be issued with interim mitigation. If the missing information would not substantially alter the alternatives, then a specific "reopener" would be included in the project license to allow for post-licensing modification.

Comparison of Approaches

The primary difference between approaches A and B is that approach A reviews

define that reserved authority as narrowly and with as much specificity as possible..."

Reopeners create uncertainty for licensees and are not to be used as a substitute for reasoned decision-making. Environmental documents must contain sufficient information to evaluate the environmental and economic consequences of a project. Use of reopeners will not be feasible in all cases.

Conditioning Annual Licenses

project-specific as well as cumulative impacts from the beginning, while approach B focuses on basin-wide cumulative impacts before starting any project-specific documents. Mitigation and enhancement measures could be required at an earlier date under approach A than under approach B.

Approach C incorporates some of the points in approaches A and B. It would allow the project-specific analyses of the earlier filed applications to proceed simultaneously with preparation of a cumulative analysis for the basin.

Approach D is similar to approach C except it envisions separate studies for each resource instead of one document exploring all the cumulatively affected resources.

⁴ See the March 5, 1997, letter from Rob Masonis, American Rivers, 400 East Pine Street, Suite 225, Seattle, Washington 98122. A copy of the complete filing is available from the Commission.

APPENDIX B

SUMMARY OF ADDITIONAL STUDY REQUESTS Bliss (FERC No. 1975), Lower Salmon Falls (FERC No. 2061), Upper Salmon Falls (FERC No. 2777), and Shoshone Falls (FERC No. 2778) Projects			
#	Agency	Study Request	Cross ref.
Bliss, Lower Salmon Falls, and Upper Salmon Falls Projects			
1	FWS	Stream habitat and flow studies related to white sturgeon	13, 22, 28, 36, 64
2	FWS	White sturgeon habitat needs	4, 13, 22-24, 28, 30, 31, 60, 61, 64
3	FWS	Instream flow study downstream of Bliss dam	28, 32, 36, 64
4	FWS	Fish passage for salmon and steelhead and anadromous fish reintroduction feasibility study	2, 12, 23, 30, 35, 60, 66
5	FWS	Analysis of the effects of load following on fish and wildlife and their habitat from upper end of Upper Salmon Falls to upper end of C.J. Strike	8, 14, 22, 27, 28, 61
6	FWS	Sediment and nutrient dynamics	14, 20, 28, 29, 36, 54, 63, 64
7	FWS	Consideration of the Thousand Springs Project's effects on listed species and other terrestrial and aquatic fish and wildlife and their habitats	19, 51, 53
8	FWS	Effects of flow fluctuation on wildlife and their habitats	5, 27
9	FWS	Effects of project construction and operation on wildlife and their habitats--i.e. verification of HEP modeling results	
10	FWS	Habitat evaluation procedures study--effects in scrub-shrub habitat, and comparison of before and after conditions at Upper Salmon Falls	
11	FWS	Accurate valuation of proposed protection, mitigation, and enhancement plans for wildlife--i.e. accurate comparison of HUs lost to project construction to HUs gained from PM&E measures	26
12	FWS	Satisfaction of protection, mitigation, and enhancement needs--i.e. agreement on method to determine type and level of mitigation needed	4, 12, 36, 63-66
13	FWS	Cumulative effects study of serial impoundments on the Snake River on fish and wildlife species in all project areas due to be relicensed in foreseeable future	1, 2, 28, 52-62, 70
14	EPA	Detailed water quality and quantity description	5, 6, 20, 36, 63, 64

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SUMMARY OF ADDITIONAL STUDY REQUESTS Bliss (FERC No. 1975), Lower Salmon Falls (FERC No. 2061), Upper Salmon Falls (FERC No. 2777), and Shoshone Falls (FERC No. 2778) Projects			
#	Agency	Study Request	Cross ref.
15	ECWC	Determine fish stocking at Glenns Ferry to mitigate loss of rearing ponds	
16	IDPR	Hagerman reach river access take-out	19
17	IDPR	Bliss dam river access and recreation use survey below Bliss dam	47
18	IDPR	Suitability analysis of a river access site at Bancroft Springs	48
19	IDPR	Inclusion of the recreation and access facilities at Thousand Springs in the three project license area	7, 46, 51
20	IDEQ	Impacts on nutrient processing and sediment dynamics	6, 14, 29, 36, 54, 55, 63, 64
21	IDEQ	Explanation of water quality analysis methodology and additional data analysis on existing data to explain project impacts on water quality	
22	IDFG	Effects of load following on downstream biological communities--downstream of Lower Salmon Falls Dam and Bliss dam	1, 2, 5, 28, 61
23	IDFG	Improving passage for rainbow trout and white sturgeon	2, 4, 30, 60
24	IDFG	Preventing entrainment for white sturgeon	2, 31
25	IDFG	Detailed wildlife protection and enhancement plan for each parcel proposed by IPC	
26	IDFG	Evaluation of terrestrial habitat units gained through proposed mitigation	11
27	IDFG	Describe and quantify current and future load following operation and their effect on riparian vegetation and associated wildlife	5, 8, 37
28	AR/IRU	Biological effect of load following at Bliss and Lower Salmon Falls--effects on fish and invertebrate communities	1, 2, 3, 5, 6, 13, 22, 61
29	AR/IRU	Effects of flow regulation on sediment transport	6, 20, 36, 54, 63, 64
30	AR/IRU	Fish passage--need and feasibility of passage for white sturgeon, rainbow trout, and other species of interest	2, 4, 23, 60
31	AR/IRU	Fish entrainment	2, 24
32	AR/IRU	Bliss reach IFIM	3, 36, 64
33	AR/IRU	Limiting factors analysis in free-flowing reaches--determine factors limiting cold-water fish production and the role dams play	
34	AR/IRU	Aquatic habitat inventory (pre-project and current)	58

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SUMMARY OF ADDITIONAL STUDY REQUESTS Bliss (FERC No. 1975), Lower Salmon Falls (FERC No. 2061), Upper Salmon Falls (FERC No. 2777), and Shoshone Falls (FERC No. 2778) Projects			
#	Agency	Study Request	Cross ref.
35	AR/IRU	Anadromous fish reintroduction potential	4, 66
36	AR/IRU	Flow augmentation--need and options for additional flows to benefit aquatic systems	1, 3, 6 12, 14 20, 29, 32, 53, 54, 64
37	AR/IRU	Effects of flow regulation on riparian vegetation	5, 8, 27
38	AR/IRU	Site evaluations for wetland construction or restoration and riparian vegetation restoration	72
39	AR/IRU	Wildlife HEP along free-flowing reaches	
40	AR/IRU	Evaluation of opportunities for protecting spring habitats	
41	AR/IRU	Economic and power effects of eliminating load-following at Bliss and Lower Salmon Falls	
42	AR/IRU	Cost evaluation of proposed protection, mitigation, and enhancement measures	
43	AR/IRU	Aesthetic effects of Upper Salmon Falls, Lower Salmon Falls, and Bliss Projects	45
44	AR/IRU	Documentation of attempts to obtain historical records and information regarding pre-construction environmental conditions	
45	NPS	Aesthetic evaluation of the impacts of the three projects	43
46	NPS	Bliss Bridge/Hagerman reach boating access	16, 19
47	NPS	Boating access below Bliss dam	17
48	NPS	Public access to the Snake River across from Bancroft Springs	18
49	NPS	Bell Rapids access on the Lower Salmon Falls reservoir	
50	NPS	Multi-day boating trip potential for the Snake River	
51	NPS	Inclusion of the Thousand Springs Project and area--consider these resources in additional studies of recreation needs and opportunities	7, 19
52	CBFWA	Geomorphology--cumulative project effects on mainstem river geomorphology and resulting effects on ecological processes	13, 64
53	CBFWA	Hydrology--cumulative project effects on mainstem river flow regimes and resulting effects on ecological processes	7, 13, 36, 64
54	CBFWA	Sediment dynamics--cumulative project effects on mainstem river sediment recruitment and transport and resulting effects on biophysical processes	6, 13, 20, 29, 36, 63, 64

SUMMARY OF ADDITIONAL STUDY REQUESTS Bliss (FERC No. 1975), Lower Salmon Falls (FERC No. 2061), Upper Salmon Falls (FERC No. 2777), and Shoshone Falls (FERC No. 2778) Projects			
#	Agency	Study Request	Cross ref.
55	CBFWA	Water quality--cumulative project effects on mainstem river water quality and quantity and resulting effects on biophysical processes	13, 20, 59, 63, 64
56	CBFWA	Fish inventory--characterization of pre- and post-project fish resources and habitat in the mainstem river and cumulative project impacts on resources	13, 59, 64
57	CBFWA	Aquatic invertebrate inventory of the mainstem river from Milner to Lower Granite	13, 59, 64
58	CBFWA	Aquatic habitat inventory--assessment of pre- and post-project habitat conditions in mainstem river from Milner to Lower Granite	13, 34, 59, 64
59	CBFWA	Evaluation of trophic relationships of the mainstem river and adjacent riparian, wetlands, and uplands from Milner to Lower Granite	13, 55-58, 64
60	CBFWA	Fish passage--need and opportunities to provide fish passage at all projects between Hells Canyon and Shoshone Falls	2, 4, 13, 23, 30, 64
61	CBFWA	Assessment of water level fluctuation effects on aquatic species from Shoshone Falls dam to Hells Canyon and at the Malad projects	2, 5, 13, 22, 28, 64
62	CBFWA	Assessment of IPC's anadromous fish mitigation program	13
63	CBFWA	Water quality protection, mitigation, and enhancement--needs and opportunities on mainstem river from Milner to Lower Granite	6, 12, 14, 20, 29, 54, 55
64	CBFWA	Flow related protection, mitigation, and enhancement	1, 2, 3, 6, 12, 14, 20, 29, 32, 36, 52-60
65	CBFWA	Evaluation of options to shape releases from Brownlee reservoir and provide more water to meet instream targets in the lower Snake River	12
66	CBFWA	Anadromous fish reintroduction	4, 12, 35
67	CBFWA	Develop monitoring criteria for assessing ecological health--integrative monitoring protocol for evaluating PM&E measures and river's health	
68	CBFWA	Vegetation inventory, mapping, and assessment--pre- and current-project vegetation along mainstem river from Milner to Lower Granite	
69	CBFWA	Wildlife inventory of all IPC lands from Milner to Lower Granite	
70	CBFWA	Wildlife habitat inventory and assessment--pre- and current-project habitat conditions from Milner to Lower Granite	13
71	CBFWA	Identification and assessment of operation-related wildlife impacts	

SUMMARY OF ADDITIONAL STUDY REQUESTS
Bliss (FERC No. 1975), Lower Salmon Falls (FERC No. 2061),
Upper Salmon Falls (FERC No. 2777), and Shoshone Falls (FERC No. 2778) Projects

#	Agency	Study Request	Cross ref.
72	CBFWA	Wetlands and riparian protection, mitigation, and enhancement needs on all lands between Milner and Lower Granite	38
73	CBFWA	Wildlife protection, mitigation, and enhancement needs on all lands between Milner and Lower Granite	
74	CBFWA	Inventory and analysis of land ownership and use within 1 mile of mainstem and major tributaries from Milner to Lower Granite	
75	CBFWA	Assessment of project-controlled flows and water levels on aquatic recreation	
Shoshone Falls Project			
1	IDFG	Sturgeon population status in the Shoshone Falls Project reach	
2	IDFG	Evaluation of total dissolved gas supersaturation below Shoshone Falls	
3	IDFG	Evaluation of the feasibility of acquisition of Devil's Corral for a fish and wildlife protection, mitigation, or enhancement measure	

Study Requestors:

AR/IRU	American Rivers/Idaho Rivers United (3/19/96)
CBFWA	Columbia Basin Fish and Wildlife Authority (9/23/95; adopted by FWS and AR/IRU)
ECWA	Elmore County Wildlife Club (2/12/96)
EPA	Environmental Protection Agency (3/18/96)
FWS	U.S. Fish and Wildlife Service (3/18/96)
IDEQ	Idaho Department of Environmental Quality (3/19/96)
IDFG	Idaho Department of Fish and Game (3/19/96; 7/28/97)
IDPR	Idaho Department of Parks and Recreation (3/19/96)
NPS	National Park Service (3/19/96)

DESCRIPTION OF PAST, PRESENT, AND FUTURE ACTIONS
IN THE SNAKE RIVER BASIN

C.1 Description of Past and Ongoing Actions in the Snake River Basin

Water Resource Development in the Snake River Basin

There are 23 dams on the mainstem that impound nearly 50 percent of the river. These facilities are described in table C-1.

The Bureau of Reclamation's (BR) projects are largely found in the upper part of the basin. BR operates 21 storage reservoirs in the basin, including four projects on the mainstem (Jackson, Palisades, American Falls, and Minidoka). Hydropower projects operated by BR include Minidoka (Snake River), Palisades (Snake River), Anderson Ranch (South Fork Boise River), Boise River diversion (Boise River), and Black Canyon (Payette River); hydropower at Arrowrock (Boise River), Cascade (North Fork Payette River), American Falls (Snake River), and Island Park (Henry's Fork) is licensed by the Commission.

Idaho Power's projects are located in the middle part of the basin. In addition to the eight relicense projects discussed in this document, Idaho Power operates the American Falls, Milner, Twin Falls, Cascade, Thousand Springs, and Clear Lake Projects--the last two are unlicensed.

The Corps of Engineers' (Corps) projects are found mainly in the lower basin. The Corps operates four projects on the mainstem (Lower Granite, Little Goose, Lower Monumental, and Ice Harbor), along with Lucky Peak (Boise River) and Dworshak (North Fork Clearwater River) reservoirs on tributaries; all these projects have hydropower (hydropower facilities at Lucky Peak are licensed by the Commission).

Including the Idaho Power projects, the Commission has issued 53 licenses and 69 exemptions for projects operating in the Snake River Basin, including 12 projects on the mainstem (see table C-1).

Water resource development in the basin has significantly modified the quantity and timing of flows in the basin. The largest storage facilities, with a total storage capacity of 9.6 million acre-feet, are described in table C-2.

Table C-1. Dams located on the mainstem Snake River, listed in order from upstream to downstream.								
Dam	Owner	FERC Project No.	Year Built	Generating Capacity (megawatts)	Gross Head (feet)	Reservoir length (miles)	Reservoir area (acres)	S Snake River mile
Upstream of Idaho Power Relicenses								
Jackson	Bureau of Reclamation	--	1906	none	--	12	25,540	988.9
Palisades	Bureau of Reclamation	--	1957	127.3	244	20 (mainstem) 18 (tributaries)	16,150	901.6
Idaho Falls-upper	City of Idaho Falls	2842	1930	8.0	20	2	100	804.7
Idaho Falls-city	City of Idaho Falls	2842	1913	8.0	21	1	50	798.1
Idaho Falls-lower	City of Idaho Falls	2842	1940	11.0	20	2	100	793.6
Gem State	City of Idaho Falls	2952	1989	22.6	200	4	305	786.8
American Falls	Bureau of Reclamation	2736 ¹	1926 ²	92.3	88	20	56,000	714
Mindoka	Bureau of Reclamation	--	1909	13.6	48	14	11,850	675
Milner	Twin Falls and North Side Canal Companies	2899 ³	1992	59.4	152	22	3,000	639
Twin Falls	Idaho Power Company	18	1935	52.1	142	1	96	618
Idaho Power Relicenses Reach								
Shoshone Falls	Idaho Power Company	2778	1907	12.5	212	1.2	60	615
Upper Salmon Falls	Idaho Power Company	2777	1937	powerhouse A--18.0 powerhouse B--16.5	powerhouse A--44 powerhouse B--36	1	50	581.4
Lower Salmon Falls	Idaho Power Company	2061	1949	60.0	59	6.6	750	572.9
Bliss	Idaho Power Company	1975	1949	75.0	70	5	255	560
C. J. Strike	Idaho Power Company	2055	1952	82.8	88	39	7,500	492
Swan Falls	Idaho Power Company	503	1901 ⁴	25.0	25	27	900	456
Brownlee	Idaho Power Company	1971	1958	585.4	272	60	14,621	285

Table C-1 (cont.). Dams located on the mainstem Snake River, listed in order from upstream to downstream.								
Dam	Owner	FERC Project No.	Year Built	Generating Capacity (megawatts)	Gross Head (feet)	Reservoir length (miles)	Reservoir area (acres)	S Snake River mile
Oxbow	Idaho Power Company	1971	1961	190.0	122	12	1,150	173
Hells Canyon	Idaho Power Company	1971	1967	391.5	221	55	15,000	248
Downstream of Idaho Power Relicenses								
Lower Granite	U.S. Army Corps of Engineers	--	1975	810.0	100	43.9	8,900	107.5
Little Goose	U.S. Army Corps of Engineers	--	1970	810.0	98	37.2	10,025	70.3
Lower Monumental	U.S. Army Corps of Engineers	--	1969	810.0	99	28.7	6,600	41.6
Ice Harbor	U.S. Army Corps of Engineers	--	1961	602.9	98	31.9	9,200	9.7

Hydropower projects operated by Idaho Power Company

² Hydropower completed in 1978.

³ Hydropower operated by Idaho Power Company and Milner Dam, Inc.

⁴ New powerhouse completed in 1994.

Water Use

Dominant water uses in the Snake River Basin are:

- Irrigation diversions--occur throughout the basin; more than 14 million acre-feet of water is diverted by canals and pumps
- Hydropower diversions (non-consumptive)--occur throughout the basin, except the Salmon River Basin; the greatest diversions occur in the lower part of the basin
- Commercial, domestic, industrial, livestock, and private use--these uses combined make up about 5 percent of water use in the basin

Land Use

Major land uses in the Snake River include:

- Agriculture--about 85 percent of all irrigated agriculture in Idaho occurs in the Snake River plain, totaling over 3 million acres
- Livestock grazing--occurs primarily in the central part of the basin
- Logging--occurs primarily in the headwaters and Salmon River Basin
- Mining--occurs throughout the basin, but usually not in proximity to the mainstem of the Snake River.

The extent and location of agriculture, grazing, and logging can be seen to some degree from land cover/land use patterns (table C-3).

Other Actions

Other ongoing actions in the Snake River Basin include:

- Aquaculture--approximately 70 percent of the commercially produced trout in the United States are produced in the 60 to 70 hatcheries that use natural spring water from the north shore of the Snake River near Twin Falls.
- Agricultural runoff--occurs throughout the basin except in wilderness and mountainous areas
- Recreation--heavy recreational use occurs at the large reservoirs and lakes throughout the basin

Table C-2. Storage facilities (greater than 100,000 acre-feet) located upstream of Hells Canyon dam.

Facility	Stream	Owner ¹	Storage Capacity (thousands of acre-feet)	Year Storage Began
Jackson Lake	Snake River	BR	847	1906
Palisades reservoir	Snake River	BR	1,400	1956
American Falls reservoir	Snake River	BR	1,700	1926
Lake Walcott	Snake River	BR	107	1906
C.J. Strike reservoir	Snake River	Idaho Power	250	1952
Brownlee reservoir	Snake River	Idaho Power	1,469	1958
Hells Canyon	Snake River	Idaho Power	176	1967
Island Park reservoir	Henrys Fork	BR	127	1938
Ririe reservoir	Willow Creek	Corps	100	1975
Blackfoot reservoir	Blackfoot River	BIA	413	1910
Salmon Falls Creek reservoir	Salmon Falls Creek	Salmon River Canal Co.	182	1910
Magic reservoir	Hig Wood River	Hig Wood Canal Co.	191	1909
Lake Owyhee	Owyhee River	BR	1,122	1933
Anderson Ranch reservoir	South Fork Boise River	BR	464	1945
Arrowrock reservoir	Boise River	BR	286	1917
Lucky Peak Lake	Boise River	Corps	307	1954
Lake Lowell	Boise River	BR	177	1908
Warm Springs reservoir	Malheur River	BR	190	1919
Cascade reservoir	North Fork Payette River	BR	703	1947
Deadwood reservoir	Deadwood River	BR	160	1930

¹ BIA = Bureau of Indian Affairs; BR = Bureau of Reclamation; Corps = U.S. Army Corps of Engineers; Idaho Power = Idaho Power Company.

Table C-3. Dominant land uses in the Snake River Basin, by geographic region.

Land use	Geographic region						
	Headwaters Snake	Upper Snake	Middle Snake--Boise River	Middle Snake--Powder River	Lower Snake	Salmon River	Clearwater River
agriculture (%)	4.9	31.6	14.6	27.4	50.3	15.8	16.8
range (%)	3.3	48.3	62.2	29.9	20.2	16.5	0.3
forest (%)	86.8	18.1	20.1	41.8	28.1	62.4	82.2



C.2 Planned and Future Actions in the Snake River Basin

Various management plans are being developed that may affect the resources of the Snake River. Of particular importance are plans to secure additional flows from the upper Snake River Basin to improve downstream salmon passage, future plans to restore anadromous fish upstream of Hells Canyon, measures to recover federally listed aquatic snail species, plans to improve water quality in the middle Snake River, plans for groundwater recharge in the Hagerman Valley area, growth of irrigated agriculture in the basin, and the results of ongoing water adjudications in the basin. A preliminary list of management plans, recommendation documents, and potential future actions is found in appendix D. Some of the primary actions in terms of their potential effect on the Idaho Power project areas and other FERC projects are described below.

Primary Basin-wide Actions

Snake River Resources Review--BR is preparing a comprehensive review of the operation of its projects upstream of the Idaho Power projects. Their goal is to develop a single model to guide project operation and enable better management of water and related resources in the Snake River Basin. The review began in 1995 and is expected to be completed in 2000. Any changes in upstream BR projects, such as increased flows, would likely have an effect on the river reaches affected by the Idaho Power relicenses.

NMFS Proposed Recovery Plan for Snake River Salmon--General tasks that could interact with the Idaho Power projects include: providing adequate instream flows to rebuild salmon populations; reducing loss of juvenile fish through flow augmentation and improved water management; reducing loss of listed species associated with poor water quality; and restoring chinook salmon by introducing them into historic habitat (one element of the plan concerns the feasibility of reintroducing Snake River fall chinook into native habitat upstream of the Hells Canyon Complex).

NMFS Biological Opinion (BO)--The BO for the federal Columbia River power system calls for BR to secure additional water for flow augmentation after 1998 as may be necessary to further reduce human-caused mortality of endangered salmon in the Snake River. A new BO, which will be issued in 1999, could include a different set of reasonable and prudent measures.

Northwest Power Planning Council's Columbia River Basin Fish and Wildlife Program--The program calls for, among other things, an additional 1,000,000 acre-feet of storage for juvenile salmon migration from the Snake River Basin.

Interior Columbia Basin Ecosystem Management Project--FS and BLM are developing an ecosystem-based strategy for management of lands under their jurisdiction in the Upper Columbia River Basin in Idaho, Montana, Utah, Nevada, Wyoming, and parts of Washington. The strategy will focus on ecosystem health, including its forest, rangeland, and aquatic/riparian, landscape and social/economic components, with emphasis on population viability and sustainability of threatened, endangered, and sensitive species. The draft EIS is due to be issued in 1997. The Idaho Power relicenses affect both FS and BLM lands.

Total Daily Maximum Load (TDML) Plans for the mid-Snake River--TDML plans are required for water quality limited reaches. Phase I plans involve total phosphorous; subsequent plans will consider, among others, sediment and nitrogen reduction. These plans have the potential to significantly improve water quality in the section of the Snake River between Milner dam and King Hill, Idaho, which includes five of the Idaho Power relicenses.

FERC Projects in Snake River Basin

Environmental protection measures that have been proposed for the Bliss, Lower Salmon Falls, Upper Salmon Falls, and Shoshone Falls Projects (see sections 3.1.3 and 3.2.3) and additional potential measures for these four projects along with the other four Idaho Power projects up for relicensing (table 1), should enhance many of the resources that have been cumulatively affected in the basin.

In addition to the eight Idaho Power projects up for relicense, there are other potential new hydropower development and other relicensing activity in the basin. There are four applications for license involving new construction pending before the Commission (table C-4). Four existing licenses expire between 1996 and 2010 (table C-5). Further, the Auger Falls Project (FERC No. 4797)¹ was licensed in 1991, but construction has not yet begun.

Table C-4. Pending applications for new hydropower construction in the Snake River Basin.

Project Name	Project No.	Location	Status	Comments
Sahko	11060	near Filer, Idaho	scoping completed; awaiting additional information	on existing irrigation ditch
Shelley	5090	Snake River, downstream of Idaho Falls, Idaho	Commission order denying license issued September 1997	25-foot-high, 300-foot-long dam across Snake River; 2.7-mile-long reservoir
Dworshak Small Hydro	10819	North Fork Clearwater River, near Orofino, Idaho	final EA issued June 1997	at water intake for Dworshak fish hatchery
Swift Creek	1651	Salt River Basin, Utah	final EA issued; awaiting Commission decision	existing project inoperable due to avalanche; proposal to repair and increase capacity

¹ The Auger Falls Project would involve the construction of an 18-foot-high, 340-foot-long dam across the Snake River, about 0.25 mile downstream from Twin Falls, Idaho, and would have a generating capacity of 43.6 MW.

Table C-5. Hydropower licenses in the Snake River Basin that expire between 1996 and 2010, in addition to the Idaho Power projects.

Project name	Project no.	Location	Licensee	Capacity (kW)	Expiration year
Rock Creek	1986	Rock Creek, Powder River Basin, Baker County, Oregon	Oregon Trail Electric Consumers Cooperative	800	1996 ¹
Strawberry ²	2032	Strawberry Creek, Salt River Basin, Wyoming	Lower Valley Power and Light	1,500	1999
Ponds Lodge	1413	Buffalo River, Fremont County, Idaho	Buffalo Hydro L.C.	250	2004
Hettinger	3044	Smith Creek, South Fork Salmon River, Idaho	MacKay Bar Corp.	12	2010

¹ The licensee did not file an application to relicense the project--the license expired on June 29, 1996. An application was filed by Douglas W. Pagar on February 28, 1997.

² Application filed on September 25, 1996.

APPENDIX D

LIST OF MANAGEMENT PLANS AND POTENTIAL FUTURE ACTIVITIES RELEVANT TO THE SNAKE RIVER BASIN (revised December 1997)

- Bonneville Power Administration, Army Corps of Engineers, Bureau of Reclamation. Columbia River system operation review--final environmental impact statement. November 1995.
- Bonneville Power Administration. Endangered Species Act record of decision regarding biological opinions by the National Marine Fisheries Service and U.S. Fish and Wildlife Service on operation of the federal Columbia River power system in 1995 and future years. March 10, 1995.
- Bonneville Power Administration and Idaho Department of Fish and Game. Phase I water rental pilot project: Snake River resident fish and wildlife resources and management recommendations. October 1992.
- Bonneville Power Administration and Idaho Department of Fish and Game. Phase II water rental pilot project: Snake River resident fish and wildlife resources and management recommendations. August 1994.
- Bonneville Power Administration and Idaho Department of Fish and Game. Idaho water rental pilot project probability/coordination study--resident fish and wildlife impacts. Phase III annual report. September 1996.
- Bureau of Land Management. Bennett Hills draft resource management plan and environmental impact statement. Shoshone District. March 1994.*
- Bureau of Land Management. Birds of Prey National Conservation Area management plan. December 1995.
- Bureau of Reclamation. Record of decision implementing actions pursuant to biological opinions of March 1, 1995. March 10, 1995.
- Bureau of Reclamation. Snake River Resources review--blueprint. June 1996.
- Environmental Protection Agency. 1996. Middle Snake River watershed--ecological risk assessment planning and problem formulation. Risk Assessment Group. draft. June 17, 1996.
- *Environmental Protection Agency. 1997. Water quality standards for Idaho: final rule. Federal Register, volume 62, no. 147, pages 41162-41188 (July 31, 1997).*
- Federal Energy Regulatory Commission. Milner, Twin Falls, Auger Falls, and Star Falls Hydroelectric Projects--final environmental impact statement. FERC/EIS-0048F. July 1990.
- Federal Energy Regulatory Commission. Shelley Hydroelectric Project (FERC no. 5090, Idaho)--final environmental impact statement. FERC/EIS-0064F, volumes I and II. February 1994.
- Federal Energy Regulatory Commission. Sahko Hydroelectric Project (FERC no. 11061-001)--scoping document 2. July 1996.

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- Federal Energy Regulatory Commission. Swift Creek Hydroelectric Project (FERC no. 1651)--final environmental assessment. November 1994.
- Federal Energy Regulatory Commission. Dworshak Small Hydro Project (FERC no. 10819)--draft environmental assessment. January 1997.
- Forest Service. Hells Canyon National Recreation Area Comprehensive Management Plan--draft environmental impact statement. Wallowa-Whitman National Forest. 1996.
- Forest Service. Wild and scenic Snake River recreation a management plan--final environmental impact statement. Hells Canyon National Recreation Area, Wallowa-Whitman National Forest. 1994.
- Forest Service. Payette National Forest land and resource management plan. Department of Agriculture, McCall, Idaho. May 6, 1988.*
- *Forest Service. Wallowa-Whitman National Forest land and resource management plan. Department of Agriculture, Baker City, Oregon. April 1990.*
- *Forest Service. Integrated noxious weed management plan. Department of Agriculture. Baker City, Oregon. April 1993.*
- *Forest Service. Imnaha River wild and scenic river management plan. Department of Agriculture. Baker City, Oregon. January 1993.*
- *Forest Service. Imnaha River section 7 watershed. Assessment of ongoing and proposed activities. Final report. Wallowa-Whitman National Forest. 1994.*
- *Forest Service. Sheep Creek section 7 watershed. Assessment of ongoing and proposed activities. Final report. Wallowa-Whitman National Forest. 1994.*
- *Forest Service. Snake River section 7 watershed. Assessment of ongoing and proposed activities. Final report. Wallowa-Whitman National Forest. 1994.*
- *Forest Service. Deep Creek section 7 watershed. Assessment of ongoing and proposed activities. Final report. Payette National Forest. 1994.*
- Gooding, Jerome and Lincoln Counties. Coordinated Water Resources Management Plan.
- Idaho Department of Fish and Game. Idaho fisheries management plan--1996-2000. 1995.
- Idaho Department of Health and Welfare. Middle Snake River nutrient management plan--public review draft. Division of Environmental Quality, South Central Idaho Regional Office. February 1995.
- Idaho Department of Health and Welfare. Water quality standards and wastewater treatment requirements. March 20, 1997.*
- *Idaho Department of Parks and Recreation. Idaho statewide comprehensive outdoor recreation and tourism planning: assessment and policy plan. May 1997.**
- Idaho Division of Environmental Quality. The Middle Snake River watershed management plan--public review draft no. 2. Twin Falls Regional Office. October 23, 1996.

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- Idaho Water Resources Board. Idaho state water management plan. January 1992.
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- National Marine Fisheries Service. Proposed recovery plan for Snake River salmon. March 1995.
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- Northwest Power Planning Council. Protected areas amendments and response to comments. Document 88-22. September 14, 1988.*
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- Oregon Department of Fish and Wildlife. Warmwater game fish management plan. Portland, Oregon. August 1987. 60 pp.*
- Oregon Department of Fish and Wildlife. Mule deer plan. Portland, Oregon. 49 pp.
- Oregon Department of Fish and Wildlife. Oregon's elk management plan. Portland, Oregon. July 1992. 63 pp. plus appendix.*
- Oregon Department of Fish and Wildlife. Oregon's black bear management plan, 1993-1998. Portland, Oregon. 33 pp. plus appendices.*
- Oregon Department of Fish and Wildlife. Oregon's cougar management plan, 1993-1998. Portland, Oregon. 31 pp. plus appendices.
- Oregon Department of Fish and Wildlife. Oregon's migratory game bird program strategic management plan. Portland, Oregon. 12 pp. plus appendices.
- Oregon Department of Fish and Wildlife. Oregon wildlife diversity plan. Portland, Oregon.

November 1993. 512 pp.*

- Oregon Department of Fish and Wildlife. Oregon's cougar management plan, 1993-1998. Portland, Oregon. 31 pp. plus appendices.*
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- Oregon Department of Fish and Wildlife. . Biennial report on the status of wild fish in Oregon. Portland, Oregon. December 1995. 217 pp. plus appendix.*
- Oregon Department of Fish and Wildlife. Comprehensive plan for production and management of Oregon's anadromous salmon and trout: Part III. Steelhead plan. Portland, Oregon. April 26, 1995. 118 pp. plus appendices.*
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- Oregon State Parks and Recreation Division. Statewide comprehensive outdoor recreation plan. August 1983.*
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- U.S. Fish and Wildlife Service. Biological opinion on 1994-1998 salmon flow augmentation. March 1995.
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- U.S. Fish and Wildlife Service. Recovery plan for the MacFarlane's four-o'clock, *Mirabilix MacFarlanei*. Portland, Oregon. 47 pp. 1985.
- U.S. Fish and Wildlife Service. Pacific coast American peregrine falcon recovery plan. October 12, 1982.
- U.S. Fish and Wildlife Service. Draft programmatic environmental impact statement on impacts of artificial salmon and steelhead production strategies in the Columbia Basin. December 10, 1996.
- U.S. Army Corps of Engineers, North Pacific Division. Record of decision--reservoir regulation and project operation, 1995 and future years. March 10, 1995.
- U.S. Army Corps of Engineers, Walla Walla District. Salmon decision analysis, Lower Snake River

APPENDIX E

- ## SCOPING DOCUMENT DISTRIBUTION LIST

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