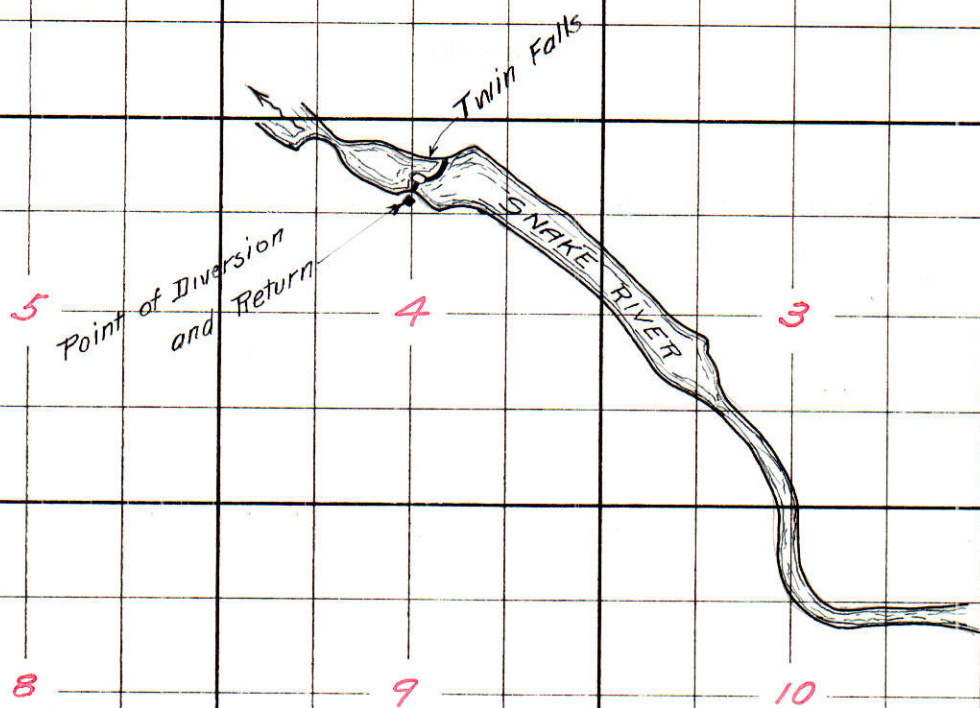




17070

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 June, 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 1,500 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. 17,070, 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 1,500 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 1,500 cubic feet per second.

4. The place where said water is used is at the Twin Falls Power Station, in Lot 3 of Section 4, in Township 10 South, of Range 18 East B. M., in Twin Falls County, Twin Falls, Idaho.

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

R. W. FARIS.

First pub. May 27; last pub. June 24

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Jerome, } SS.

John D. Naimen, being first duly sworn deposes and says that he is one of the printers (publishers) of the North Side News, a newspaper published every week in Jerome, County of Jerome, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for Five successive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 27th day of May, 1937, and the date of the last publication was on the 24th day of May, 1937.

Subscribed and sworn to before me this 24th day of June, 1937.

Frank M. R. R. R.
Notary Public.

My Commission Expires 12/6/38, 1938.

RECEIVED

JUN 29 1937

Department of Reclamation

17070

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

Application No. 24073
Permit No. 17070
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
(c) Bonds to be issued:
(d) Other resources: \$36,649,614.06

2. Quantity of water claimed: 1,500 cubic feet per second.

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

4. Location of point of diversion: N. 62° 10' E. 3296 feet distant from the West quarter corner of Section 4, T. 10 S., R. 18 E., B. M., and is in the Lot 5 of Section 4, T. 10 S., R. 18 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: N. 56° 50' E. 2976 feet distant from W $\frac{1}{4}$ corner of Section 4, T. 10 S., R. 18 E., B. M., in the Lot 3 of Section 4, T. 10 S., R. 18 E., B. M.
(b) Amount of power generated: 16,000 H. P., under 120 feet head.
(c) Water is to be returned to Snake River at a point N. 56° 50' E. about 2976 feet distant from the W $\frac{1}{4}$ corner of Section 4, T. 10 S., R. 18 E., B. M., in the Lot 3 of Section 4, T. 10 S., R. 18 E., B. M.

7. Estimated cost of works: \$ 40,000

8. Kind of works: Dams, canal; tunnel

9. Height of dam #1 - 10 feet; length of dam at top 650 feet; length of dam at bottom 600 feet; material used in dam: concrete; stone
#2 - 20 feet; length of dam at top 80 feet; length of dam at bottom 80

10. Size of headgate: Width (Three) 10 feet; height 10 feet.

11. Ditch: Width at bottom 30 feet; width at water line 60 feet; depth of water 10 feet; dimensions of flume tunnel - about 80 x 16
Diameter of pipe inches; length of conduit .10 miles.
Average grade per mile 5.28 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 **17070**
Recorded in Book **61** Page **17070** 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 \$ **3,000.00** 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**

- 7 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.																			
STATE OF IDAHO DEPARTMENT OF RECLAMATION																			
In the matter of the Application of the Idaho Power Company to extend the time for requirements of Permit No. 17070, under the Provisions of Decton 5570, Idaho Compiled Statutes, as amended.																			
ORDER GRANTING EXTENSION.																			
WHEREAS, On June 27, 1931, the Idaho Power Company filed in the Department of Reclamation the State of Idaho an application for extension of time for compliance with each and every act or action required under the terms or provisions of Permit to appropriate the public waters of the State of Idaho, No. 17070, under the provisions of Section 5570 of the Idaho Compiled Statut for the following reasons, to-wit:																			
THAT, on or about April 30, 1927, the applicant, the Idaho Power Company, filed with the Federal Power Commission at Washington, D. C., its application for license under the terms and provisions of the Federal Water Power Act, approved June 10, 1920; that said application has not yet been acted upon by approval, rejection or otherwise, and is still pending, and that said application for license is required and necessary for the right of way and development under said Permit No. 17070:																			
WHEREFORE, IT IS HEREBY ORDERED, That, by reason of the pendency of the application for rig of way and things and matters within the jurisdiction of the United States, over which the appli cant has no control, all as hereinbefore set forth, the time for compliance with each and every act or action required under the terms and provisions of said Permit No. 17070 is extended a period of time equal to the time during which the applicant herein is delayed in proceeding with its work and complying with said acts or actions as aforesaid, said extension of time to date																			

from April 2, 1929, being the date of the filing of the application for said Permit No. 17070 in the Department of Reclamation of Idaho, and said applicant herein should notify this office of the removal of the disability above set forth within thirty days from the date the same is removed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 7th day of July, 1931.

R. W. FARIS
Commissioner of Reclamation.

(SEAL)

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application)
of the Idaho Power Company to)
Extend the Time for Requirments)
Under Permit No. 17070, Under the)
Provisions of Section 41-204, Idaho)
Code Annotated.)

ORDER EXTENDING TIME

WHEREAS, The Idaho Power Company filed in the Department of Reclamation of the State of Idaho, an application for extension of time within which to comply with the terms of Permit No. 17070, under the provisions of Section 41-204, Idaho Code Annotated; and,

WHEREAS, On the 7th day of July, 1931, an order was issued by the Commissioner of Reclamation granting such extension of time and that such extension date from April 2, 1929, being the date of the filing of the application for said Permit No. 17070, in the Department of Reclamation of the State of Idaho; and,

WHEREAS, On July 10, 1934, the applicant filed in the Department of Reclamation of the State of Idaho, notice of removal of the obstruction for which such extension of time was requested, said notice setting forth the fact that the removal of the obstruction dated back to June 11, 1934; and,

WHEREAS, The length of time elapsing between April 2, 1929, the date of the filing of the application for said permit in the office of the Commissioner of Reclamation of the State of Idaho, and June 11, 1934, the date of removal of the obstruction for which such extension of time was requested, amounts to five years, two months and ten days;

IT IS, THEREFORE, HEREBY ORDERED, That the dates for complying with the terms of Said Permit No. 17070, be and the same are hereby extended as follows, to-wit:

The time of completion of one-fifth of the work described under said permit be extended from October 2, 1931, to December 11, 1936.

The time for completion of works of diversion described under said permit, be extended from April 2, 1934, to June 11, 1939.

The time for beneficial use of water appropriated under said permit, be extended from April 2, 1940, to June 11, 1945.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of my office at Boise, Idaho, this 11th day of August, 1934.

R. W. FARIS
Commissioner of Reclamation

(SEAL)

Permit No. 17070

CERTIFICATE OF COMPLETION OF WORKS

To All Whom It May Concern:

This is to certify that THE IDAHO POWER COMPANY of Boise, County of Ada, and State of Idaho, the holder of Permit No. 17070, issued upon Application No. 24073 bearing date of priority of April 2, 1929, authorizing the diversion of 1,500 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 1,050 second feet of the waters of Snake River; that the point of diversion of said waters is N. 62°10' E. 3296 feet distant from the West quarter corner of Section 4, T. 10 S., R. 18 E., B. M., and is in Lot 5 of Section 4, T. 10 S., R. 18 E., B. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to wit: No lands to be irrigated--water is used exclusively for power.

Witness my hand this 19th day of August, A. D. 1937.

R. W. FARIS
Commissioner of Reclamation

Proof of completion of works made June 29, 1937.
Certificate issued August 19, 1937.

LICENSE ISSUED FOR 1050 SEC. FT.

V. 7, P 3883

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Idaho Power Company)

Project No. 18-049

ORDER APPROVING RECREATION AS-BUILT DRAWINGS
(Issued December 24, 1996)

On November 29, 1996, Idaho Power Company (licensee), filed recreation as-built drawings for the Twin Falls Project. The project is located on the Snake River in Jerome County, Idaho. The as-built drawings appropriately show the location and layout of the project's recreational facilities. The drawings were filed pursuant to ordering paragraph (B) of the Order Approving Recreation Amendment, issued on November 14, 1995. 1/

The Director orders:

(A) The as-built recreation drawings are approved and made part of the license. The drawings are approved as:

Exhibit	FERC No.	Showing
R-1	18-61	Twin Falls Park
R-2	18-62	Park Turn Around
R-3	18-63	Park Boat Ramp
R-4	18-64	Park Overlook

(B) Within 90 days of the date of issuance of this order, the licensee shall file an original and two duplicate aperture cards of the approved drawings. The original should be reproduced on silver or gelatin 35mm microfilm. The duplicates are copies of the originals made on Diazo-type microfilm. All microfilm should be mounted on Type D (3 1/4" x 7 3/8") aperture cards.

Prior to microfilming, the FERC Drawing Number (18-61, 18-62, etc.) shall be shown in the margin below the title block of the approved drawing. After mounting, the FERC Drawing Number should be typed on the upper right corner of each aperture card. Additionally, the Project Number, FERC Exhibit (R-1, R-2, etc.), Drawing Title, and the date of this order should be typed on the upper left corner of each aperture card. See Figure 1.

1/ 73 FERC ¶ 62,101 (1995).

DC-A-8

Project No. 18-049

-2-

The original and one duplicate set of aperture cards should be filed with the Secretary of the Commission. The remaining duplicate set of aperture cards should be filed with the Commission's Portland Regional Office.

Figure 1. Sample Aperture Card Format

(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 CFR § 385.713.

J. Mark Robinson
J. Mark Robinson
Director, Division of
Licensing and Compliance

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JAN 06 1997

Department of Water Resources

RECEIVED

JAN 06 1997

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D. C. 20426

BILLING CODE 6717-01-M

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Department of Water Resources

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

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

NOTICE OF PUBLIC MEETING

(December 26, 1996)

On Tuesday, February 4, 1997, in Boise, Idaho, the Federal Energy Regulatory Commission staff will host a public meeting to solicit input from federal and state agencies, Indian tribes, non-governmental organizations, and the public on how the Commission should conduct the cumulative effects analysis for the relicensing of eight of the Idaho Power Company's Snake River hydroelectric projects.

The eight projects are: Bliss (P-1975), Lower Salmon Falls (P-2061), Upper Salmon Falls (P-2777), Shoshone Falls (P-2778), C.J. Strike (P-2055), Upper and Lower Malad (P-2726), Hells Canyon (P-1971), and Swan Falls (P-503). These projects, located on a 360-mile-long reach of the mainstem Snake River in Idaho, have existing licenses that will expire between December 1997 and June 2010.

The meeting will be held at:

Boise Centre on the Grove
850 W. Front Street
Waters Room
10:00 a.m. to 4:00 p.m.

The meeting will be recorded by a court reporter.

To help focus discussions at the public meeting, the Commission will mail a discussion paper titled "Approaches to Cumulative Analysis for the Snake River Basin Relicensing," to all entities on the Snake River Relicensing Collaborative Team mailing list and the Bliss, Lower Salmon Falls, and Upper Salmon Falls Projects mailing list. Copies of the discussion paper will also be available at the public meeting.

For further information please contact Mr. Alan Mitchnick at (202) 219-2826.

Lois D. Cashell
Secretary

To The Party Addressed:

DEC 23 1996

On Tuesday, February 4, 1997, in Boise, Idaho, the Commission staff will host a public meeting to solicit input from federal and state agencies, Indian tribes, non-governmental organizations, and the public on how the Commission should conduct the cumulative effects analysis for the relicensing of eight of Idaho Power Company's Snake River hydroelectric projects.

The eight projects are: Bliss (P-1975), Lower Salmon Falls (P-2061), Upper Salmon Falls (P-2777), Shoshone Falls (P-2778), C.J. Strike (P-2055), Upper and Lower Malad (P-2726), Hells Canyon (P-1971), and Swan Falls (P-503). These projects, located on a 360-mile-long reach of the mainstem Snake River in Idaho, have existing licenses that will expire between December 1997 and June 2010.

Enclosed is a discussion paper titled "*Approaches to Cumulative Analysis for the Snake River Basin Relicensing*." In it, we have identified two possible approaches to address cumulative effects. Please review the paper carefully, and come prepared to discuss how the Commission should evaluate the cumulative impacts associated with Idaho Power's relicense applications.

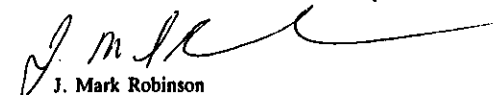
The meeting will be held at:

Boise Centre on the Grove
850 W. Front Street
Waters Room
10:00 a.m. to 4:00 p.m.

The meeting will be recorded by a court reporter.

We look forward to your participation. 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

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Idaho Power Company)

Project No. 18-049

ORDER APPROVING RECREATION AS-BUILT DRAWINGS
(Issued December 24, 1996)

On November 29, 1996, Idaho Power Company (licensee), filed recreation as-built drawings for the Twin Falls Project. The project is located on the Snake River in Jerome County, Idaho. The as-built drawings appropriately show the location and layout of the project's recreational facilities. The drawings were filed pursuant to ordering paragraph (B) of the Order Approving Recreation Amendment, issued on November 14, 1995. 1/

The Director orders:

(A) The as-built recreation drawings are approved and made part of the license. The drawings are approved as:

Exhibit	FERC No.	Showing
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R-2	18-62	Park Turn Around
R-3	18-63	Park Boat Ramp
R-4	18-64	Park Overlook

(B) Within 90 days of the date of issuance of this order, the licensee shall file an original and two duplicate aperture cards of the approved drawings. The original should be reproduced on silver or gelatin 35mm microfilm. The duplicates are copies of the originals made on Diazo-type microfilm. All microfilm should be mounted on Type D (3 1/4" x 7 3/8") aperture cards.

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1/ 73 FERC ¶ 62,101 (1995).

DC-A-8

Project No. 18-049

-2-

The original and one duplicate set of aperture cards should be filed with the Secretary of the Commission. The remaining duplicate set of aperture cards should be filed with the Commission's Portland Regional Office.

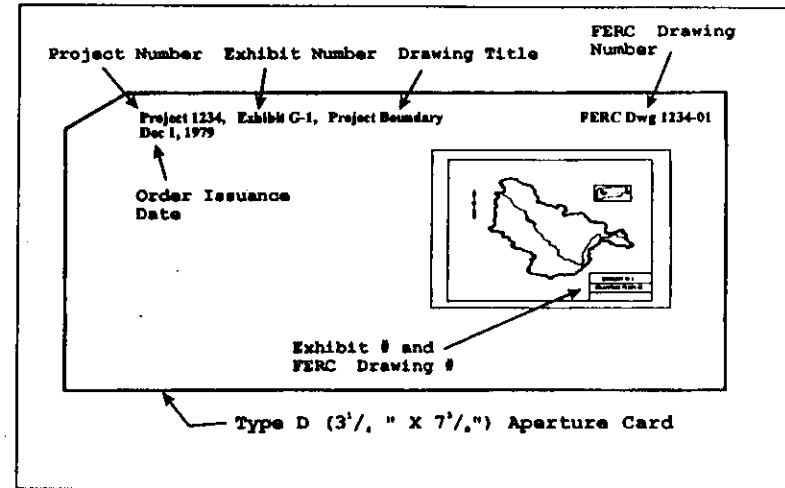


Figure 1. Sample Aperture Card Format

(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 CFR § 385.713.

J. Mark Robinson
Director, Division of
Licensing and Compliance

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Department of Water Resources

54 FERC 10,034

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Idaho Power Company

Project No. 18-000-Idaho

ORDER ISSUING NEW LICENSE
(Major)
(Issued January 18, 1991)

Idaho Power Company (licensee) has filed an application for a new license under Part I of the Federal Power Act (Act) to continue to operate and maintain the Twin Falls Project, and install additional capacity. The project is located on the Snake River in Jerome and Twin Falls Counties, Idaho, partially on lands of the United States administered by the Bureau of Land Management (BLM).

The original license expired on June 10, 1984, and thereafter the project has been operated under an annual license.

The existing facilities consist of the Twin Falls Dam and reservoir, an intake structure, a 136-foot-long penstock, a powerhouse with an installed capacity of 9 megawatts (MW), and a 1-mile-long transmission line. The proposed additions are a second intake structure, a 213-foot-long penstock, a powerhouse with a 42-MW generating unit, an interconnection with the existing transmission line, and an access road and bridge. A more detailed description of the project is contained in ordering paragraph (B).

Notice of the application has been published. No protests or objections to issuance of the license were filed.

The Idaho Department of Water Resources (IDWR) filed a motion to intervene requesting that any license issued for this project should subordinate the licensee's water right to upstream depletionary uses. The IDWR's motion to intervene is discussed in the attached Safety and Design Assessment (S&DA).

The Idaho Department of Fish and Game (IDFG) filed a motion to intervene to ensure that any license issued for this project be conditioned to "preserve, protect, perpetuate, and maintain the fish and wildlife resources of the State of Idaho".

This project was examined and included in the draft and Final Environmental Impact Statement (FEIS) prepared on four proposed projects in the Snake River Basin. 1/

1/ Final Environmental Impact Statement, Federal Energy Regulatory Commission, Office of Hydropower Licensing, July 1990, Milner (FERC No. 2899), Twin Falls (FERC No. 18), Auger

IDFG's motion to intervene, as well as all comments received from interested agencies and individuals have been fully considered in the FEIS and in determining whether to issue this license, as discussed below.

Environmental Considerations

The impacts of the Twin Falls Project on important environmental resources, and the mitigation measures necessary to protect these resources, are discussed below.

1. Geology and Soils

The FEIS concluded that construction and operation of the new facilities at the project would cause minor increases in erosion and sedimentation in the Snake River. The licensee has proposed measures to control erosion and sedimentation and maintain slope stability including: (1) settling ponds to filter water pumped from construction sites; (2) rock bolts to stabilize the rock cliff above the powerhouse; (3) stabilizing spoil fills by compacting the spoil material, using stable slope configurations, leaving no depressions, and covering the spoil fills with top soil; and (4) seeding disturbed areas and applying mulch after the seed has been placed. As part of a final plan to be prepared by the licensee, the FEIS recommended additional measures to minimize impacts on soil and geologic resources. These additional measures include: (1) not exceeding the natural angle of repose on slopes of spoil material; (2) using clean gravels in cofferdams; (3) monitoring the revegetation process on the slopes above the powerhouse road; and (4) limiting in-river construction to the low-flow period of the year.

Article 401 requires the licensee to prepare and file a plan (to include the measures proposed by the licensee and those recommended in the FEIS) to control erosion, sedimentation, and slope stability during construction and operation of the project.

2. Water Quality

The FEIS concluded that chemical changes in water quality of the Snake River could result from construction related disturbance of sediments containing heavy metals, pesticides, and other toxic materials. Article 402 requires the licensee to develop a plan to conduct tests for toxic substances in any sediments or other unconsolidated deposits in the Snake River that would be removed or otherwise disturbed by dredging,

Falls (FERC No. 4797), and Star Falls (FERC No. 5797). This document is in the Commission's public file and is available for inspection at the Commission's Office of Public Information.

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Department of Water Resources

constructing, or operating project facilities, and to safely remove and dispose of any sediment and unconsolidated deposits containing heavy metals, pesticides and other toxic materials.

The FEIS concluded that diversion of river flow around Twin Falls would reduce reaeration and thus the level of dissolved oxygen (DO) in the Snake River. Depending on the river's biological oxygen demand (BOD) loading, a reduced amount of reaeration could reduce the waste assimilating capacity of the river. To avoid a reduction in the river's waste assimilating capacity, the FEIS recommended that the licensee make provisions for installing air blowers in the penstocks, turbine, or draft tubes to provide reaeration of the diverted water in the event DO falls below 90 percent saturation.

Upon reevaluation of the recommended saturation level the staff determined that present BOD levels in the study reach were not sufficiently high to necessitate 90% saturation in the river below the project. Analysis indicates that existing BOD levels would not significantly deplete DO in the river because the rate of biochemical oxidation is slower than the reaeration rate of the river. Consequently, either with or without the project, DO levels would be expected to be reduced by less than 1 mg/l from existing 8-9 mg/l summer levels. Saturation levels below 90% would be adequate to process existing levels of BOD. Barring major increases in BOD, the waste assimilating capacity of the river, with or without the project, would be protected. The present state standard of 6 mg/l DO (about 75% saturation in summer) for waters of the reach would be adequate. The state standard protects the fish of the reach from direct stress from low DO.

Article 403 requires the licensee to maintain DO at 6 mg/l, as measured in the river immediately downstream of the tailrace, in the diverted water by making provisions for supplemental aeration, as discussed above, if needed.

The FEIS recommended that monitoring of DO and water temperature be done to ensure that the project provides sufficient aeration. Article 404 requires the licensee, after consultation with the IDFG, Idaho Department of Health and Welfare (IDHW), and the U.S. Environmental Protection Agency (EPA), to develop and implement a monitoring program to monitor the need for, and effectiveness of, supplemental aeration.

The licensee applied for water quality certification pursuant to Section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1), from the IDHW with a letter dated April 25, 1983. Water quality certification was granted by IDHW on November 7, 1983.

3. Fisheries

The FEIS concluded that the project would result in an increase in the number of wild, native cutthroat and rainbow-cutthroat hybrids removed from Twin Falls reservoir due to diversion of water through the project intakes. The FEIS recommended that habitat restoration and enhancement in tributary springs would constitute the most cost-effective mitigation. Article 405 requires the licensee to develop and implement, in consultation with IDFG, U.S. Fish and Wildlife Service (FWS), and BIM, a habitat enhancement plan and trout monitoring program.

4. Vegetation

The FEIS concluded that spoil disposal during project construction would result in temporary and permanent loss of up to 9.2 acres of vegetation at the project site. The FEIS recommended that spoil disposal be limited to certain specific disposal sites and the licensee develop and implement a detailed revegetation plan, in consultation with the FWS and IDFG. Article 406 requires the licensee to develop and file for Commission approval a detailed plan for revegetating areas to be disturbed by construction or spoil disposal.

5. Raptors

The FEIS noted the existence of a golden eagle nest near the project site that, if active, would experience limited, short-term impacts as a result of blasting during project construction. The FEIS recommended the licensee monitor the nest prior to beginning construction, and if found to be active, the licensee should implement protective measures, including prohibiting blasting, to protect the nest. Article 407 requires the licensee to monitor the golden eagle nest, and implement protective measures if the nest is found to be active.

6. Land Use and Recreation

The FEIS concluded that the project would have minor, negative impacts on recreational visitors and local traffic due to increased congestion and truck traffic during construction. To minimize traffic congestion during construction, the FEIS recommended that the licensee develop and implement a plan to assure vehicular safety during construction and to schedule construction activities to minimize conflicts with peak recreation use. Article 408 requires the licensee to develop, in consultation with Twin Falls County, a vehicular safety plan and a schedule of construction activities to minimize conflicts with the public during weekends.

The FEIS concurred with the licensee's proposed recreational improvements, including restroom facility replacement,

Comprehensive Development

Section 4(e) of the Act states that in deciding whether to issue a license, the Commission, in addition to the power and development purposes of the project, shall give equal consideration to the purposes of energy conservation, the protection, mitigation of damage to, and enhancement of, fish and wildlife, the protection of recreational opportunities, and the preservation of other aspects of environmental quality. These purposes are considered in the staff conclusions section of the FEIS prepared for this project.

Section 10(a)(1) states that the project adopted shall be such that in the judgement of the Commission will be best adapted to a comprehensive plan for improving or developing a waterway for the use or benefit of interstate or foreign commerce, for the improvement and utilization of water power development, for the adequate protection, utilization and enhancement of fish and wildlife (including related spawning grounds and habitat), and for other beneficial public uses, including irrigation, flood control, water supply, and recreation and other purposes discussed in section 4(e).

Further, section 10 (a)(2) of the Act requires the Commission to consider the extent to which a project is consistent with federal or state comprehensive plans for improving, developing, or conserving a waterway or waterways affected by the project. Federal and state agencies filed 26 plans that address various resources in Idaho. Of these, the staff identified 7 plans that are relevant to this project. 2/

The FEIS concluded that the project, as proposed to be modified, would be inconsistent with portions of two of the plans: (1) the Columbia River Basin Fish and Wildlife Program; and (2) the Idaho Fisheries Management Plan.

The Columbia River Basin Fish and Wildlife Program (Program) was developed by the Northwest Power Planning Council to protect, mitigate, and enhance fish and wildlife resources associated with

- 2/ (1) Columbia River Basin Fish and Wildlife Program, 1987, Northwest Power Planning Council; (2) Northwest Conservation and Electric Power Plan, 1986, Northwest Power Planning Council; (3) Idaho State Water Plan, 1986, Idaho Water Resources Board; (4) Idaho Fisheries Management Plan, 1986-1990, Idaho Department of Fish and Game; (5) Idaho Water Quality Standards, 1985, Idaho Department of Health and Welfare; (6) Idaho Outdoor Recreation Plan, 1983, Idaho Department of Parks and Recreation; (7) Monument Resources Management Plan, 1984, U.S. Department of Interior, Bureau of Land Management.

the development and operation of hydroelectric projects within the Columbia River Basin and its tributaries. The FEIS determined that the project would be inconsistent with the Program's requirement for fisheries protection, because the project lacks facilities to protect against fish entrainment. The Program, however, while requiring compensation for unavoidable losses, does not require prevention of entrainment. As stated earlier, Article 405 requires the licensee to develop a plan to enhance trout habitat, monitor the effectiveness of the enhancement measures, and develop a supplemental plan if needed. With this trout habitat enhancement plan the project would be consistent with the Program.

The Twin Falls project is also located in a reach of the Snake River designated by the Council as a "protected area". However, the protected area designation does not apply to the proposed actions at the project because the designation does not apply to existing dams.

The Idaho Fisheries Management Plan, developed by the IDFG, provides overall goals and guidance for the management of fishery resources for the state. The project would be inconsistent with the specific goal of the plan pertaining to the backwaters of Twin Falls Dam to Murtaugh Bridge, of protecting wild trout, in particular the population of wild, native cutthroat trout. Specifically, the project would adversely affect the trout through entrainment into the project intake. The degree of inconsistency would be reduced, however, to the extent that proposed trout habitat improvements lead to an expanded wild trout population.

The FEIS concluded that the project would be consistent with the other five relevant comprehensive plans. The Idaho Water Resources Board has approved the licensee's petition to exempt the project from interim protection status under the Idaho State Water Plan. There are no inconsistencies with the provisions of the Idaho Statewide Comprehensive Outdoor Recreation Plan, the Idaho State Water Quality Standards, or the Department of Interior, Bureau of Land Management Monument Resource Plan. The project is exempt under the Northwest Conservation and Electric Power Plan because it is a modification of an existing facility.

Because the licensee would divert more flow to operate the new powerhouse, the FEIS recommended that the licensee should provide a minimum flow over the falls to mitigate impacts to visual quality. Impacts to the waterfalls are considered important because the aesthetic qualities of the falls are extremely sensitive to change. This sensitivity stems from the adverse impacts to visual quality of frequently having low or no flows over the falls in June through September from operation of the existing project, and also from the falls high visibility and popularity with visitors. The staff estimates that the 50-year

Section 15(a)(2)(D): Need for the Power

The staff considered the short and long-term need for the power the project would generate, and the cost of alternative power if the licensee does not get a new license for the project and has concluded that:

- Power from the Twin Falls project is needed.
- Replacing project power would cost the licensee about \$5.6 million annually.

The project is located in the Northwest Power Planning Council (Council) area--in the south-central part of Idaho--near Twin Falls, Idaho. In March 1989, the licensee published a resource management report (RMR) that identifies the existing unit at the project as a nondeferrable resource now serving part of the licensee's power requirements.

The licensee plans to expand the project capacity to 51 MW. The average annual generation from the project will increase to 189,000 megawatthours (MWh). Completion of the expansion is now scheduled for 1995.

The RMR shows a need for power on the licensee's system in 2001 under medium loads and median water conditions and in 1995 under high loads and median water conditions. The licensee projects that deficiencies occurring in some months during low water conditions will require the licensee to curtail service to interruptible customers and to make purchases from other utilities to meet its firm loads.

With low loads and median water conditions, the licensee may have resources in excess of its system needs through 2008. In recognition of this possibility, the licensee is further developing its ability to participate in the regional power market.

The Council's 1989 supplement to its 1986 Power Plan shows a need for power could exist in the Council area any time from the early to the late 1990's.

The supplement also shows resource deficits would occur on the Investor-owned Utility (IOU) systems in the Council area before deficits occur in the area as a whole. The Council projects IOU deficits by 1992 with medium-high loads and by 1998 with medium-low loads.

In March 1990, the Pacific Northwest Utilities Conference Committee (Committee) issued a revised Northwest Regional Forecast of Power Loads and Resources. The Committee projects a need for more power resources in the Council area as a whole in

1993. The Committee also projects that individual systems in the area could experience deficits as early as the 1990-1991 winter.

Hydro resources, such as the Twin Falls Project expansion, coming on-line in the mid-1990's, could be useful in meeting a small part of that need for power. Such projects could contribute to the need as part of the hydro resources in the Council's proposed resource addition portfolios.

When operational, the projects would be available to displace thermal generation in the Western Systems Coordinating Council (WSCC) region until needed to serve load directly in the Council area or on the licensee system specifically. The WSCC region encompasses the Council area.

The staff studied the financial impact on the licensee's ratepayers, considered as a single group, which would result from the loss of the output of the project. If the Commission denies a new license or issues a nonpower license, it is assumed the licensee would replace the project's dependable capacity and energy by generating more with its present coal-fired base load units.

Historically, the project produces about 60 gigawatthours (GWh) of energy annually and has a dependable capacity of 7.7 MW. But because of the licensee's proposed project changes and the enhancements the staff, the agencies, and the licensee propose, the energy output of the project would differ appreciably over the next license period.

If the licensee must replace the capacity and energy the project now produces, the staff estimates that the levelized annual impact on the licensee's ratepayers would be \$5.6 million or about 93.7 mills/kilowatthour.

Section 15(a)(2)(E): Transmission Line Improvements

The licensee does not plan to modify the transmission network that has been and will be used by project.

Section 15(a)(2)(F): Project Modifications

The licensee proposes to increase the installed capacity 42 MW by building a new powerhouse. The project would have a total installed capacity of 51 MW. Project annual generation would increase from 60 to 189 GWh.

Section 15(a)(3): Compliance History

The licensee has satisfactorily complied with the terms and conditions of its existing license. The licensee has made timely filings and submittals and has maintained the project and its

necessary or appropriate in the operation or maintenance of the project.

(C) The exhibit G described above and those sections of exhibits A and F recommended for approval in the attached S&DA are approved and made part of the license.

(D) This license is subject to the articles set forth in Form L-2 (October 1975), entitled "TERMS AND CONDITIONS OF LICENSE FOR UNCONSTRUCTED MAJOR PROJECT AFFECTING LANDS OF THE UNITED STATES", except article 20, and the following additional articles.

Article 201. The licensee shall pay the United States the following annual charge, effective the first day of the month in which this license is issued:

(a) For the purpose of reimbursing the United States for the cost of administration of Part I of the Act, a reasonable amount as determined in accordance with the provisions of the Commission's regulations in effect from time to time. The authorized installed capacity for that purpose is 68,000 horsepower.

(b) For the purpose of recompensing the United States for the use, occupancy, and enjoyment of 74.7 acres of its lands, other than for transmission line right-of-way, a reasonable amount as determined in accordance with the provisions of the Commission's regulations in effect from time to time.

(c) For the purpose of recompensing the United States for the use, occupancy, and enjoyment of 18.4 acres of its lands for transmission line right-of-way, a reasonable amount as determined in accordance with the provisions of the Commission's regulations in effect from time to time.

Article 202. Pursuant to Section 10(d) of the Act, 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 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 at the end of each fiscal year. To the extent that there is a deficiency of project earnings below the specified rate of return per annum for any fiscal year under the license, the amount of that deficiency shall be deducted from the amount of any surplus earnings subsequently accumulated, until absorbed. One-half of the remaining surplus earnings, if any, cumulatively computed, shall

be set aside in the project amortization reserve account. The amounts established in the project amortization reserved account shall be maintained until further order of the Commission.

The annual specified reasonable rate of return shall be the sum of the annual weighted costs of long-term debt, preferred stock, and common equity, as defined below. The annual weighted cost for each component of the reasonable rate of return is the product of its capital ratio and cost rate. The annual capital ratio for each component of the rate of return shall be calculated 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 long-term debt and preferred stock shall be their respective weighted average costs 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 203. The licensee shall clear and keep clear to an adequate width all 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 result from maintenance, operation, 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 lands and disposal of unnecessary material shall be done with due diligence to the satisfaction of the authorized representative of the Commission and in accordance with appropriate federal, state, and local statutes and regulations.

Article 204. The licensee shall begin construction of the project works within 2 years and shall complete construction of the project works within 4 years from the issuance date of the license.

Article 205. The licensee shall file revised exhibits A, F, and G for Commission approval, to describe and show the project as built, within 90 days after finishing construction.

Article 206. The licensee shall review and approve the contractor's cofferdams and deep excavations designs before starting construction, and during the construction shall make sure that the cofferdams and deep excavations are consistent with the previously approved designs.

At least 30 days before starting construction of the cofferdam, the licensee shall submit the approved cofferdam construction drawings and specifications and the letters of approval, sending one copy to the Director of the Division of Dam

consultation and any agency comments or recommendations. Upon Commission approval the licensee shall implement the plan.

The plan shall include continuous (hourly) monitoring of DO and water temperature in the river immediately downstream of the tailrace from June 15 to October 15. Violations of the state water quality standard for DO shall be reported to EPA, IDHW and IDFG within 24 hours. The plan shall include specific response measures in the event standards are not met, including, but not limited to, an air injection system at the powerhouse to maintain 6 mg/l of DO, in the river immediately downstream of the tailrace, or release of water over the falls rather than through the project turbines and a schedule for constructing or implementing these measures. The licensee shall not begin operation of the new powerhouse until the Commission approves the plan. The Commission reserves the right to require changes to the plan. Within 60 days of completion of construction of an air injection system the licensee shall file as built drawings.

Article 405. The licensee, after consultation with the Idaho Department of Fish and Game (IDFG), the U.S. Fish and Wildlife Service (FWS), and the Bureau of Land Management (BLM), shall develop and implement a plan for habitat enhancement, including but not limited to improvements to Vinyard Creek, the intake forebay, Twin Falls reservoir, and the Snake River and adjacent springs upstream to Hansen Bridge and a monitoring program to determine the response of the cutthroat trout, rainbow-cutthroat hybrid population to habitat enhancements. The plan shall be filed for Commission approval at least 90 days prior to commencing commercial operation of the new powerhouse. The licensee shall allow a reasonable timeframe, in no case less than 30 days, for agencies to comment and make recommendations prior to filing the plan. The filing shall include documentation of agency consultation and any agency comments or recommendations. Upon Commission approval the licensee shall implement the plan.

The plan shall include (1) provisions for surveys of all potential spring habitat upstream to the Hansen Bridge and assessments of the potential for rehabilitating or enhancing habitat at each spring location, (2) monitoring of the seasonal distribution and abundance of trout in areas where habitat improvement have been constructed, and (3) provisions for filing annual reports by December 31 of each year on the habitat enhancement program and the response in the fish population. The licensee shall conduct the monitoring program for at least 5 years and file a final comprehensive report on the success of the habitat enhancement program and for approval any recommendations for changing the program. The final report shall include agencies' comments on its findings and recommendations. The Commission reserves the right to require changes to the plan.

The licensee shall not begin commercial operation of the new powerhouse until the Commission approves the plan.

In the event the specific measures of the habitat enhancement program are deemed inadequate to protect and enhance the population at any time during or immediately following the 5-year monitoring program, the licensee in consultation with IDFG, FWS, and BLM shall file for Commission approval a supplemental plan for implementing changes to the program along with comments and recommendations of the IDFG, FWS, and BLM. The Commission reserves the right to require changes to the plan and any subsequent supplemented plan.

Article 406. The licensee, after consultation with the U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game, and at least 90 days before any project related land clearing, land-disturbing, or spoil-producing activities, shall file for Commission approval, a detailed plan for revegetating areas to be disturbed by construction or spoil-disposal. Upon Commission approval, the licensee shall implement the plan.

The plan shall include at a minimum: (1) the exact location of the staging area and spoil disposal sites; (2) the planned contours and depth of topsoil; (3) a description of how the spoil would be compacted and contoured; (4) a description of the plant species used, their source, and their potential value to wildlife; (5) planting densities; (6) fertilization and irrigation requirements; (7) provisions to control exotic species and damage from small mammals and deer; and (8) a monitoring program. The licensee shall avoid depositing spoil materials at the downstream 10,000-cubic-yard site and at the 500-cubic-yard site, as shown on attachment 10 of the filing dated April 4, 1989.

The licensee shall allow a reasonable timeframe, in no case less than 30 days, for agencies to comment and make recommendations on the plan. The filing shall include documentation of agency consultation and any agency comments and recommendations on the plan. The licensee shall not commence any land-clearing, land-disturbing, or spoil-producing activities until the Commission approves the plan. The Commission reserves the right to require changes to the plan.

Article 407. The licensee, after consultation with the U.S. Fish and Wildlife Service (FWS) and the Idaho Department of Fish and Game (IDFG) and at least 90 days before starting any land-clearing, land-disturbing, or spoil-producing activities, shall file for Commission approval, a plan to monitor the golden eagle nest near the project site and to prevent project construction activities from disturbing nesting golden eagles. Upon Commission approval, the licensee shall implement the plan.

to require changes to the plan. Upon Commission approval the licensee shall implement the plan.

Article 413. The licensee, before starting any future land-clearing, land-disturbing, or spoil-producing activities associated with the project, shall consult with the Idaho State Historic Preservation Officer (SHPO) and shall conduct a cultural resources survey of the affected areas. Further, the licensee shall file a report containing the survey results; for Commission approval a cultural resources management plan to avoid or mitigate impacts to any significant archeological or historic sites identified during the survey; and, the written comments of the SHPO on the report and the plan. If the licensee discovers any previously unidentified archeological or historic sites during the course of constructing or developing project works or other facilities at the project, the licensee shall stop all land-clearing, land-disturbing, or spoil-producing activities in the vicinity of the sites, shall consult with the SHPO, and shall file for Commission approval a cultural resources management plan to avoid or mitigate impacts to significant resources, together with the written comments of the SHPO on the plan. Upon Commission approval the licensee shall implement the plan. The survey and the plan shall be based on the recommendations of the SHPO, shall be conducted and prepared by a qualified cultural resources specialist, and shall adhere to the Secretary of the Interior's Guidelines for Archeology and Historic Preservation.

The report and plan shall contain the following: (1) a description of each discovered site, indicating whether it is listed or eligible to be listed on the National Register of Historic Places; (2) a description of the potential effect on each discovered site; (3) proposed measures for avoiding or mitigating the effects; (4) documentation of the nature and extent of consultation with the SHPO; and (5) a schedule for mitigating effects and conducting additional studies. The Commission may require changes to the plan.

The licensee shall not implement a cultural resources management plan or begin any land-clearing, land-disturbing, or spoil-producing activities until informed by the Commission that the requirements of this article have been fulfilled.

Article 414. (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 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 use 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 the 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, canceling the permission to use and occupy the project lands and waters and requiring the removal of any non-complying structures and facilities.

(b) The type of use and occupancy of project lands and water 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 that can accommodate no more than 10 watercraft at a time and where the facility is intended to serve single-family type dwellings; 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 also shall ensure to the satisfaction of the Commission's authorized representative that the use 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, may establish a program for issuing permits for the specified types of use and occupancy of project lands and waters, that 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 modification 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

order to be consulted on matters related to that filing. Proof of service on these entities must accompany the filing with the Commission.

(F) This order is issued under authority delegated to the Director and constitutes final agency action. Request for rehearing by the Commission may be filed within 30 days of the date of this order, pursuant to 18 C.F.R. § 385.713.



Fred E. Springer
Director, Office of
Hydropower Licensing

SAFETY AND DESIGN ASSESSMENT
TWIN FALLS HYDROELECTRIC PROJECT NO. 18
IDAHO
November 27, 1990

Project Design and Operation

The Twin Falls Project, owned and operated by the Idaho Power Company (IPC), is on the Snake River, near the town of Twin Falls, in Jerome and Twin Falls Counties, Idaho.

The existing project consists of the following:

1. A concrete-arch dam, equipped with 3.4-foot-high flashboards, across the north falls
2. A nonoverflow concrete gravity dam across the south falls
3. A 136-foot-long, 10-foot-diameter, steel-lined tunnel penstock
4. A semi outdoor powerhouse, containing one vertical-shaft Francis turbine generating unit with a total installed capacity of 9.0 megawatts (MW), at the base of the south falls
5. A tailrace, returning powerhouse flows to the Snake River
6. A primary transmission line, about 1 mile long, extending from the project generator through voltage transformation to the 138-kilovolt Shoshone Falls-American Falls line
7. Other related facilities

Historically, the project produces 60 gigawatthours (GWh) of electrical energy annually.

IPC proposes to increase power production at the Twin Falls project by building the following:

1. A gated intake structure at the existing low-level sluice in the nonoverflow portion of the dam
2. An 18-foot-diameter, steel-lined tunnel, consisting of a vertical shaft, 120 feet deep, and a horizontal tunnel, 93 feet long
3. A 63-foot-wide by 100-foot-long semi outdoor powerhouse, at the downstream toe of the nonoverflow part of the dam, which has one vertical-shaft Kaplan turbine generating unit with a total installed capacity of 42.0 (MW)

development of coal-fueled power plants (the Council's planned marginal resource).

To decide if IPC's proposal is consistent with the plan in the long term, we developed life-cycle costs of power from the Council's planned generic coal plant. We assume the region, when treated collectively, would need new coal-fueled, steam-generating plants about 1998. We base this data on the Council's projection of regional power resource needs under the medium-high load forecast in its 1989 supplement.

Because the life-cycle, levelized cost of IPC's proposed project is less than the levelized life-cycle cost of the least-cost or marginal long-term alternative in the plan, IPC's proposal is consistent with the Council's plan and is economically beneficial within the long-term objectives of the plan.

In a motion to intervene, filed on September 25, 1985, the IDWR asked the Commission to subordinate IPC's use of water for the project to "future depletionary uses"--irrigation, domestic, and industrial uses, for example--called for in the Idaho Water Plan.

We reviewed IPC's proposal to see if it is consistent with the Idaho Water Plan.

As we say in our EIS, the Commission prescribes conditions for providing the appropriate level of energy generation and protection of the environment and irrigation, and won't issue a license if the prescribed conditions would make a project financially infeasible.

Doing what IDWR asks would give IDWR, rather than the Commission, ultimate control of the project. IDWR could even nullify key rights IPC would have under a license. Therefore, we recommend rejecting IDWR's request.

In the future, if IDWR determines project operation takes water from the specified uses in the water plan, it can petition the Commission to use its reserve authority, after notice and opportunity for hearing to require IPC to reduce the water it uses for generation.

Because a license would allow IDWR to ask for changes in IPC's use of water, we think the Twin Falls Project is consistent with the Idaho Water Plan.

In 1988, the Idaho legislature ordered the Idaho Water Resources Board (IWRB) (1) to formulate a comprehensive state water plan and until the plan is adopted, (2) to prohibit

hydropower development on several waterways, including the part of the Snake River where the project is located.

The legislature says the prohibition on development doesn't apply to requests for relicensing or for increasing the capacity of existing projects. Because IPC has applied for a new license and an increase in capacity, the project is exempted from the Idaho Water Plan.

Federal and state agencies filed 26 comprehensive plans, discussing various resources in Idaho. Of these, we identified 7 plans that are relevant to this project. The project doesn't conflict with any of these plans or with any existing or planned water resource development in the Snake River Basin.

Our planning status report for the Snake River Basin and our hydroelectric site data base show no existing or proposed projects that would conflict with the proposed Twin Falls Project.

IPC's expansion proposal would properly develop the hydropower potential of Twin Falls.

Project Economics

In our EIS, we recommend licensing IPC's proposal, but with our recommended mitigation. We find operating the project with our environmental measures would produce net economic benefits of 38 mills per kilowatthour (mills/kWh).

To examine the economic benefits of developing the Twin Falls Project, we compared the cost of the expansion to the cost of alternative power in the region. If the levelized cost of expanding the project is less than the levelized cost of alternative energy to any utility in the region that can be served by the project, the project expansion is economically beneficial.

We estimate the 50-year levelized cost of alternative power in the region in 1994 would be about 97 mills/kWh.

We calculate the alternative power cost by levelizing both the displaced fuel consumption in existing coal-fueled, steam-electric plants until 1998 and the total unit cost of power from the coal plants we expect will be needed within the region by that time. As we said, we base our selection of 1998 on the Council's projected regional need for additional generating resources in the Pacific Northwest.

The value of 97 mills/kWh value includes an average capacity-value-reduction component equal to the cost of adding

Exhibits

The following parts of exhibit A and the following exhibit F drawings conform to the Commission's rules and regulations and are approved and made a part of the license:

Exhibit A: page A-10, section 3, titled "Turbine and Generator Units"; page A-11, section 4, titled "Electrical Transmission," and section 5, titled "Accessory Equipment"; page A-13, table A-1 titled "Significant data for existing facilities at the Twin Falls Hydroelectric Project"; and page A-14, table A-2 titled "Significant data for new facilities at the Twin Falls Hydroelectric Project."

Exhibit F:

Drawing	FERC No.	Title
	18-	
F- 1	33	General Plan
F- 2	34	Existing Dam Sections
F- 3	35	New Project Profile
F- 4	36	New Powerhouse Plan and Sections
F- 5	37	Existing Dam Sections
F- 6	38	Existing Intake and Powerhouse

List of preparers: Timothy Looney, Civil Engineer
Martin Thorpe, Electrical Engineer

FEDERAL ENERGY REGULATORY COMMISSION**TERMS AND CONDITIONS OF LICENSE FOR
UNCONSTRUCTED MAJOR PROJECT AFFECTING
LANDS 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 works shall be constructed 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.

Upon the completion of the project, or at such other time as the Commission may direct, the Licensee shall submit to the Com-

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 locations 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 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 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 Commission may prescribe for the 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 and devices to reduce to a reasonable degree the liability of any structures or wires falling or

not relieve the Licensee of responsibility for the clearing and disposal of all slash and debris from project lands.

Article 22. The Licensee shall do everything reasonably within its power, and shall require its employees, contractors, and employees of contractors to do everything reasonably within their power, both independently and upon the request of officers of the agency concerned, to prevent, to make advance preparations for suppression of, and to suppress fires on the lands to be occupied or used under the license. The Licensee shall be liable for and shall pay the costs incurred by the United States in suppressing fires caused from the construction, operation, or maintenance of the project works or of the works appurtenant or accessory thereto under the license.

Article 23. The Licensee shall interpose no objection to, and shall in no way prevent, the use by the agency of the United States having jurisdiction over the lands of the United States affected, or by persons or corporations occupying lands of the United States under permit, of water for fire suppression from any stream, conduit, or body of water, natural or artificial, used by the Licensee in the operation of the project works covered by the license, or the use by said parties of water for sanitary and domestic purposes from any stream, conduit, or body of water, natural or artificial, used by the Licensee in the operation of the project works covered by the license.

Article 24. The Licensee shall be liable for injury to, or destruction of, any buildings, bridges, roads, trails, lands, or other property of the United States, occasioned by the construction, maintenance, or operation of the project works or of the works appurtenant or accessory thereto under the license. Arrangements to meet such liability, either by compensation for such injury or destruction, or by reconstruction or repair of damaged property, or otherwise, shall be made with the appropriate department or agency of the United States.

Article 25. The Licensee shall allow any agency of the United States, without charge, to construct or permit to be constructed on, through, and across those project lands which are lands of the United States such conduits, chutes, ditches, railroads, roads, trails, telephone and power lines, and other routes or means of transportation and communication as are not inconsistent with the enjoyment of said lands by the Licensee for the purposes of the license. This license shall not be construed as conferring upon the Licensee any right of use, occupancy, or enjoyment of the lands of the United States other than for the construction, operation, and maintenance of the project as stated in the license.

Article 26. In the construction and maintenance of the project, the location and standards of roads and trails on lands of the United States and other uses of lands of the United States, including the location and condition of quarries, borrow pits, and spoil disposal areas, shall be subject to the approval of the department or agency of the United States having supervision over the lands involved.

Article 27. The Licensee shall make provision, or shall bear the reasonable cost, as determined by the agency of the United States affected, of making provision for avoiding inductive interference between any project transmission line or other project facility constructed, operated, or maintained under the license, and any radio installation, telephone line, or other communication facility installed or constructed before or after construction of such project transmission line or other project facility and owned, operated, or used by such agency of the United States in administering the lands under its jurisdiction.

Article 28. The Licensee shall make use of the Commission's guidelines and other recognized guidelines for treatment of transmission line rights-of-way, and shall clear such portions of transmission line rights-of-way across lands of the United States as are designated by the officer of the United States in charge of the lands; shall keep the areas so designated clear of new growth, all refuse, and inflammable material to the satisfaction of such officer; shall trim all branches of trees in contact with or liable to contact the transmission lines; shall cut and remove all dead or leaning trees which might fall in contact with the transmission lines; and shall take such other precautions against fire as may be required by such officer. No fires for the burning of waste material shall be set except with the prior written consent of the officer of the United States in charge of the lands as to time and place.

Article 29. The Licensee shall cooperate with the United States in the disposal by the United States, under the Act of July 31, 1947, 61 Stat. 681, as amended (30 U.S.C. sec. 601, et seq.), of mineral and vegetative materials from lands of the United States occupied by the project or any part thereof: Provided, That such disposal has been authorized by the Commission and that it does not unreasonably interfere with the occupancy of such lands by the Licensee for the purposes of the license: Provided further, That in the event of disagreement, any question of unreasonable interference shall be determined by the Commission after notice and opportunity for hearing.

Article 30. If the Licensee shall cause or suffer essential project property to be removed or destroyed or to become unfit

11-32-a

Just Dam Falls Project License

THE FEDERAL POWER COMMISSION

LICENSE ON GOVERNMENT LANDS

Project No. **18**

Idaho

See Article 14

Idaho Power Company

WHEREAS, by Act of Congress, approved June 10, 1920 (41 Stat., 1063) designated therein as "The Federal Water Power Act" and hereinafter called "the Act," the Federal Power Commission, hereinafter called "the Commission," is authorized and empowered, inter alia, to issue licenses for the purpose of constructing, operating, and maintaining dams, water conduits, reservoirs, power houses, transmission lines, or other project works necessary or convenient for the development, transmission and utilization of power across, along, from or in any of the navigable waters of the United States, or upon any part of the public lands and reservations of the United States (including the Territories), or for the purpose of utilizing the surplus water or water power from any Government dam; and

WHEREAS, **Idaho Power Company**, - - - - - hereinafter called "the Licensee," **a corporation** - - - - - organized and existing under the laws of the State of **Maine** - - - - - and having **its** office and principal place of business in the city of **Bates**, - - - - - in the State of **Idaho**, - - - - - has, pursuant to the provisions of a preliminary permit issued on the 30th day of April 1924, - - - - -

made application in due and proper form to the Commission for a license for a power project designated as Project No. **18** on the records of the Commission, and for authority to construct, maintain and operate, ~~at on~~ **Falls Snake River at Twin /**, in the vicinity of **Jerome and Twin Falls**, in the **counties of Jerome and Twin Falls,** State of **Idaho,** - - - - - certain project works, as hereinafter described, necessary or convenient for the development, transmission and utilization of power, and to occupy and use therefor certain lands of the United States, as hereinafter described together with all riparian rights appurtenant thereto which are necessary or useful for the purposes of the project; and

WHEREAS, the Licensee has submitted to the Commission satisfactory evidence of **its** compliance with the laws of the State **of Idaho,** as required by Section 9, subsection (b) of the Act, and the Commission is satisfied as to the ability of the Licensee to carry out the plans for said project as filed with said application; and

WHEREAS, notice of said application has been given and published by the Commission, as required by Section 4 of the Act; full opportunity has been given to all interested parties to be heard, and no application for said project, or in conflict therewith, has been filed by any State or municipality; and

WHEREAS, the maps, plans and specifications of said project and of said project works, as hereinafter described, have been approved by the Commission, and the Commission has found that said project, as hereinafter described, will be best adapted to a comprehensive scheme of improvement and utilization for the purposes of water-power development and of other beneficial public uses, and that the license will not interfere or be inconsistent with the purpose for which any reservation affected thereby, was created or acquired; and

WHEREAS, the Commission, by order adopted at its meeting of September 16, 1933, waived Order No. 27, with respect to said project, and, therefore, the determination of the preliminary cost thereof will not be required prior to the issuance of a license; and - - - - -

WHEREAS, the Licensee, on the **12th** day of **May, 1934**, pursuant to an authorization of its board of directors, a copy of the record thereof being hereto attached, accepted in writing all the terms and conditions of the Act and of this license;

NOW, THEREFORE, the Commission hereby issues this license to the Licensee for the purpose of constructing, operating and maintaining upon the lands of the United States hereinafter designated and described, certain project works necessary or convenient for the development, transmission and utilization of power and constituting a part of the project hereinafter described, and of authorizing in connection with and as a part of said project the occupancy and/or use by the Licensee of said lands of the United States and of all riparian rights appurtenant thereto which are necessary or useful for the purposes of the project; said license, including the period thereof, being subject to all the terms and conditions of the Act and of the rules and regulations of the Commission pursuant thereto as amended and made effective on the **23rd** day of **June, 1930**, as though fully set forth herein, which said rules and regulations are attached hereto and made a part hereof, and being subject also to the following express conditions and limitations, to wit:

Article 1. This license is issued for a period of **fifty (50)** years from the date hereof, and in consideration of such license and the benefits and advantages accruing thereunder to the Licensee it is expressly agreed by the Licensee that the entire project, project area and project works as hereinafter designated and described, whether or not upon lands of the United States, shall be subject to all the terms and conditions of this license, including the terms and conditions of the Act and of the rules and regulations of the Commission pursuant thereto and made a part of this license.

Article 2. The project covered by and subject to this license is located **partly on lands of the United States, - - - - -** and consists of—

A. All lands constituting the project area and inclosed, or the location of which is shown, by the project boundary, and/or interests in such lands necessary or useful for the purposes of the project, whether such lands or interests therein are owned or held by the Licensee or by the United States; such project area and project boundary being more fully shown and described by certain exhibits which accompanied said application for license and which are designated and described as follows:

Exhibit J: Sheet 1, Map designated "General Map of Entire Project" (F.P.C. No. 18-10);

Exhibit E: Sheet 3, Map designated "General Plan of Development" (F.P.C. No. 18-13);

B. All water rights which are more fully described in a certain exhibit, which accompanied said application for license, and which is designated and described as follows:

Exhibit E: One typewritten sheet entitled "Statement of the nature, extent, and ownership of water rights," signed Idaho Power Company by M. L. Hilbard, Vice-President and General Manager, and received in the office of the Federal Power Commission with the application for license on June 21, 1930.

C. All project works consisting of a reinforced concrete dam, a penstock, a power house, and appurtenant works, the location, nature, and character of which are more fully shown and described by certain exhibits which accompanied said application for license and which are designated and described as follows:

Exhibits J and K: Cited above.

Exhibit L: Plans, in 3 sheets, designated:
"Plan of Power House, Intake, and South
Channel Dam" (F.P.C. No. 15-14);
"Dam - Profile and Section" (F.P.C. No. 15-15);
"Power House Plan and Section through Power
House, Funstock, and Intake" (F.P.C. No. 15-16);

Exhibit M: Two typewritten sheets designated "Description
of Mechanical, Electrical, and Transmission
Equipment," signed Idaho Power Company by M. L.
Hibbard, Vice-President and General Manager.

D. All other structures, fixtures, equipment, or facilities used or useful in the maintenance and operation of the project, whether owned by the Licensee or by the United States, and located upon the project area, including such portable property as may be used and useful in connection with the project or any part thereof, whether located on or off the project area, if and to the extent that the inclusion of such property as a part of the project works is approved or acquiesced in by the Commission; also all other rights, easements, or interests, including said riparian rights, the ownership, use, occupancy or possession of which is necessary or appropriate in the maintenance and operation of the project or appurtenant to the project area.

Article 3. The maps, plans, specifications, and statements designated and described in Article 2 hereof as Exhibits **J, K, L, and M,** respectively, and approved ~~by the Executive Secretary for the Commission~~ in **the Commission's** accordance with ~~its~~ authorization of **December 22, 1933**, are hereby made a part of this license, and no substantial change shall hereafter be made in said exhibits, or any of them, until such change shall have been approved by the Commission: Provided, however, that if the Licensee deems it necessary or desirable that said approved maps, plans, specifications and statements, or any of them, be changed there shall be submitted to the Commission for approval amended, supplemental, or additional maps, plans, specifications and statements covering the proposed changes, and upon approval by the Commission of such proposed changes such amended, supplemental or additional maps, plans, specifications and statements shall become a part of this license and shall supersede, in whole or in part, such map, plan, specification, or statement, or part thereof, theretofore made a part of this license as may be specified, respectively, in the order or endorsement of approval.

Article 4. Said project works shall be constructed in substantial conformity with the approved maps, plans and specifications thereof made a part of this license and designated and described in Articles 2 and 3 hereof or as changed in accordance with the provisions of said Article 3. Except when emergency shall require for the protection of navigation, life, health, or property, no substantial alteration or addition not in conformity with the approved plans shall be made to any dam or other project works constructed under this license without the prior approval of the Commission; and any emergency alteration or addition so made shall thereafter be subject to such modification and change as the Commission shall direct. Minor changes in or divergence from such approved maps, plans, and specifications may be made in the course of construction, if such changes will not result in decrease in efficiency, in material increase in cost, or in impairment of the general scheme of development; but any 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 5. The work of construction under this license, whether or not conducted upon lands of the United States, shall be subject to the inspection and approval of the **District Engineer, U. S. Geological Survey, Boise, Idaho** 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 notify such representative of the date upon which work will begin, and as far in advance thereof as said representative may reasonably specify, and shall notify him promptly in writing of any suspension of construction for a period of more than one week, and of its resumption and completion.

Article 6. Subject to the provisions of Section 13 of the Act, the Licensee shall begin the construction of **the project works on or before May 1, 1935, and shall thereafter in good faith and with due diligence prosecute such construction; and shall on or before November 30, 1937, complete the initial installation with dam crest to elevation 3,507 feet above sea level, and shall complete the dam to a crest elevation of 3,550 feet at such time as the Commission may direct.**

Article 7. Upon the completion of the project works, or at such other time as the Commission may direct, the Licensee shall submit to the Commission for approval revised maps, plans, specifications, and statements, in so far as necessary to show any divergence from or variations in the project area as finally located or in the project works as constructed when compared with the area shown and the works designated or described in this license or in the maps, plans, specifications, and statements approved by the Commission under the provisions of Article 3 hereof, together with a statement in writing setting forth the reasons which in the opinion of the Licensee necessitated or justified variations in or divergence from the approved maps, plans, specifications, and statements. Such revised maps, plans, specifications, and statements shall, if and when approved by the Commission, be made a part of this license and shall, to the extent and in the particulars set forth in the order or endorsement of approval, be substituted for the maps, plans, specifications and statements theretofore approved by the Commission under the provisions of Article 3 hereof. The maps finally approved by the Commission and made a part of this license under the provisions of Article 3 and/or 7 hereof shall show the project area to an adequate scale and the boundary thereof either by legal subdivisions, by metes and bounds survey, or by uniform offsets from center-line survey. Said project area shall include all lands without respect to ownership and whether or not the exact boundaries can be definitely fixed and determined, the use and occupancy of which are or will be valuable or serviceable in the maintenance and operation of the project; on which are located or to which are appurtenant the project works (other than portable property) and the rights, easements, or interests likewise valuable and serviceable; and the ownership or possession, or the right of use and occupancy, of which are subject to acquisition by the United States under the provisions of Section 14 of the Act. Said maps shall show the ownership of each parcel of land in said project area, and with respect to each parcel to which the Licensee has not the fee title, the character of the right of use and occupancy possessed by the Licensee together with the term of such right.

Article 8. For the purpose of determining the stage and flow of the stream or streams from which water is to be diverted for the operation of said project works and of the amount of water held in and drawn from storage, the Licensee shall **install a substantial staff gage in the pool, and a standard gaging station equipped with a recording gage below the plant, and**

shall provide for the required readings of such gages and for the adequate rating of said station or stations. The Licensee shall also install and maintain standard meters adequate for the determination of the amount of electric energy generated by said project works. The number, character, and location of gages, meters or other measuring devices, and the method of operation thereof may be altered from time to time if necessary to secure adequate determinations, but such alteration shall not be made except with the approval of the Commission or its authorized representative or upon the specific direction of the Commission. The installation of gages, the ratings of said stream or streams, and the determination of the flow thereof, shall be under the supervision of ~~the District Engineer of the U. S. Geological Survey~~ ^{or in cooperation with} having charge of stream gaging operations in the region of said project, and the Licensee shall ~~reimburse the said United States Geological Survey for costs incurred in such supervision or for such periods as may be mutually agreed upon.~~ ^{advance the amounts estimated to be necessary for} The Licensee shall keep accurate and sufficient record of the foregoing determinations to the satisfaction of the Commission, shall make return of such records annually, at such time and in such form as the Commission may prescribe.

Article 9. The Licensee shall be liable for all damages occasioned to the property of others by the construction, maintenance or operation of said project works, or of the works appurtenant or accessory thereto, and in no event shall the United States be liable therefor.

Article 10. The Licensee shall be liable for injury to, or destruction of, any buildings, bridges, roads, trails, lands, or other property of the United States, occasioned by the construction, maintenance, or operation of the project works or of the works appurtenant or accessory thereto constructed under the license. Arrangements to meet such liability, either by compensation for such injury or destruction, reconstruction or repair of damaged property, or otherwise, shall be made with the appropriate department or agency of the United States.

Article 11. Timber upon lands of the United States, to be used or destroyed in the construction of the project works, shall be paid for in accordance with the requirements and estimates of the Department concerned.

Article 12. In the construction and maintenance of the project works herein specified, the Licensee shall place and maintain suitable structures 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 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 and obstructing traffic and endangering life on highways, streets, or railroads.

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 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 downstream 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 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 purpose upon the execution of the license.

See attached resolution

Article 15. The Licensee shall, before placing any transmission line into operation, make provision satisfactory to the Commission for avoiding inductive interference between such transmission line and any existing telephone line or lines of the United States, or with any such line or lines for which location has been made and specifications prepared but upon which construction has not begun at the time of erection of said transmission line. Such provisions may be applied either to the transmission line or to the telephone line or to both, as may be determined upon the basis of least cost. The Licensee hereby agrees to assent to such changes in the location or design of any of its transmission lines as may in the opinion of the Commission be necessary or desirable in order to avoid inductive interference with any telephone line or lines of the United States hereafter constructed or proposed to be constructed, provided such changes are made at the expense of the United States.

Article 16. The Licensee shall clear the bottoms and margins of all reservoirs up to high-water level, shall clear and keep clear to an adequate width lands of the United States along open conduits and along transmission lines, and shall dispose to the satisfaction of said representative of the Commission of all temporary structures, brush, refuse, or unused timber on lands of the United States resulting from the clearing of lands or from the construction and maintenance of said project works.

Article 17. The Licensee shall allow officers and employees of the United States free and unrestricted access in, through and across the said project and project works in the performance of their official duties.

Article 18. The operation of any navigation facilities which may be constructed as a part of or in connection with any dam or diversion structure built under the provisions of this license shall at all times be controlled by such reasonable rules and regulations in the interest of navigation, including the 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 War. Such rules and regulations may include the maintenance and operation by the Licensee at its own expense of such lights and signals as may be directed by the Secretary of War, and such fishways as may be prescribed by the Secretary of Commerce.

Article ~~19~~. The United States specifically retains and safeguards the right to use water in such amount, to be determined by the Secretary of War, as may be necessary for the purposes of navigation and the operations of the Licensee so far as they affect the use, storage, and discharge from storage of waters affected by this license, shall at all times be controlled by such reasonable rules and regulations as the Secretary of War may prescribe in the interests of navigation and as the Federal Power Commission may prescribe in the interests of flood control and of the fullest practicable use of said waters for power purposes.

Article ~~20~~. Whenever the United States shall desire to construct, complete, or improve navigation facilities in connection with said project, the Licensee shall convey to the United States free of cost, such of its lands and its rights of way, and such right of passage through its dam or other structures and permit such control of pools as may be required to complete such navigation facilities.

Article ~~21~~. The Licensee shall construct and install such appliances as are necessary for furnishing power for the operation of navigation facilities, including lights and signals, whether constructed by the Licensee or by the United States; and shall furnish free of cost to the United States power for the operation of such navigation facilities.

Article ~~22~~ 23. Upon the completion of the construction of said project or of each of the separable parts thereof for which dates of completion are specified in Article 6 hereof, or of any addition to or betterment of said project, the Licensee shall file with the Commission a statement under oath in duplicate showing the actual legitimate cost of construction thereof and the price paid for water rights, lands, or interest in lands appurtenant to such construction as required by Regulation 20, Section 2, of said rules and regulations of the Commission. Any such statement shall include all proper and legitimate costs, whether incurred prior to issuance of license or on and after such date; and the Licensee shall, if requested by the Commission, show separately on any such statement, or on a special report or reports, the items and amounts of cost incurred prior to date of issuance of license, with such other details as the Commission may require. Each and every item of cost included in any such statement shall be supported by proper voucher or other evidence; and any such voucher or evidence or certified copy thereof, in support of any item properly includible in said cost shall become a part of the permanent records of said project and shall be kept and retained by the Licensee in the manner required by the Commission. Any statement or report submitted to the Commission under the provisions of this article shall be subject to the provisions of Section 6 of said Regulation 20.

Article ~~23~~ 24. 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 such reservoir or other improvement for such part of the annual charges for interest, maintenance and depreciation thereon as the Commission may deem equitable. The proportion of such charges to be paid by the Licensee shall be determined from time to time by the Commission. Whenever such reservoir or other improvement is constructed by the United States the Licensee shall pay similar charges into the Treasury of the United States upon bills rendered by the Commission.

Article ~~24~~ 25. The Licensee shall pay to the United States reasonable annual charges for the purpose of reimbursing the United States for the costs of the administration of the Act and for recompensing it for the use, occupancy and enjoyment of its lands or other property hereinbefore described. The payment by the Licensee of such annual charges for any calendar year shall be made to the United States at the end of the year, or within thirty days thereafter, upon bills rendered or approved by the Commission. Such charges shall be determined in accordance with the provisions of Regulation 14 of said rules and regulations of the Commission, and for the purposes of such determination ~~the power capacity of the project shall, subject to the provisions of section 3 of said regulation 14, be taken as 7,670 horsepower.~~

Article 25 After the first twenty years of operation of said project under this license, out of surplus earned thereafter, if any, accumulated in excess of a specified reasonable rate of return upon the actual, legitimate investment of the Licensee in said project, all as defined in and determined by the provisions of regulation 17 of said rules and regulations of the Commission, the Licensee shall establish and maintain amortization reserves, which reserves shall, in the discretion of the Commission, be held until the termination of the license or be applied from time to time in reduction of the net investment. Such specified rate of return shall, subject to the proviso of paragraph A, section 3 of said regulation, be one and one-half ($1\frac{1}{2}$) times the weighted average annual interest rate payable on the par value of the bona fide interest-bearing debt of the Licensee actually outstanding, in whole or in part, on account of project property at the beginning of the period of amortization and of each calendar year thereafter; such weighted average annual interest rate being determined as provided in paragraphs B and C of section 3 of said regulation 17: Provided, That, if at the beginning of the period of amortization or of any calendar year thereafter, the outstanding interest-bearing debt of the Licensee on account of the project or projects under license, together with any other works or property operated in connection therewith, is less than 25 per cent of the actual, legitimate investment of the Licensee in said project or projects, then and in such event for the calendar year next following the specified rate of return shall be two (2) times the legal rate of interest in the State in which the project or major part thereof is located.

Subject to the provisions of section 6 of said regulation, the following proportions of such surplus earnings shall be paid into and held in such amortization reserves: Of all surplus earnings up to and including 2 per cent upon the actual, legitimate investment, 30 per cent thereof shall be so paid; of all surplus earnings in excess of 2 per cent and not in excess of 4 per cent upon such investment, 50 per cent thereof shall be so paid; of all surplus earnings in excess of 4 per cent and not in excess of 6 per cent, 70 per cent thereof shall be so paid, and of all surplus earnings in excess of 6 per cent, 90 per cent thereof shall be so paid: Provided, That if at the end of any calendar year of the amortization period the Commission shall find that the accumulated earnings of the Licensee during the period of operation, including the first twenty (20) years thereof, have not yielded a fair return upon the actual, legitimate investment in the project or projects under license, the proportion of such surplus earnings for such calendar year and for succeeding calendar years to be paid into such amortization reserves shall be ten (10) per cent thereof until such time as the accumulated earnings of the Licensee represent, in the judgment of the Commission, a fair return upon such investment for such period of operation.

Article 26 No lease of said project or part thereof whereby the lessee is granted the exclusive occupancy, possession, or use of project works for purposes of generating, transmitting, or distributing power shall be made without the prior written approval of the Commission; and the Commission may, if in its judgment the situation warrants, require that all the conditions of this license, of the Act, and of said rules and regulations of the

Commission shall be applicable to such lease and to such property so leased to the same extent as if the lessee were the Licensee hereunder: Provided, That the provisions of this article shall not apply to parts of the project or project works which may be used by another jointly with the Licensee under a contract or agreement whereby the Licensee retains the occupancy, possession, and control of the property so used and receives adequate consideration for such joint use, or to leases of land while not required for purposes of generating, transmitting, or distributing power, or to buildings or other property not built or used for said purposes, or to minor parts of the project or project works the leasing of which will not interfere with the usefulness or efficient operation of the project by the Licensee for said purposes.

Article **27**. It is hereby understood and agreed that the Licensee, its ~~(his)~~ successors and assigns will, during the period of this license, retain the possession of all project property covered by this license as issued or as hereafter amended, including the project area, the project works, and all franchises, easements, water rights, and rights of occupancy and use; and that none of such properties valuable and serviceable to the project and to the development, transmission, and distribution of power therefrom will be voluntarily sold, transferred, abandoned, or otherwise disposed of without the approval of the Commission: Provided, That a mortgage or trust deed or judicial sales made thereunder, or tax sales, shall not be deemed voluntary transfers within the meaning of this article. The Licensee further agrees, on behalf of itself ~~(himself)~~, its ~~(his)~~ successors and assigns, that, in the event said project is taken over by the United States upon the termination of this license, as provided in Section 14 of the Act, or is transferred to a new Licensee under the provisions of Section 15 of the Act, it ~~(he)~~ will be responsible for and will make good any defect of title to or of right of user in any such project property which is necessary or appropriate or valuable and serviceable in the maintenance and operation of the project, and will pay and discharge or will assume responsibility for payment and discharge of all liens or incumbrances upon said project or project property created by said Licensee or created or incurred after the issuance of this license: Provided, That 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, or 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 or right of user in any such project property than was necessary to acquire for its ~~(his)~~ own purposes as Licensee.

Article **28**. The Licensee shall abide by such reasonable regulation of the services to be rendered to customers or consumers of power, and of rates and charges of payment therefor, as may from time to time be prescribed by any duly constituted agency of the State in which the service is

rendered or the rate charged; and in case of the development, transmission, distribution, sale or use of power in public service by the Licensee or by its customers engaged in public service within a State which has not authorized and empowered a commission or other agency or agencies within said State to regulate and control the services to be rendered by the Licensee or by its customers engaged in public service, or the rates and charges of payment therefor, or the amount or character of securities to be issued by any of said parties, it is agreed as a condition of this license that jurisdiction is hereby conferred upon the Commission, upon complaint of any person aggrieved or upon its own initiative, to exercise such regulation and control until such time as the State shall have provided a commission or other authority for such regulation and control: Provided, That the jurisdiction of the Commission shall cease and determine as to each specific matter of regulation and control prescribed in this Article as soon as the State shall have provided a commission or other authority for the regulation and control of that specific matter.

Article 29 . With the written consent of the Licensee, the Commission may by order made under its seal, and after the public notice required by Section 6 of the Act, modify, alter, enlarge or omit, in so far as authorized by law, any one or more of the conditions or provisions of this license.

Article 30 . The enumeration herein of any rights reserved to the United States or to any State or municipality under the Act, or of any requirement of the Act or of said rules and regulations of the Commission shall not be construed in any degree as impairing any other rights so reserved by the Act or as limiting the force of any other requirement of said Act or of said regulations.

IN WITNESS WHEREOF, the Federal Power Commission has caused its name and seal to be hereto signed and affixed by its Frank R. McNinch, its Chairman, this 11th day of June, 1934, pursuant to an order of the Commission issued December 22, 1933, and amended April 24, 1934.

FEDERAL POWER COMMISSION

By Frank R. McNinch

Chas. Egan.

Acting Secretary.

Attest:

Leola M. Ferguson
Acting Secretary.

IN TESTIMONY OF ACCEPTANCE of all the terms and conditions of the Federal water power act of June 10, 1920, and of the further conditions imposed in the foregoing license, the Licensee, this **12th** day of **May, 1934**, has caused its name and corporate seal to be here- to signed and affixed by **E. M. Robinson,** its **President,** pursuant to a resolution of its board of directors, passed on the **11th** day of **May, 1934**, a certified copy of the record thereof being hereto attached.

IDAHO POWER COMPANY

By *A. M. Robinson*
President.

Attest:

James W. Brown
Secretary.

U. S. GOVERNMENT PRINTING OFFICE

**FTR:EMH
1-11-34**

Executed in triplicate.

IDAHO POWER COMPANY
Minutes of Special Meeting
of Board of Directors
May 11, 1934.

A special meeting of the Board of Directors of the Idaho Power Company was held at the office of the Company in the Company's General Office Building at 1220 Idaho Street, Boise, Idaho, on Friday, May 11, 1934, at 10 o'clock A. M., pursuant to a call of the Vice President of the Company and a notice of the meeting duly given in writing more than five days prior to the date of the meeting.

* * * * *

The Chairman then announced that it was necessary to procure authority from the Federal Power Commission to construct, maintain and operate certain project works on Snake River at Twin Falls, in the vicinity of Jerome and Twin Falls, in the Counties of Jerome and Twin Falls, State of Idaho, and that the Federal Power Commission had submitted a proposed form of license. The said proposed license was then presented to the meeting and considered at length. Whereupon, it having been moved by Mr. Deway, seconded by Mr. Standrod, the following resolution was unanimously adopted:

"RESOLVED that all the terms and conditions of the Federal Water Power Act of June 10, 1920, and all the terms and conditions of the proposed Federal Power Commission license for Project No. 18, giving Idaho Power Company authority to construct, maintain and operate certain project works on Snake River at

Twin Falls, in the vicinity of Jerome and Twin Falls, in the Counties of Jerome and Twin Falls, State of Idaho, be, and the same hereby are, accepted, and the officers of the Company are hereby authorized and directed to execute the said license, thereby accepting, in writing, for and on behalf of the Company the terms and provisions of said act and license; and

"BE IT FURTHER RESOLVED that the officers of this Company are hereby authorized to execute and acknowledge a recordable contract or deed embodying the provisions, conditions and limitations set out in the stipulation and agreement contained in Article 14 of Federal Power Commission license for Project No. 18, Idaho, Idaho Power Company."

* * * * *

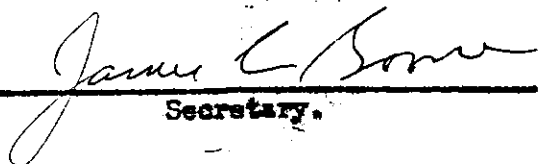
STATE OF IDAHO,)
)
COUNTY OF ADA.) ss.

I, James L. Boone, Secretary of the Idaho Power Company, hereby certify:

Attached hereto is a true and correct copy of a portion of the minutes of the special meeting of the Board of Directors of the Idaho Power Company held on the 11th day of May, 1934.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of said Company this 18th day of May, 1934.

(CORPORATE SEAL)


Secretary.

FILED 4/15
P.M.

MAR 9 1990

JOHN CASTIDA CLERK
BY *Heather Martinez* DEPUTY

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

* * * * *

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

* * * * *

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

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

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

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

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.

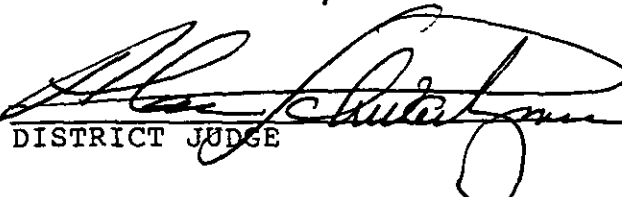
18 2. The above-captioned case is hereby dismissed
19 without prejudice as to all remaining defendants other than the
20 State Defendants.

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, 1980


DISTRICT JUDGE

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Idaho Power Company

Project No. 18-041
Idaho

02-2052

ORDER APPROVING RECREATION PLAN AMENDMENT
(Issued November 14, 1995)

On August 16, 1995, Idaho Power Company, licensee for the Twin Falls Project, FERC No. 18, filed a request to amend the project's approved recreation plan. The licensee proposes to modify the facilities approved by article 409 of the project license and requests to change the cost and implementation schedules for these facilities.¹

The Proposal

Specifically, the licensee proposes to improve the scenic viewpoint, provide additional curbing and parking spaces throughout the park area, relocate the group picnic shelter to the park area to be provided near the old operator's village, enhance the boat launch area, and update park information signs. Improvements to the scenic viewpoint include expanding the site, paving the walkway, adding fencing, benches, and information signs, and implementing slope stabilization methods. The picnic shelter will be relocated to avoid wetland areas near the previously approved site. Boat launch enhancements will involve adding picnic tables, replacing the gangway, and enlarging the parking area. Further, the licensee states improvements to the scenic viewpoint, curbing, and all parking areas will meet the specifications of the Americans With Disabilities Act of 1990 (ADA).

Because of unanticipated delays in constructing the project powerhouse, the licensee's August 16 filing also requests that the date for completing the recreational facilities be modified in accordance with the powerhouse delays. The licensee's proposal states implementation of the approved recreation plan and subsequent amendments will begin after completion of the project powerhouse. As such, implementation is anticipated to begin in 1995 with all recreational facilities complete by July 1996.

Agency Consultation and Comment

The licensee consulted with the Idaho Department of Parks and Recreation (IDPR), Bureau of Land Management (BLM), National Park Service (NPS), and Twin Falls County Parks and Recreation

¹ 54 FERC ¶ 62,034 (1991).

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Advisory Commission (County) on the proposed amendments. IDPR and the County filed responses in support of the proposed amendments. BLM and NPS also supported the changes. BLM, however, expressed interest in the licensee conducting ten-year cyclical reviews of the recreation plan to better incorporate regional interests in the recreational facilities the licensee provides. Further, NPS expressed interest for the licensee to improve the aesthetic resources of the site by incorporating native landscape vegetation when implementing the amendment features.

By letter dated April 21, 1995, the licensee responded to BLM's comment for a ten-year review by stating that "the establishment of a specific ten-year cycle for recreation plan review may not mesh with other planning efforts in the area." As an option to the 10-year review, the licensee's response proposed to continue to evaluate, in cooperation with other agencies, the adequacy of the project's facilities as needs arise. The licensee also responded to NPS in a letter dated April 21, 1995. In the NPS response, the licensee agreed to use drought-resistant, native landscape materials, where feasible, when implementing the recreation plan and any approved amendments.

Pursuant to the National Historic Preservation Act, Commission staff determined the licensee's amendment proposal would not affect cultural resources at the project. On October 13, 1995, the Director, Division of Project Compliance and Administration, requested concurrence on this determination from the Idaho State Historic Preservation Officer (SHPO) within 15 days. As of the date of this order, no response has been received from SHPO.

Discussion

The changes proposed by the licensee are minor, yet will improve the quality of the recreational experience at the Twin Falls Project. By incorporating native vegetation into the implementation of the project's recreational facilities, the aesthetic resources of the site will be enhanced. Further, incorporation of appropriate ADA guidelines will assist in ensuring that appropriate access is provided to persons with disabilities.

Commission staff does not consider it necessary for the licensee to implement a ten-year review of the project's recreational facilities. Pursuant to section 8.11 of the Commission's regulations the licensee is required to file FERC Form No. 80 every sixth year during the term of the license. This form requires the licensee to monitor recreational use at the project and designate the number and types of facilities provided. As such, FERC Form No. 80 is considered appropriate for obtaining periodic reviews of the project's recreational

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Department of Water Resources

facilities and their use. The licensee's revised date for completing the recreational facilities, July 31, 1996, is also considered appropriate given the delay in completing powerhouse construction. The request to amend the project's recreation plan should therefore be approved and the deadline for filing the recreation as-built drawings, after completion, should be extended.

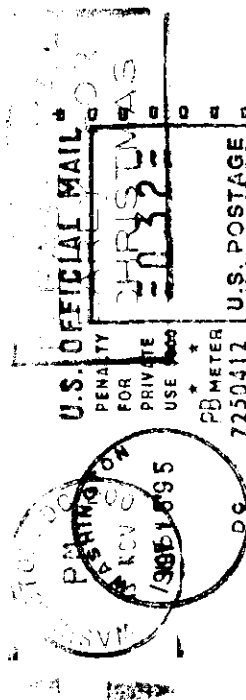
The Director orders:

(A) The request to amend the recreation plan issued on August 16, 1995, is approved and made part of this order. Construction of the approved recreational facilities and all amendments discussed in this order shall be completed by July 31, 1996.

(B) Pursuant to the above approval, the licensee shall file as-built drawings of the project's recreational facilities within 90 days of completing construction of the approved facilities, or by October 31, 1996. The drawings should be of an appropriate scale to show site details and should include an overall site plan which shows the facilities in relation to the project powerhouse and/or dam. This requirement revises the previous as-built drawing due date of April 17, 1996, granted in the Order Approving Extension of Time issued on April 29, 1993.

(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 CFR § 385.713.

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



FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426
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OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

101465
P-18
PHILLIP J. RASSIER ESQUIRE RESOURCES
IDAHO DEPARTMENT OF WATER
1301 NORTH ORCHARD STREET
BOISE, ID 83706-2237

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Idaho Power Company

Project No. 18-043
Idaho

ORDER AMENDING LICENSE, APPROVING AS-BUILT EXHIBITS,
AND REVISING ANNUAL CHARGES
(Issued January 24, 1996)

Idaho Power Company (IPC), licensee for the Twin Falls Project, FERC No. 18, filed as-built exhibits A, F, and G on October 24, 1995, and supplemented the filing on January 16, 1996. The licensee filed the exhibits in accordance with article 302 of the license.¹ The exhibits show the constructed configuration of the Twin Falls Project.

Background

On January 18, 1991, the Commission issued a new license to IPC for the redevelopment and continued operation and maintenance of the Twin Falls Project. The project is located on the Snake River in Jerome and Twin Falls Counties, Idaho. At the time the Commission issued the new license, the project consisted of the Twin Falls Dam and Reservoir, a gated intake structure at the dam, a steel-lined penstock, a concrete powerhouse, and a 1-mile-long transmission line. The powerhouse contained a turbine with a maximum capacity of 9,975 kW and a generator with a continuous-load capacity of approximately 8,437 kW.

The license authorized IPC to construct a second hydropower development at the Twin Falls Dam. The second development would consist of a new intake structure, tunnel, penstock, and powerhouse. The license authorized the second powerhouse to contain a turbine with a maximum capacity of 44,445 kW and a generator with a continuous-load capacity of 43,700 kW.

A breakdown of the licensed capacities for the turbines and generators in the two powerhouses is as follows:

Licensed Capacities

Powerhouse	Turbine Capacity (kW)	Generator Capacity (kW)
Original	9,975	8,437
New	44,445	43,700
Total	54,420	52,137

¹ 54 FERC ¶62,034, issued January 18, 1991.

-2-

The project's installed capacity from the license was the sum of the generator capacities from both powerhouses: 52,137 kW.

Review of As-Built Exhibits

The as-built exhibits show insignificant changes to the dimensions of the project features authorized in the license. Also, the as-built exhibits indicate changes to the capacities of the project's turbines and generators. The as-built exhibit A lists the capacities for the project's two turbines at best gate and maximum output under the manufacturer's rated head, and the continuous-load capacities for the project's two generators.² A breakdown of the as-built turbine and generator capacities for the units in the two powerhouses is as follows:

As-Built Capacities

Powerhouse	Turbine Capacity (kW)		Generator Capacity (kW)	Limiting Capacity (kW)
	Best Gate	Maximum Output		
Original	8,500	9,975	8,437	(G) 8,437
New	33,780	44,300	44,460	(T) 33,780
Total	42,280	54,275	52,897	42,217

The Commission's Order No. 576³ states the project's authorized installed capacity is based on "...the lesser of the ratings of the generator or turbine units." The generator rating is "...the continuous-load capacity rating of the generator." The turbine rating is "...the product of the turbine's capacity in horsepower (hp) at best gate (maximum efficiency point) opening under the manufacturer's rated head times a conversion factor of 0.75 kW/hp."

Accordingly, the authorized installed capacity of the Twin Falls Project for annual charge purposes is sum of the lesser of the ratings for the best gate turbine capacities and the continuous-load generator capacities of each unit. The last column of the "As-Built Capacities" table shows the capacities of

² The exhibit A filed on January 16, 1996, includes results from efficiency tests that verify the turbine capacities at best gate efficiencies under the manufacturers' rated heads.

³ 18 C.F.R. §11.1(i), promulgated in Charges and Fees for Hydroelectric Projects, 60 Fed. Reg. 15040 (March 15, 1995), III FERC Stats. & Regs. Preambles ¶ 31,016 (March 22, 1995).

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the project's units as limited by either the turbine (T) or generator (G). The continuous-load generator capacity for the unit in the original powerhouse (8,437 kW) and the best gate turbine capacity for the unit in the new powerhouse (33,780 kW) are the limiting factors for calculating the project's installed capacity. The project's installed capacity is 42,217 kW.

Summary of Findings

This order approves the as-built exhibits and revises the project's authorized generating capacity from 52,137 kW to 42,217 kW. Approving the exhibits and amending the license does not materially affect the Commission's determination that the Twin Falls Project is best adapted to the comprehensive development of the waterway. Also, amending the license according to the authorized capacity of 42,217 kW does not preclude the licensee from operating its generating units at outputs higher than the authorized capacity.

This order will revise article 201 of the license to assess annual charges based on the project's authorized installed capacity of 42,217 kW. The licensee shall pay annual charges on the revised capacity effective the first day of the month in which this order is issued.

This order will also require the licensee, within 90 days from the date of this order, to submit aperture cards of the approved exhibits and photographs showing the nameplates on the project's turbines and generators. The turbine nameplates must show the ratings at the efficiencies at best gate openings under the manufacturer's rated heads. The generator nameplates must show each unit's continuous-load capacity.

The Director orders:

(A) The license for the Twin Falls Project, FERC No. 18, is amended as described below effective the issuance date of this order.

(B) The following exhibits filed on October 24, 1995, and supplemented on January 16, 1996, are approved and made part of the license:

Exhibit A: The submittal entitled: "Twin Falls Project No. 18 - Exhibit A - Project Description." This filing supersedes the exhibit A documents approved in the April 29, 1993 Order Amending License and Revising Annual Charges and June 28, 1993 Order Amending License and Approving Revised Exhibits.⁴

⁴ 63 FERC ¶62,100 and 63 FERC ¶62,341, respectively.

EXHIBIT	FERC NO.	TITLE	SUPERSEDED/ DELETED
F-1	18-54	General Plan	18-50
F-2	18-55	New Project Plan and Sections	18-51
F-3	18-56	New Project Profile	18-52
F-4	18-57	New Powerhouse Plan and Sections	18-47
F-5	18-58	Existing Dam Sections	18-48
F-6	18-59	Existing Intake and Powerhouse	18-49
G-1	18-60	Project Map	18-53

(C) The Project Description in ordering paragraph (B)(2) of the license is revised, in part, to read:

(2) Project works consisting of: ... (e) a 40-foot-long, 37-foot-wide concrete powerhouse at the base of south falls containing a vertical-shaft Francis turbine, with a capacity of 8,500 kW at best gate opening under the manufacturer's rated head of 142 feet, and driving a generator with a continuous-load capacity of 8,437 kW; ... (h) a 17-foot-diameter water conductor system consisting of a 116-foot-long inclined shaft, a 34-foot-long horizontal tunnel, and a 120-foot-long horizontal steel penstock encased in concrete; (i) a 79-foot-long, 61.5-foot-wide concrete powerhouse containing a vertical-shaft Kaplan turbine with a capacity of 33,780 kW at best gate opening under the manufacturer's rated head of 141.6 feet, and driving a generator with a continuous-load capacity of 44,460 kW;...

(D) Article 201 of the license is revised to read as follows:

Article 201. The licensee shall pay the United States the following annual charges:

a. Effective the first day of the month in which this order is issued, for the purpose of reimbursing the United States for the Commission's costs, pursuant to the Omnibus Budget Reconciliation Act of 1986, a reasonable amount as determined in accordance with the provisions of the Commission's regulations in effect from time to time. The authorized installed capacity for that purpose is 42,217 kW.

Under the regulations currently in effect, projects with an authorized installed capacity of less than or equal to 1.5 MW will not be assessed an annual charge.

b. Effective the first day of the month in which the Commission issued the license, for the purpose of recompensing the United States for the use, occupancy, and enjoyment of 74.7 acres of its lands other than for transmission line right-of-way, a reasonable amount as determined by the Commission in accordance with its regulations, in effect from time to time.

c. Effective the first day of the month in which the Commission issued the license, for the purpose of recompensing the United States for the use, occupancy, and enjoyment of 18.4 acres of its lands for transmission line right-of-way, a reasonable amount as determined by the Commission in accordance with its regulations, in effect from time to time.

(E) Within 90 days from the issuance date of this order, the licensee shall file with the Commission an original and eight copies of photographs showing nameplates affixed to the project's turbines and generators. The turbine nameplates must show the rating of each unit at the efficiency at best gate opening under the manufacturer's rated head. The generator nameplates must show each unit's continuous-load capacity. The licensee shall also send a courtesy copy of the photographs to the Commission's Portland Regional Office.

(F) Within 90 days of the date of issuance of this order, the licensee shall file an original and three duplicate sets of aperture cards of the approved drawings. The original should be reproduced on silver or gelatin 35 mm microfilm. The duplicates are copies of the originals made on Diazo-type microfilm. All microfilm should be mounted on Type D (3 1/4" x 7 1/8") aperture cards.

Prior to microfilming, the FERC Drawing Number (18-54 through 18-60) shall be shown in the margin below the title block of the approved drawing. After mounting, the FERC Drawing Number should be typed in the upper right corner of each aperture card. Additionally, the Project Number, FERC exhibit (i.e., F-1 through F-6 and G-1), Drawing Title, and date of this order should be typed in the upper left corner of each aperture card. See Figure 1.

The original and one duplicate set of aperture cards, and one copy of form FERC-587, should be filed with the Secretary of the Commission. One duplicate set of aperture cards should be filed with the Commission's Portland Regional Office. The

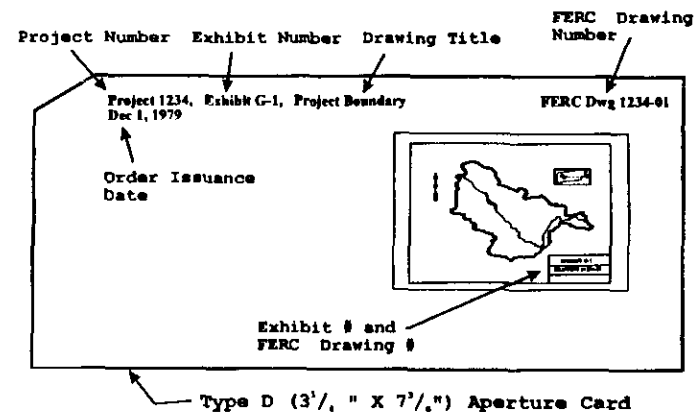


Figure 1. Sample Aperture Card Format

remaining duplicate set of aperture cards and a copy of form FERC-587 should be filed with the Bureau of Land Management's Idaho State Office at the following address:

State Director
Idaho State Office
Bureau of Land Management
Land Services Section (ID-943A)
Attn: FERC Withdrawal Recordation
3380 Americana Terrace
Boise, ID 83706-2500

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

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

LAND DESCRIPTION
Public Land States
(Rectangular Survey System Lands)

STATE _____ FERC PROJECT NO. _____

TOWNSHIP _____ RANGE _____ MERIDIAN _____

Check one:
☐ License
☐ Preliminary Permit

Check one:
☐ Pending
☐ Issued

If preliminary permit is issued, give expiration date _____

EXHIBIT SHEET NUMBERS OR LETTERS

Section	6	5	4	3	2	1
	7	8	9	10	11	12
	16	17	18	15	14	13
	19	20	21	22	23	24
	30	29	28	27	26	25
	31	32	33	34	35	36

contact's name telephone no. date submitted

This information is necessary for the Federal Energy Regulatory Commission to discharge its responsibilities under section 24 of the Federal Power Act.

(Rectangular Survey System Lands)

1. Identify the project boundary maps in the license or preliminary permit, or in the application for license, amendment of license, or preliminary permit.
2. Identify the townships of the public land surveys (or official protractors thereof if unsurveyed) located within the project boundary as shown on the maps.
3. Complete a land description form for each township identified, regardless of the ownership status of the lands. All entries should be typed. Only one project number should appear on each form.
4. Each project boundary map filed with an acceptable application for license is given a map number consisting of the project number followed by a hyphen and a sheet number assigned by the Federal Energy Regulatory Commission (FERC). If the FERC sheet numbers have been assigned, they must be used on the land description forms. In those cases where FERC has not assigned sheet numbers, assign letter designations A, B, C, etc., in lieu of FERC sheet numbers. Permittees and permit applicants must assign letter designations since FERC does not assign sheet numbers for permits. The sheet numbers or letters are to be entered in the appropriate place on the land description forms to provide references to the maps. For example, if sheets 38 and 44 show the project boundary in section 32 of a township, the numbers 38 and 44 would be inserted in the box on the land description form representing section 32. The completed land description form will identify the sections of the township affected by the project (both Federal and non-Federal lands) and provide references to the maps that show the project boundary in those sections.
5. Microfilm copies of the project boundary maps must be submitted with the land description forms. Each map must be reproduced on silver or gelatin 35 mm microfilm mounted on type D (3-1/4" x 7-3/8") aperture cards. The project number followed by a hyphen and the sheet number or letter must be typed on the front of each card in the upper right corner.
6. Mail a copy of the completed land description forms and aperture cards to:

Secretary
Federal Energy Regulatory Commission
Attn: FERC Withdrawal Recordation
DPCA, HL21.3
825 N. Capitol Street, NE
Washington, DC 20426

Another copy must be mailed to the Bureau of Land Management state office(s) involved.

7. Keep the land description forms and aperture cards up-to-date. If the project boundary changes, revised land description forms and aperture cards must be provided immediately. The revised land description forms must be fully completed so as to supersede (not supplement) earlier forms. Mail updates in accordance with Instruction 6.

If there are any questions, please contact the FERC at (202) 219-2680.

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Idaho Power Company

Project Nos. 18-036
Idaho

02-2056

ORDER MODIFYING AND APPROVING DISSOLVED OXYGEN AND
WATER TEMPERATURE MONITORING PLAN

(Issued July 3, 1995)

The Idaho Power Company (licensee) filed, on February 6, 1995, a dissolved oxygen (DO) and water temperature monitoring plan under article 404 of the license for the Twin Falls Project (FERC No. 18).

Article 404 requires the licensee, after consultation with the Idaho Department of Fish and Game (IDFG), the Idaho Department of Health and Welfare (IDHW), and the U.S. Environmental Protection Agency (EPA), to develop and implement a plan to monitor water temperature and DO concentration in the river immediately downstream of the tailrace. The plan must be filed for Commission approval at least 90 days prior to commencing commercial operation of the new powerhouse. The filing must include documentation of agency consultation and any agency comments or recommendations. Upon Commission approval the licensee must implement the plan.

The plan must include continuous (hourly) monitoring of DO concentration and water temperature in the river immediately downstream of the tailrace from June 15 to October 15. Violations of the state water quality standard for DO concentrations¹ must be reported to EPA, IDHW, and IDFG within 24 hours. The plan must include specific response measures in the event standards are not met, including, but not limited to, an air injection system at the powerhouse to maintain 6 milligrams per liter (mg/L) of DO in the river immediately downstream of the tailrace, or release of water over the falls rather than through the project turbines, and a schedule for constructing or implementing these measures. The licensee must not begin operation of the new powerhouse until the Commission approves the plan. The Commission reserves the right to require changes to the plan. Within 60 days of completion of construction of an air injection system, the licensee must file as built drawings.

¹ The state standards require a summarization of 10-minute instantaneous measurements that includes daily instantaneous minimum levels, 7-day mean minimums, and 30-day means. Dissolved oxygen levels must exceed 3.5 mg/L, 4.7 mg/L, and 6.0 mg/L, respectively, for these periods.

DC-A-2

2

Licensee's proposed monitoring plan

The licensee has been monitoring DO concentrations and water temperature in the penstock of the existing powerhouse, and immediately downstream at the U.S Geological Survey's (USGS) gage since 1989. Penstock readings have been taken on a 10-minute schedule and readings at the USGS gage on a biweekly schedule.

The licensee states DO concentrations and water temperature will be monitored continuously from June 15 through October 15 each year. Sensors will monitor water being drawn from each of the two penstocks when the associated unit is operating. The compliance monitor will be located immediately downstream of the project near the USGS gage. The monitor at the USGS gage will be used as the compliance point, with penstock monitors providing confirming data. Penstock monitors will also serve as backups to the compliance monitor at the USGS gage should equipment failure occur. In the event of compliance monitor failure, data from the penstocks will be used to estimate downstream conditions. Any estimated values, and method of calculation, will be noted as such on the summary report. All sensors will monitor temperature and DO concentrations on a 10-minute basis. The sensors will be connected to a data processor for recording and summarization. Readings taken at the USGS gage will be displayed at a publicly available location.

The licensee's data processing system will calculate 30-day mean values and 7-day mean minimums on a daily basis. The 30-day and 7-day mean DO concentrations will be calculated from instantaneous, 10-minute readings. The licensee states summary reports will be distributed to the Commission, EPA, IDHW, and IDFG at the end of each monitoring season. The reports will include daily minimum DO concentrations, and mean daily temperature for the river sensor.

Further, the licensee states that if a DO concentration less than 6.0 mg/L is detected at the USGS gage site, measurements from the penstock monitors will be used to verify the reading. If the penstock monitors confirm the reading, the plant operator will be notified. If the conditions are verified, the licensee will take action to begin to spill water over the natural falls within 30 minutes. The compliance monitor will be used to determine the level of spill required to restore acceptable DO conditions. Spill over the falls will continue until penstock monitors indicate that DO levels in water entering the penstocks have increased to levels greater than 6.0 mg/L. The licensee states other options such as air injection may be evaluated and implemented should conditions warrant.

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JUL 10 1995

Department of Water Resources

Agency Comments

By letters dated December 5, 1994, December 13, 1994, and January 19, 1995, the IDHW, IDFG, and the EPA, respectively, concurred with the licensee's plan and provided no further comments.

Discussion and Conclusions

The licensee's plan to monitor water temperature and DO concentrations downstream near the USGS gage should adequately monitor water temperature and DO concentration of project discharges. If this monitor should experience equipment failure, the licensee will have backup monitors in each of the two penstocks. Data from these penstock monitors would then be used to estimate downstream conditions. Thus, by having the backup monitors, the licensee will be able to continuously monitor DO concentrations and water temperature as required by article 404, even in the event that the main monitor malfunctions. The licensee will also be able to review data from all the monitors to check on the quality of the readings, ensuring that readings reflective of river conditions are being recorded.

The licensee's plan includes provisions for filing summary reports with the Commission, EPA, IDHW, and IDFG at the end of each monitoring season. However, the licensee made no provisions for reporting any deficiencies in maintaining state DO standards, as required by article 404. Therefore, the licensee should report any violations of the state DO standards to the EPA, IDHW, and the IDFG within 24 hours.

The licensee should also be required to report DO deficiencies to the Commission. Therefore, if the DO level, as measured by the approved monitoring system, falls below state standards, the licensee should file a report with the Commission within 30 days of the incident. The report should, to the extent possible, identify the cause, severity, and duration of the incident, and any observed or reported adverse environmental impacts resulting from the incident. The report should also include: 1) operational data necessary to determine compliance with article 404; 2) a description of any corrective measures implemented at the time of occurrence and the measures implemented or proposed to ensure that similar incidents do not recur; and 3) comments or correspondence, if any, received from the resource agencies regarding the incident. Based on the report and the Commission's evaluation of the incident, the Commission should reserve the right to require modifications to project facilities and operations to ensure future compliance.

The licensee's proposed monitoring plan, with the modifications described above, should be adequate to monitor DO concentrations and water temperature below the project and should, therefore, be approved.

The Director orders:

(A) The licensee's dissolved oxygen (DO) and water temperature monitoring plan for the Twin Falls Project (FERC No. 18), filed on February 6, 1995, as modified by paragraphs (B) and (C) below, is approved.

(B) The licensee shall report any deviations of the state DO standards to the U.S. Environmental Protection Agency, the Idaho Department of Health and Welfare, and the Idaho Department of Fish and Game within 24 hours.

(C) If the DO level, as measured by the approved monitoring system, falls below 6 milligrams per liter, the licensee shall file a report with the Commission within 30 days of the incident. The report shall, to the extent possible, identify the cause, severity, and duration of the incident, and any observed or reported adverse environmental impacts resulting from the incident. The report shall also include: 1) operational data necessary to determine compliance with article 404; 2) a description of any corrective measures implemented at the time of occurrence and the measures implemented or proposed to ensure that similar incidents do not recur; and 3) comments or correspondence, if any, received from the resource agencies regarding the incident. Based on the report and the Commission's evaluation of the incident, the Commission reserves the right to require modifications to project facilities and operations to ensure future compliance.

(D) Unless otherwise directed in this order, the licensee shall file an original and seven copies of any filing required by this order with:

The Secretary
Federal Energy Regulatory Commission
Mail Code: DPCA, HL-21.1
825 North Capitol Street, N.E.
Washington, D.C. 20426

In addition, the licensee shall serve copies of these filings on any entity specified in this order to be consulted on matters related to these filings. Proof of service on these entities shall accompany the filings with the Commission.

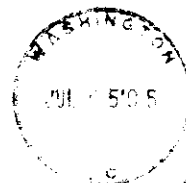
(E) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 CFR § 385.713.

A handwritten signature in dark ink, appearing to read "J. Mark Robinson", is positioned above the printed name and title.

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

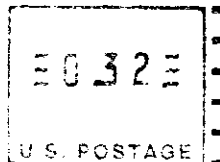
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WASHINGTON, D.C. 20426

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DAVID J. BARBER DEP. ATTY. GEN.
IDAHO DEPARTMENT OF WATER RESOURCES
1301 NORTH ORCHARD STREET
BOISE, ID 83706-2237

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Idaho Power Company

Project No. 18-042
Idaho

ORDER APPROVING REVISED REVEGETATION PLAN

(Issued September 26, 1995)

02-2056

On August 21, 1995, Idaho Power Company, licensee for the Twin Falls Project, filed a revised revegetation plan. The licensee seeks Commission approval to substitute the revised plan for its currently approved revegetation plan.

Background

Article 406 of the Order Issuing New License¹ dated January 18, 1991, required the licensee to file, for Commission approval, a plan to revegetate areas disturbed by project construction. Article 406 required (1) the exact location of staging areas and spoil disposal sites, (2) planned contours and depth of topsoil, (3) a description of how spoils would be compacted and contoured, (4) a description of plant species to be used, their source, and their potential value to wildlife, (5) planting densities, (6) fertilization and irrigation requirements, (7) provisions to control exotic species and damage from small mammals and deer, and (8) a monitoring program.

On December 21, 1992, the licensee filed a revegetation plan to satisfy the requirements of article 406. This plan was approved by a Commission order entitled Order Modifying and Approving Revegetation Plan, issued February 9, 1993.²

Revised Revegetation Plan

In general, the revised plan is similar to the licensee's currently approved revegetation plan except for the specific areas to be revegetated and proposed changes to revegetation monitoring. The revised plan updates the areas to be revegetated as a result of construction that occurred since the original plan was approved. Those project areas that were originally planned for disturbance, but on which no disturbance occurred, will be deleted from the plan. Those project areas that were disturbed and not previously included in the plan will be added to the plan.

¹ 54 FERC ¶62,034.

² 62 FERC ¶62,081.

For monitoring, the licensee will continue to use the 70-80 percent predisturbance cover requirement to determine if revegetation is successful. Also, the licensee has set interim revegetation goals of 35-40 percent preconstruction cover for year one, and 52-60 percent preconstruction cover for year three. Monitoring reports will be submitted for comment to the U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game prior to being filed with the Commission. The licensee's revised plan calls for monitoring reports to be filed with the Commission by November 30 every other year for 10 years. The currently approved plan calls for monitoring reports to be filed with the Commission every year for 5 years. The licensee's revised monitoring schedule is in response to agency comments. Monitoring reports will contain sampling locations, sampling dates, photo point documentation, percent cover, progress toward achieving goals, and management recommendations.

Consultation

The licensee solicited comments from the U.S. Fish and Wildlife Service, the Idaho Department of Fish and Game, and the Soil Conservation Service.³ Agency comment letters are listed below. All agency comments were incorporated into the plan.

AgencyDate of Letter

U.S. Fish and Wildlife Service.....July 28 and August 15, 1995
Idaho Department of Fish and Game..July 10 and August 10, 1995
Soil Conservation Service.....July 25, 1995

Discussion and Conclusion

The licensee's revised revegetation plan reflects those construction changes that occurred since the licensee's current plan was approved. The revised plan meets the requirements of article 406 and should be approved.

The Director orders:

(A) The licensee's revised revegetation plan filed August 21, 1995, is approved. The Commission reserves the right to require changes to the plan.

³ Consultation with the Soil Conservation Service is not required by article 406.

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

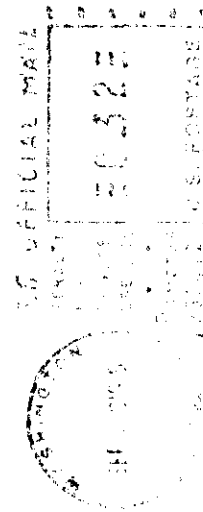
J. Mark Robinson
J. Mark Robinson
Director, Division
Compliance and Adm

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WASHINGTON, D.C. 20426

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PHILLIP J. RASSIER ESQUIRE
IDAHO DEPARTMENT OF WATER RESOURCES
1301 NORTH ORCHARD STREET
BOISE, ID 83706-2207

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Idaho Power Company

Project No. 18-009
Idaho

ORDER APPROVING HEAVY METAL, PESTICIDE,
AND TOXIC SUBSTANCE TESTING PLAN
(Issued June 9, 1993)

On November 25, 1992, Idaho Power Company (licensee) filed a proposed heavy metal, pesticide, and toxic substance testing plan, pursuant to article 402 of the license for the Twin Falls Project. Article 402 requires the licensee to file a plan to conduct tests for heavy metals, pesticides and toxic substances in any sediments and other unconsolidated deposits in the Snake River that would be removed or otherwise disturbed by dredging, constructing, or operating project facilities. Article 402 also requires the licensee to safely remove and dispose of any sediment and unconsolidated deposits containing heavy metals, pesticides or other toxic materials. Article 402 further requires the licensee to file the plan, for Commission approval, after the licensee has consulted with the Idaho Department of Fish and Game (IDFG), the Idaho Department of Health and Welfare (IDHW), the U.S. Fish and Wildlife Service (FWS), and the U.S. Environmental Protection Agency (EPA).

The licensee proposes to sample substrate from the depositional area upstream of the dam only, as other areas to be affected are composed of consolidated, boulder-sized material. The licensee will test the samples for eight trace elements and 13 organochlorine compounds. The trace elements are arsenic, chromium, copper, lead, mercury, nickel, selenium and zinc. The organochlorines are aldrin, chlordane, DDD, DDE, DDT, dieldrin, endosulfan, endrin, PCB, heptachlor epoxide, lindane, methoxychlor, and toxaphene. The sampling and testing will be accomplished prior to any land-disturbing activities.

The licensee proposes to do additional sampling, and plan for material disposal, if the sampling indicates that the presence of toxic substances is greater than the levels indicated in the plan. The licensee states that, if the sampling locates levels of toxic substances greater than those indicated in the plan, no land-disturbing activities will commence until IDFG, IDHW, EPA, and FWS are consulted, and a plan for handling contaminated material is approved by the Commission.

The licensee's plan meets the requirements of article 402, and contains comments from the required consulted agencies. The IDFG had no objection to the plan. The IDHW stated they required that the protocol include the Toxicity Characteristic Leaching Procedure (TCLP, method 1311), as well as the maximum

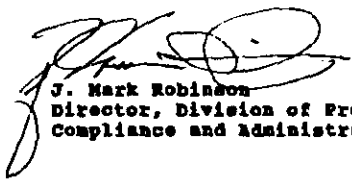
contamination standards identified in 40 CFR part 261. In their filing, the licensee agreed to this request. The FWS recommended an alternate criterion for arsenic, chromium, copper, selenium, and zinc levels. The licensee agreed to the change, and the new criteria are shown in Table 2 of the submitted plan. The EPA deferred to the comments of the IDHW and the FWS.

Implementing the licensee's proposed plan should ensure that the presence of any heavy metal, pesticide, and toxic substances is detected, and, if needed, properly handled and removed, thereby avoiding disturbance caused by dredging, constructing, or operating of project facilities. The changes proposed by the consulted agencies, as described above, improve the proposal. The licensee's plan for heavy metal, pesticide and toxic substance testing should therefore be approved.

The Director orders:

(A) The licensee's plan for heavy metal, pesticide and toxic substance testing, filed November 25, 1992, is approved.

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


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

DC-A-1

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JUN 14 1993

Department of Water Resources

**FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426**

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MAY 3 1993

Department of Water Resources



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P-18 101445
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IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
1301 NORTH ORCHARD STREET
BOISE, ID 83706-2237

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Idaho Power Company

Project No. 18-007

Idaho 602-2056

ORDER AMENDING LICENSE AND REVISING ANNUAL CHARGES

(Issued April 29, 1993)

On August 25, 1992, Idaho Power Company, licensee for the Twin Falls Project, FERC No. 18, filed an application for amendment of license. A supplement to the application was filed on January 13, 1993. The licensee requests the Commission's approval to: (1) relocate the new powerhouse; (2) increase the installed capacity of the new powerhouse from 42,000 kW to 43,700 kW; (3) amend the aesthetic flow requirements in article 410¹ to allow continued power generation during construction; (4) modify the visual plan specified in article 411; and (5) postpone the commencement and completion date for project construction.

Background

On January 18, 1991, the Commission issued a new license to Idaho Power Company for the redevelopment and continued operation and maintenance of the Twin Falls Project.² The project is located on the Snake River in Jerome and Twin Falls Counties, Idaho, partially on lands of the United States administered by the Bureau of Land Management (BLM). The order, among other things, authorized the construction of a new powerhouse with a 42-MW generating unit.

Discussion**1. Powerhouse Relocation**

The licensee proposes to relocate the new powerhouse to a more stable rock foundation approximately ninety feet from the proposed location indicated in the license application. This relocation would eliminate the need for the permanent exterior bridge crane and support structure, and allow use of an access road constructed by embankment fill. The powerhouse relocation is inside the project's boundary.

¹ On May 26, 1992, the Commission issued an order amending article 410, regarding the provision of aesthetic release flows over the falls (59 FERC ¶ 62,199).

² 54 FERC ¶ 62,034 (1991).

By letter dated February 17, 1993, the State Historic Preservation Officer (SHPO) determined that the new intake structure placement and construction of the powerhouse access road will affect the non-overflow dam and the historic rock retaining wall. Both structures are eligible for the National Register of Historic Places.

To mitigate for these effects the SHPO recommended that a Memorandum of Agreement (MOA) be developed that stipulates documentation of the structures in accordance with the Historic American Engineering Records (HAER) standards. Documenting the structures in accordance with the HAER standards will adequately mitigate for the projects effects on the historic resources. Therefore, the licensee will be required to document the non-overflow dam and the rock retaining wall prior to construction activities.

By letter dated February 18, 1993, the U.S. Fish and Wildlife Service (FWS), identified three endangered species and one candidate species that may be present in the project area. The endangered species are the bald eagle (*Haliaeetus leucocephalus*), the Snake River Physa snail (*Physa natricina*) and the Utah valvata snail (*Valvata utahensis*). The candidate species is the Pygmy rabbit (*Brachylagus idahoensis*).

The licensee completed a biological assessment that addresses potential impacts on the endangered species that may be present in the project area. The biological assessment concluded that the area which will be effected by project construction is not suitable habitat for the Snake River Physa snail and the Utah valvata snail. The licensee agreed to undertake a biological survey of the construction area, prior to construction, to ensure that the listed species are not in the project area.

By letter dated March 23, 1993, the FWS agreed with the biological assessment and concurred that the proposed project will not likely adversely affect the Snake River Physa snail and the Utah valvata snail. The FWS agreed that the biological survey should be done before construction to verify that the snails are not present. The Commission's staff concurs that a biological survey is necessary. Therefore, the licensee will be required to undertake a biological survey of the construction area, prior to construction, to ensure that the proposed project will not impact the listed species.

The new powerhouse will appear slightly more dominate in the proposed new location than in the present location because it will be moved further forward in the middleground view from the project park. However, eliminating the bridge crane and support structure and steel bridge should lead to a more simple, less intrusive structure than the existing design. In addition, the

access road has been designed to blend into the landscape by using irregular-sized natural rocks for fill, crushed rock surfacing material, and rock boulders for vehicle barriers. Given the tradeoffs described above, the licensee will be allowed to move the powerhouse to the proposed location.

2. Capacity Increase

The licensee indicates that due to the higher than expected efficiencies in the equipment purchased, the installed capacity of a generator-turbine unit at the new powerhouse will increase from 42,000 kW to 43,700 kW. The existing powerhouse's installed capacity, 8,400 kW, will not change. Thus, the project's total installed capacity will increase from 50,400 kW to 52,100 kW. The increase in the installed capacity does not change the project's hydraulic capacity, and project operation. The revised exhibit F drawings, and a revised exhibit A filed on August 25, 1992, and supplemented on January 13, 1993, conform to the Commission's rules and regulations.

This change in installed capacity for the Twin Falls Project will amend the annual charges effective the first day of the month in which the license was issued.

The increase in the installed capacity does not materially affect the Commission's determination that the Twin Falls Project is best adapted to a comprehensive plan for the waterway.

3. Aesthetic Flows

Article 410 of the license requires the licensee to maintain a minimum flow over the falls for aesthetic purposes. This requirement is for the term of the license, including the construction period. Additional design work has indicated that power generation will be feasible during the construction period. Therefore, the licensee proposes to continue the existing preconstruction aesthetic flow release program throughout the construction period.

While there would be some incremental visual impact over the currently prescribed license term, it would only occur during the 2-year construction period and would essentially perpetuate existing conditions. The benefits from continuing the existing preconstruction release program would be increased power production. Therefore, article 410 will be revised to allow the licensee to generate power during the construction period.

4. Visual Resource Plan

License article 411 stipulates that the existing chainlink fences at the project overlooks be replaced with a more aesthetic stone and wood rail system. In their most recent design work,

the licensee determined that a stone and wood rail system would not provide an adequate safety barrier without impeding the view.

By letter dated January 13, 1992, the BLM agreed that a stone and wood rail system would not meet the safety requirements desired. To ensure public safety a chainlink fence should be provided at the overlook. Therefore, the existing chainlink fences should be retained.

License article 411 also stipulates that the existing transmission tower be treated to reduce the adverse visual impact. By letter dated July 20, 1992, the Idaho Department of Parks and Recreation stated that tinting or painting the transmission tower would not minimize the visual impacts of the tower. The licensee concurred that the natural aging of the transmission tower surface would be preferable to painting or treating the tower.

Painting or other treatment would not necessarily increase the visual quality by minimizing the visual contrast of the tower in all four seasons. Therefore, the licensee will not be required to paint or treat the transmission tower.

5. Extension of Time

Article 301 of the license requires the licensee to commence and complete project construction by January 17, 1993, and January 17, 1995, respectively. The licensee requests a one-year extension of time to commence and complete construction. The reasons advanced by the licensee in support of the requested extension of time are reasonable and justify the extension.

Conclusion

Staff's independent environmental assessment (EA)³, copy attached, analyzes the effects of relocating the new powerhouse, amending the aesthetic flow requirements to allow continued power generation during construction, modifying the requirements for the visual resource plan, postponing the commencement and completion date for project construction, and slightly increasing the power capacity rating of the new units. Based on staff's review and evaluation, approval of this amendment would not constitute a major federal action significantly affecting the human environment.

³ Environmental Assessment, Application for Amendment of License to Relocate Powerhouse: Twin Falls Hydroelectric Project FERC 18-007, Dated March 26, 1993. The document is available in the Commission's public files associated with the proceeding.

The Director orders:

(A) The revised exhibit A of the Twin Falls Project filed on August 25, 1992, is approved and made a part of the license.

(B) Ordering paragraph (B)(2) of the license is revised in part, to read as follows:

(e) a 40-foot-long, 37-foot-wide concrete powerhouse at the base of south falls containing a vertical-shaft francis turbine, rated at 13,300 horsepower, and driving an 8,400-kW-generator;; (h) a 17-foot-diameter water conductor consisting of a 105-foot-deep vertical shaft, a 60-foot-long horizontal tunnel, and 115-foot-long steel penstock; (i) a 61.5-foot-wide, 79-foot-long concrete powerhouse containing a Kaplan turbine, rated at 59,260 horsepower, and driving a 43,700-kW-generator; ...; (l) access roads; and (m) other appurtenances.

(C) Article 201(a) of the license is revised to read as follows:

For the purpose of reimbursing the United States for the cost of administration of Part I of the Act, a reasonable amount as determined in accordance with the provisions of the Commission's regulations in effect from time to time. The authorized installed capacity for that purpose is 69,500 horsepower.

(D) The following exhibit F drawings filed on August 25, 1992, and January 13, 1993, are approved and made a part of the license.

FERC Exhibit	FERC Drawing Number	Drawing Title
F-1	18-44	General Plan
F-2	18-45	New Project Plan and Sections
F-3	18-46	New Project Profile
F-4	18-47	New Powerhouse Plan and Sections
F-5	18-48	Existing Dam Sections
F-6	18-49	Existing Intake and Powerhouse

(E) Within 90 days of the date of issuance of this order, the licensee shall file an original and three duplicate aperture cards of the approved drawings. The original should be reproduced on silver or gelatin 35mm microfilm. The duplicates are copies of the originals made on Diazo-type microfilm. All microfilm should be mounted on a Type D (3 1/4" x 7 3/8") aperture card.

Prior to microfilming, the FERC Drawing Number (18-44 through 18-49) shall be shown in the margin below the title block of the approved drawing. After mounting, the FERC Drawing Number should be typed in the upper right corner of each aperture card. Additionally, the Project Number, FERC Exhibit (i.e., F-1 through F-6), Drawing Title, and date of this order should be typed on the upper left corner of each aperture card.

The original and one duplicate set of aperture cards should be filed with the Secretary of the Commission. One duplicate set of aperture cards should be filed with the Commission's Portland Regional Office. The remaining duplicate set of aperture cards should be filed with the Bureau of Land Management's Idaho State Office⁴.

(F) The licensee shall, 30 days before the start of any land-disturbing or land-clearing activities, execute a Memorandum of Agreement (MOA) with the Commission, the State Historic Preservation Officer (SHPO), and the Advisory Council on Historic Preservation. The MOA shall stipulate, as a minimum, measures to photographically document the rock retaining wall and the non-overflow gravity dam, and provide a narrative description of the project. The licensee shall file with the Commission a letter from the SHPO accepting the documentation. No land-clearing or land-disturbing activities shall begin until the licensee is notified by the Commission that this requirement has been fulfilled.

(G) At least 30 days before the start of any land-disturbing or land-clearing, the licensee shall file with the Commission the results of a biological survey of the area to be affected by project construction. The biological survey will be for the purpose of determining the presence of the Snake River

⁴ State Director
Idaho State Office
Bureau of Land Management
Land Services Section (ID-943A)
Attn: FERC Withdrawal Recordation
3380 Americana Terrace
Boise, ID 83706

Physa snail (*Physa natricina*) and the Utah valvata snail (*Valvata utahensis*). The filing shall include comments and recommendations from the U.S. Fish and Wildlife Service (FWS). The Commission reserves the right to make changes to the plan. No land-disturbing or land-clearing activities shall begin until the licensee is notified by the Commission that this requirement has been fulfilled.

If the biological survey determines that the Snake River Physa snail (*Physa natricina*) or the Utah valvata snail (*Valvata utahensis*) are present, the licensee shall, after consultation with the FWS file, for Commission approval, a plan to mitigate the impacts from project construction and operation to the Snake River Physa snail and the Utah valvata snail. The plan shall be filed within 90 days of filing the biological survey with the Commission and shall include comments and recommendations from the FWS. The Commission reserves the right to require changes to the plan. No land-disturbing or land-clearing activities shall begin until the licensee is notified that the plan is approved. Upon Commission approval, the licensee shall implement the plan, including any changes required by the Commission.

(H) Article 410 of the license for the Twin Falls Project issued January 18, 1991, and amended by order issued May 26, 1992, is amended as follows:

After completion of construction of the new powerhouse the licensee shall maintain flows that average 300 cubic feet per second (cfs) over Twin Falls from 8 a.m. to 30 minutes after sunset each day, 7 days a week, April 1 through August 31, and 8 a.m. to 30 minutes after sunset every Saturday and Sunday and on all holidays, September 1 through March 31 (peak viewing times). At no time during these peak viewing times shall the flow over Twin Falls fall below 270 cfs or inflow, whichever is less. The average flow of 300 cfs required during peak viewing time may be temporarily modified if required by operating emergencies beyond the control of the licensee or for short periods upon agreement between the licensee, the Bureau of Land Management, the Idaho Department of Parks and Recreation, and the Idaho State Historical Preservation Officer.

Until completion of construction of the new powerhouse the licensee shall maintain flows over the falls that average 300 cfs, or inflows less 200 cfs, during peak viewing times. Plant flows shall be reduced by 8 a.m. to allow gradual reservoir surcharging to accomplish this bypass flow.

(I) Article 411 of the license for the Twin Falls Project, issued January 18, 1991, is amended as follows:

The licensee shall prepare an aesthetic resources protection plan in consultation with the Bureau of Land Management, the Idaho Department of Parks and Recreation, and the Idaho State Historical Preservation Officer. The licensee shall file the plan for Commission approval at least 90 days prior to any land-clearing, land-disturbing, and spoil-producing activities. The licensee shall allow a reasonable timeframe, in no case less than 30 days, for agencies to comment and make recommendations on the plan. The filing shall include documentation of agency consultation and any agency comments and recommendations on the plan. The licensee shall not commence any land-clearing, land-disturbing, spoil-producing activities until the Commission approves the plan. The Commission reserves the right to require changes to the plan. Upon Commission approval the licensee shall implement the plan.

The plan shall include final siting and design drawings and specifications and other necessary supporting analyses, including photographs, that document the following plan components and objectives, or adequately explain why they were impractical or aesthetically undesirable: (1) the transmission tower adjacent to the falls shall be painted, covered, or otherwise treated to reduce its visual impact and cause it to blend in with the surroundings more aesthetically; (2) the exposed sides of the new powerhouse shall be rock-faced to match the cliff location and adjacent rock facade of the historic powerhouse; (3) the roof of the new powerhouse shall be tinted or otherwise treated to reduce its visual impact and cause it to blend in with the surroundings more aesthetically; (4) the new intake structure shall be similarly tinted or otherwise modified to reduce its visual impact and cause it to blend in with the surroundings more aesthetically; (5) if a culvert crossing the access road to the new powerhouse is needed, it shall be placed under the road and shall discharge its water below the ordinary low water mark so as to conceal its presence; (6) the rock fill on the access road to the new powerhouse shall be placed along an irregular contour so as to appear more natural; (7) the access road to the new powerhouse shall be surfaced in such a way as to reduce its visual impact and cause it to blend in with the surroundings more aesthetically; (8) existing chainlink fencing at

the overlooks shall be replaced with a stone and wood rail system that would be compatible with the site's natural and historic character while providing for public safety and unimpeded views of the falls for adults and children; and (9) a means shall be provided for measuring and reporting flows required in article 410.

(J) The deadline for commencing project construction is extended to January 17, 1994.

(K) The deadline for completing project construction is extended to January 17, 1996.

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


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

**ENVIRONMENTAL ASSESSMENT
APPLICATION FOR AMENDMENT OF LICENSE**

Twin Falls Hydroelectric Project

FERC Project No. 18-007

Idaho

**Federal Energy Regulatory Commission
Office of Hydropower Licensing
Division of Project Compliance and Administration
825 N. Capitol Street, NE
Washington, D.C. 20426**

March 26, 1993

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**FEDERAL ENERGY REGULATORY COMMISSION
OFFICE OF HYDROPOWER LICENSING
DIVISION OF PROJECT COMPLIANCE AND ADMINISTRATION**

Project Name: Twin Falls Hydroelectric Project

FERC No. 18-007

A. APPLICATION

1. Application type: Amendment of License
2. Date filed with the Commission: August 25, 1992
3. Applicant: Idaho Power Company
4. Water Body: Twin Falls Reservoir/Snake River
5. Nearest City or Town: Twin Falls
6. Counties: Jerome, Twin Falls State: Idaho

B. PURPOSE AND NEED FOR ACTION

The Idaho Power Company (IPC) was issued a new 50-year license on January 18, 1991, to operate the Twin Falls Hydroelectric Project. The license included provisions for substantial new development at the project, with specific terms and conditions regarding construction and operation. On May 26, 1992, the Commission issued an order amending Article 410, regarding the provision of aesthetic release flows over the falls. This application for amendment of license would entail the following changes: amending the aesthetic flow requirements in Article 410 to allow continued power generation during construction; relocating the proposed powerhouse and thereby eliminating the bridge crane, support structure, and powerhouse access bridge; modifying the visual plan specified in Article 411; postponing the completion date; and slightly increasing the power capacity ratings for the new units.

Additional design work by IPC has indicated that power generation will be feasible during the construction period. Therefore, IPC would like to continue the existing pre-construction aesthetic flow release program throughout the construction period.

The proposed powerhouse is being relocated to a more stable rock foundation. This relocation would eliminate the need for the permanent exterior bridge crane and support structure, and allow use of a more natural looking embankment-fill access road rather than a suspended steel access bridge.

Changes to the visual plan are designed to improve the appearance of the new powerhouse and related facilities. Additional changes to the visual plan are the result of further consultation and concerns for safety. The change in increased unit capacity is a result of greater expected equipment efficiencies. Because of these further design changes, IPC would like to postpone the completion date from January 18, 1995 specified in Article 310 to January 18, 1996.

C. PROPOSED PROJECT AND ALTERNATIVES

1. Description of the proposed action

a. Site testing has demonstrated that stable bedrock at the location originally planned for the new powerhouse is too deep and therefore would require considerable excavation of overburden. IPC proposes to relocate the new powerhouse to a less deep stable rock foundation approximately 90 feet downstream from the location originally specified in the license. The new location will allow use of mobile cranes instead of building a permanent exterior bridge crane and support structure, which was to be located on top of the powerhouse structure. Additionally, the new location will allow IPC to construct a road spur of embankment fill, rather than a steel bridge, to access the powerhouse.

b. IPC is requesting that License Article 410, concerning minimum flows over the falls, be amended to eliminate a requirement that all available water be diverted over the falls during construction. Instead, IPC would like to continue the pre-construction aesthetic flow releases during construction to continue power generation through existing facilities. IPC's request would allow continued diversion of the first 200 cfs inflow for power generation during license-specified peak viewing periods. Flows over the falls would follow the existing pre-construction license condition that requires flows to average 300 cfs, or inflows less 200 cfs during peak viewing times.

In addition, IPC would like to slightly alter the pre-construction peak viewing time specifications for the 2-year construction period. Currently the peak viewing times specify flow releases from 8 a.m. to 30 minutes after sunset. IPC would like to allow for reservoir surcharge starting at 8 a.m., and then, when the pool is fully recharged, provide the required flows over the falls throughout the remainder of the peak viewing period.

c. Proposed changes to the visual plan include the following: tinting or treating the intake structure and the roof of the new powerhouse to blend more aesthetically with the surroundings; placing a steel culvert pipe through the road embankment which would discharge water from the existing powerhouse at a location below the normal high water mark to conceal its presence; and constructing the spur access road with irregular rock fill to better blend into the surrounding natural rock talus, using boulders instead of guardrails, and using crushed rock to surface the road to reduce the road's visual impact. IPC has decided that due to safety concerns, it would like to use chainlink fencing at the overlook rather than the stone and wood rail fence specified in the license and, based on agency consultation, allow the transmission tower adjacent to the falls to weather naturally, rather than be treated with paint or other materials.

d. IPC requests that the power capacity ratings specified in the license be increased from 42.0 to 43.51 MW. This change is related to the higher-than-expected efficiencies provided by the new equipment. This additional power will be produced with no change in hydraulic capacity (the 4,000 cfs licensed flow) and no other changes in project operation. This change would change all references to the proposed total capacity of the project, which includes the existing 9 MW powerplant, be increased from 51 MW to 52.51 MW.

e. Because of the new design changes, IPC would like to change the reference in the license (Article 310) that specifies construction commencement and completion periods. Specifically, IPC would like to add one year to the construction schedules, which began at the time of license issuance (January 18, 1991). Construction is only anticipated to take 2 years, but because of the time it has taken to make the final design changes, IPC would like to change the reference to construction commencing "within 2 years" to "within 3 years." Correspondingly, IPC would like to change the reference to completing construction from "within 4 years" to "within 5 years."

2. Applicant's proposed mitigative measures

Besides the changes and improvements in project features described above, no additional mitigative measures are being proposed beyond those that are stipulated in the January 18, 1991, license articles. These mitigative measures include, among others, expanded recreational facilities; an aesthetic resources protection plan; a cultural resource plan; a trout habitat

restoration and monitoring program; and construction practices to minimize soil erosion and sediments entering the river and impoundment.

3. Alternatives to the proposed action

a. Action alternative

The improvements proposed in the amendment represent a set of specific project design changes that would improve the project's power generation efficiency and structural design with minimal effects on area resources. Other options may be available to provide varying levels of efficiency improvements and improved structural designs. However, IPC has completed the necessary design engineering to determine that the proposed modifications are reasonable and cost-effective, and would provide increased power generation, improved plant structural integrity, and minimize impacts on area resources.

b. Alternative of no action

No action, or denial of the license amendment, would preclude the applicant from constructing the project as proposed in the amendment. Denial of the amendment could result in construction and operation of the project as licensed. Power generation would not be increased and plant structural integrity would not be improved.

D. CONSULTATION

The following agencies and entities provided comments on the application for amendment in either pre-filing consultation or in post-filing letters:

<u>Commenting agencies</u>	<u>Date of Letter</u>
U.S. Bureau of Land Management	07/16/92
U.S. Bureau of Land Management	12/11/92
Idaho State Historical Society	07/14/92
Idaho State Historical Society	12/22/92
Idaho Department of Parks and Recreation	07/20/92
Idaho Department of Parks and Recreation	Filed 01/12/92
Idaho Department of Fish and Game	12/07/92

U.S. Fish and Wildlife Service	02/18/93
	03/23/93

U.S. Army, Corps of Engineers	03/11/93
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E. AFFECTED ENVIRONMENT

The Twin Falls Hydroelectric Project is located on the Snake River in the counties of Jerome and Twin Falls at river mile 620 above the mouth of the Snake River. At Twin Falls dam, the Snake River drains an area of more than 17,000 square miles. The existing project reservoir is about 1.5 miles long, has a normal surface area of 85 acres and a total storage capacity of about 1,000 acre feet. The minimum, mean, and maximum monthly discharges for the Snake River at the Twin Falls project are 310, 2,580, and 19,340 cfs, respectively. Retention time in the project reservoir varies from 0.6 hour to 39 hours, depending on stream flow.

The Snake River within the Twin Falls Project is classified as a fishing stream of statewide importance (Pacific Northwest Rivers Basins Commission, 1971). Downstream from Twin Falls dam, the river is managed as a wild rainbow and cutthroat trout fishery (Idaho Department of Fish and Game 1986). The project reach is within a designated protected reach for wild trout (Northwest Power Planning Council, 1989).

The U.S. Fish and Wildlife Service (FWS) has indicated, under the Endangered Species Act, three endangered species and one candidate species may be present in the project area. The endangered species listed are the bald eagle (Haliaeetus leucocephalus), the Snake River snail (Physa natricina) and the Utah Valvata snail (Valvata utahensis). The candidate species listed is the Pygmy rabbit (Brachylagus idahoensis).

Approximately 93 acres of federal land and 70 acres of private and state lands are in the Twin Falls Project Area. The area is an important local recreation resource for boating, picnicking and sightseeing. There are well-developed public access and day use recreation facilities, including a 10-acre park.

Although the falls have been significantly altered by hydroelectric development and agricultural irrigation, their aesthetics attract many sightseers and tourists. Currently, the south falls is only a trickle and the "Twins" are perceived to be what was originally considered the north falls. The north falls is split by a natural rock weir so that it has two distinctive streams during moderate to high flows. The dam, powerhouse, transmission lines, and towers are highly visible from the developed overlooks. However, visitors come to see not only the natural beauty of the falls, but also the historic dam,

powerhouse, and tramway.

The only cultural properties identified in the area proposed for the new facility modifications described in the amendment are certain components of the existing Twin Falls Project. The Twin Falls Project historic components include a low concrete arch dam with an overflow spillway, a non-overflow concrete gravity dam, power intake on the left side of the non-overflow section, and a power tunnel, penstock, powerhouse, tramway, and dike. The project has been operating since 1935 and has been determined to be eligible for listing on the National Register of Historic Places.

F. ENVIRONMENTAL IMPACTS

1. Impacts of the proposed action

The falls' visual quality will be reduced by the proposed diversion of some inflows to generate power during the 2 years of project construction. It is possible that the new powerhouse location will be more visually intrusive than the current approved location because it will be moved further forward in the middleground view from the project park above the falls. However, eliminating the bridge crane/support structure and steel bridge should lead to a cleaner, less intrusive structure than the existing design.

Some of the proposed changes to the visual plan should minimize adverse impacts of the proposed project facilities on area aesthetics, while others would not improve the aesthetic quality as originally intended. Tinting the new intake structure and roof of the new powerhouse to match the color of the surrounding rock, along with using irregular-sized, natural rock in the embankment fill of the new spur access road, should minimize adverse impacts of the proposed changes. However, by not altering the surface of the existing transmission tower and by using a chain-link fence rather than the specified stone and wood rail fence at project overlooks, less improvement than previously anticipated would be realized.

Placing the new intake structure and constructing the powerhouse access road will have an effect on the non-overflow dam and the existing powerhouse, which are eligible for listing on the National Register of Historic Places (SHPO letter dated July 14, 1992).

There are wild native cutthroat trout, as well as other fish species, that inhabit the Twin Falls reservoir and the Snake River upstream of the Twin Falls Dam. The proposed provision for power production during project construction could increase entrainment of these fish during this time. However, the effect on fish mortality does not appear to differ significantly from

that which has been approved in the license. The two additional years of power generation during project construction would result in a continuation of existing conditions and would not substantially effect the overall level of entrainment expected over the course of a 50-year license.

2. Impacts of the no-action alternative

Under the no-action alternative, all available water would be diverted over the falls during the 2-year construction period, which would improve visual quality during this period. The exterior powerhouse bridge crane and support structure would cause a more pronounced visual intrusion. However, other changes, such as the prescribed use of stone and wood fencing, would still be required and would help to improve area aesthetics. It is important to note, however, that because of safety concerns, the stone and wood fence might be built such that it would impede views of the falls. Excavation for constructing the powerhouse at the existing approved location could lead to greater erosion and sedimentation. Power production would be lost during the project construction period because all flows would be routed over the falls.

G. ISSUES AND RECOMMENDATIONS

1. Visual Resources

By generating power during the construction period, flows over the falls would remain at the pre-construction levels currently in effect, which are stipulated in Article 410. By extending the pre-construction flow requirements through the 2-year construction period, the beneficial visual effect from passing all available flows over the falls would not be realized. With power generation ongoing during construction, the minimum flow over the falls during the summer would fall below the minimum 300 cfs identified in the Final Environmental Impact Statement as necessary to protect the aesthetic qualities of the existing falls (FEIS 1990). Additionally, because IPC proposes to start surcharging the reservoir at 8 a.m., the required flow releases would not be fully realized for up to one hour into prescribed peak viewing times, depending on inflow. IPC has indicated that it is necessary to surcharge the reservoir because the required flows can only be released by overtopping at the dam spillway. After the plant modifications are complete, a special release valve will allow an almost instantaneous release of the required flows.

The Idaho Departments of Fish and Game, Parks and Recreation, and the Idaho State Historic Preservation Officer have reviewed proposed changes to Article 410 and do not have any objections. While staff does feel there would be some incremental visual impact over the currently prescribed license

terms, it would only occur during the 2-year construction period and would essentially perpetuate existing conditions. Additionally, the benefits from continuing the existing pre-construction release program would be increased power production and full utilization of existing generation equipment. Therefore, staff concurs with the commenting agencies and recommends that IPC be allowed to generate power during construction under the terms outlined in the proposed amendment.

Subsequent to the filing of the Application for Amendment (August 25, 1992), IPC consulted with resource agencies regarding the preparation of the visual plan specified in Article 411. As a result of those consultations, IPC has requested additional changes to Article 411 regarding the overlook fencing and re-surfacing the transmission tower.

Stipulations in Article 411 call for replacing existing chainlink fences at the project overlooks with a more aesthetic stone and wood rail system. A BLM letter of December 21, 1992 also recommended replacing the chainlink fence with a stone wall. In their most recent design work, IPC has determined that a stone and wood rail fence or stone wall would not provide an adequate safety barrier without impeding the view. A BLM letter of January 13, 1992, agreed with IPC that a stone wall would not meet the safety requirements desired. The staff agrees with this conclusion and recommends retaining the existing chain link fence.

License article 411 stipulates that the existing transmission tower be treated to reduce its adverse visual impact. Comments from the Idaho Department of Parks and Recreation in its July 20, 1992, letter stated that tinting or painting the transmission tower would not minimize the visual impacts of the tower. IPC has concurred with the idea that the natural aging of the transmission tower surface would be preferable to painting or treating the tower. Staff concurs that painting or other tower treatment would not necessarily lessen the visual contrast of the structure or be adaptable for lessening the visual contrast in all four seasons. Therefore, the staff agrees that painting or treating the tower would not be necessary to improve the visual quality and agrees with the recommendation that the transmission tower not be painted or treated.

In addition to the other visual effects described above, moving the powerhouse southward along the cliff wall will slightly increase its visibility to people viewing the falls from selected locations. However, the new location will curtail the need for a highly visible bridge crane and support structure as well as a steel bridge access road. Additionally, the new powerhouse location would rely on a less intrusive spur access road. IPC has taken efforts to design the road spur embankment

using irregular natural rocks, crushed rock surfacing material, and using nearby rock boulders in place of metal guardrails. The licensee intends to surface the exterior powerhouse walls with a stone-like texture and tinting the concrete on the powerhouse roof to match the surrounding rock. The texturing and tinting appears adequate to minimize the structure's intrusion in either the original, or modified location. The texturing and tinting of the powerhouse will allow the structure to more closely match the surrounding rock texture and color. By moving the powerhouse southward, less overburden would need to be excavated and this would result in less spoil material and less erosion and sedimentation. Given the tradeoffs described above, staff concurs with the agencies and submits that IPC should be allowed to move the powerhouse as described.

2. Cultural Resources

The SHPO, after reviewing the revisions in the amendment application, stated in a letter dated July 14, 1992, that the new intake structure placement and construction of the powerhouse access road will affect the non-overflow dam and the existing powerhouse. Both structures are eligible for listing on the National Register of Historic Places. To mitigate these effects, the SHPO recommended that a Memorandum of Agreement (MOA) be developed that stipulates documentation (i.e. HAER Recordation) of the structures. The SHPO also recommended that the licensee consult with the Advisory Council on Historic Preservation. The staff agrees with the recommendation for an MOA and consultation with the Advisory Council on Historic Preservation.

3. Threatened and Endangered Species

As described in Section E, Affected Environment, the FWS has stated that three endangered species and one candidate species may be present in the project area. To be assured that the construction of project facilities will not adversely affect endangered species, IPC completed a biological assessment. The biological assessment addressed potential impacts to the endangered species that may be present in the project area. The biological assessment concluded that the area which will be effected by project construction is not suitable habitat for the Snake River Physa snail and the Utah valvata snail. No data exists to indicate that the species inhabits the project area, or the river immediately downstream of the project. IPC agreed to undertake a biological survey of the construction area, prior to construction, to ensure that there would be no impacts to the listed species. The FWS agreed with the biological assessment and concurred that the proposed project will not likely adversely affect the Snake River Physa snail and the Utah valvata snail. To assure this determination the FWS agreed that the proposed biological survey is necessary. The staff agrees with the conclusions of the biological assessment and that a biological

survey should be conducted prior to construction.

H. CONCLUSION

The licensee should be authorized to construct the project with the changes and modifications proposed in their amendment application. Additionally, based on subsequent consultation and analysis, Article 411 should be modified to permit use of chainlink fencing and allow the licensee to leave the transmission tower surface as it exists. Approval of the proposed amended project, with the mitigative measures proposed by IPC, and an executed MOA regarding cultural resources, would not constitute a major federal action significantly affecting the quality of the human environment.

I. LITERATURE CITED

Idaho Power Company. 1992. Application for Amendment of License for the Twin Falls Hydroelectric Project, FERC No. 18-000, Idaho, filed August 25, 1992.

Idaho Power Company. 1992. Twin Falls Project 18, Cultural Resources Survey Results and Cultural Resources Management Plan (Article 413). Filed December 30, 1992.

Idaho Power Company. 1992. Twin Falls Project 18 Aesthetic Resources Protection Plan (Article 411). Filed January 25, 1993.

Pacific Northwest River Basins Commission. 1971. Columbia-North Pacific Region. Comprehensive Framework Study of Water and Related Lands. Appendix XIV. Vancouver, Washington.

Idaho Department of Fish and Game. 1986. Idaho Fisheries Management Plan, 1986-1990. Boise, Idaho. January 1986.

Northwest Power Planning Council. 1989. 1989 Supplement to the 1986 Northwest Conservation and Electric Power Plan. Volume 1. May 1989.

Federal Energy Regulatory Commission. 1990. Final Environmental Impact Statement, Milner, Twin Falls, Auger Falls, and Star Falls Hydroelectric Projects, Idaho. July 1990.

J. LIST OF PREPARERS

<u>Name</u>	<u>Position title</u>
Steve Nachtman	Socioeconomist
Kirby Gilbert	Land Use Planner
Gary Wiseman	Civil Engineer
John Costello (EA Coordinator)	Landscape Architect

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APR 15 1993
Department of Water Resources

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Idaho Power Company

Project No. 18-007
Idaho 2-02-2056

NOTICE OF AVAILABILITY OF ENVIRONMENTAL ASSESSMENT

(April 7, 1993)

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's regulations, 18 CFR Part 380 (Order No. 486, 52 F.R. 47910), the Office of Hydropower Licensing (OHL) has reviewed the application for amendment of license for the Twin Falls Project. The licensee proposes to change the aesthetic flow requirements; to allow continued power generation during construction; to relocate the powerhouse; to modify the visual resource plan for the project; to postpone the completion date; and to slightly increase the power capacity for the new units. The project is located at the Twin Falls Reservoir on the Snake River in Jerome County, Idaho. The staff of OHL's Division of Project Compliance and Administration has prepared an Environmental Assessment (EA) for the proposed action. In the EA, the staff concludes that the licensee's proposals would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Reference and Information Center, Room 3308, of the Commission's Offices at 941 North Capitol Street, NE, Washington, DC 20426.

Lois D. Cashell
Secretary

P-18-014

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Notice of Application Filed with the Commission
(March 8, 1993)

Take notice that the following hydroelectric application has
been filed with the Federal Energy Regulatory Commission and is
available for public inspection.

- a. Type of Application: Amendment of License to Revise Project Boundary and Relocate Operator's Village
- b. Project No: 18-014
- c. Date Filed: December 30, 1992
- d. Applicant: Idaho Power Company
- e. Name of Project: Twin Falls Hydroelectric Project
- f. Location: Snake River, Jerome and Twin Falls Counties, Idaho
- g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r)
- h. Applicant Contact: Laurel Heacock
Idaho Power Company
P. O. Box 70
Boise, Idaho 83707
(208) 383-2918
- i. FERC Contact: John Costello, (202) 219-2914
- j. Comment Date: APRIL 26, 1993
- k. Description of Project: The licensee filed a request to relocate the existing operator's village (three houses) to a site more suitable for family housing. The area surrounding the existing village is dedicated to public park land. During construction of a new powerhouse and related facilities the site will be used for construction offices and laydown area. After project construction is completed the structures will be removed and the site converted to park land. The licensee also requested that the project boundary be revised to include the area where the new operator's village will be located.
- l. This notice also consists of the following standard paragraphs: B, C, and D2.

RECEIVED

MAR 16 1993

Department of Water Resources



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 *JB*

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. Minicoka 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	14 - <i>Ag dependent</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 Bessaw .

- 2 -

February 24, 1976

<u>Project No.</u>	<u>Name</u>	<u>License Expiration Date</u>	<u>Relevant 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 complete

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

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 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 will ever flow over Milner Dam but which enter in, arise in, and flow in and along the channel of Snake River between the downstream 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 forgo 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 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 purpose upon the execution of the license.

July 8, 1937

Re: Permits No. 17070 & 18107

K. M. ROBINSON, General Manager
Idaho Power Company
P. O. Box 770
Boise, Idaho

Dear Mr. Robinson:

Under date of June 29, the following papers were received in this Department in connection with the above permits.

Deposition of the holder and depositions of two witnesses for proof of completion of works. Deposition of the holder and depositions of two witnesses for proof of application of water to beneficial use, all in connection with Permit No. 17070 and the same papers were received in connection with these proofs under Permit No. 18107, as well as an affidavit of proof of publication from the Twin Falls News and the North Side News, in connection with Permit No. 17070, and affidavits of proof of publication from the Twin Falls News and the Gooding County Leader in connection with Permit No. 18107.

These papers are in proper form. Consequently Mr. Fred A. Tolman, field engineer of this Department, will make an examination within the next few days at both sites. In view of the fact that you are anxious to get action on both of these matters, Mr. Tolman will turn in his reports as soon as he returns to the office so that we can advise you as to the fees due prior to the issuance of a certificate of completion of works and license under each permit.

Yours very truly,

Paul L. Henry,
Deputy Commissioner

PLH/ci

17070

August 20, 1937

Re: Permits 17070 & 18107.

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

Dear Mr. Inman:

We are herewith enclosing a Certificate of Completion of Works and a License and Certificate of Water Right under each of the above permits, together with the Department's Receipts Nos. 16326 and 16327 for the fees paid in connection with the proofs under these permits.

Very truly yours,

Deputy Commissioner of Reclamation

j1
Encl.
2 Certificates
2 Licenses
Office Receipts for
\$82.00 & \$322.00.

17070

August 19, 1937

Re: Permits 17070 & 18107.

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

Dear Mr. Inman:

This is to advise you that we now have our field engineer's reports covering his examinations under each of the above permits relating to completion of works and proof of beneficial use of the waters claimed thereunder.

There is a statutory fee due under Permit 17070 of \$322.00, of which amount \$317.00 is for completion of works and \$5.00 for beneficial use proof. In addition, there is a statutory fee due under Permit 18107 in the amount of \$82.00, \$77.00 of which is for completion of works and \$5.00 for beneficial use proof. These fees total \$404.00, and immediately upon receipt of that amount, certificates of completion of works will be issued under these permits, as well as the licenses.

Very truly yours,

Deputy Commissioner of Reclamation

PLH:jl

17070

July 10, 1931.

Re: Permit No. 17070.

Idaho Power Company
Boise, Idaho

Gentlemen: Attention: Mr. E. C. Kiersted

Enclosed you will find ORDER GRANTING EXTENSION
under the above numbered permit, under the provisions
of Sec. 5570, as amended, in accordance with your
application received June twenty-seven.

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

1 enc.

Chief Clerk.

17070

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 17070

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 5 of Section 4
T. 10 S. R. 18 E. County of Twin Falls
4. Describe works as they exist, giving dimensions and capacities of same: Diversion works include two dams of 510 and 200 feet length and 145 and 28 feet in height, a steel-lined diversion tunnel and a power plant equipped with Allis Chalmers turbine and G. E. generator, 6900 Volts, 9375 K.V.A., 240 R.P.M., 60 Cycles. Present capacity of 9900 K. W. and Turbine rating under 142 foot head is 13300 H. P. Capacity, see remarks.
5. Water is used for: Generation of Electric 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): Manufacturers rating with full gate opening and based upon 90% efficiency is 958 second feet, but it is suggested that an average efficiency of 80% be assumed as the probable requirement under practical working conditions. This would indicate a figure of 1054 second feet and would more nearly agree with the peak of 1030 second feet as recorded by the automatic gage of the U. S. G. S., upon February 17, 1937.

Limit to 1050 sec. ft.

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

8. What large stream would the water here appropriated finally reach? Columbia River
- Remarks: Plant diversion as indicated by automatic record sheets and measurements taken by the U. S. G. S. during draft of natural flow supplemented by storage follow.

Date	Station	Sec. Ft.	REMARKS
11/16/36	* Kimberly	900	*) Station is 1/2 mile below plant
1/29/37	"	926	
2/17/37	"	* 960	
3/19/37	"	896	
6/9/37	"	829	
6/26/37	"	900	*) Peak record 2/17/37 was 1030 Sec. Ft.
Average		902	

17070

This examination was made on the 12th day of July, 19 37

(Signed)

Frederick A. Johnson
Examiner.

Permit No. 17070

Examination for Completion of Works
and Beneficial Use

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.
-

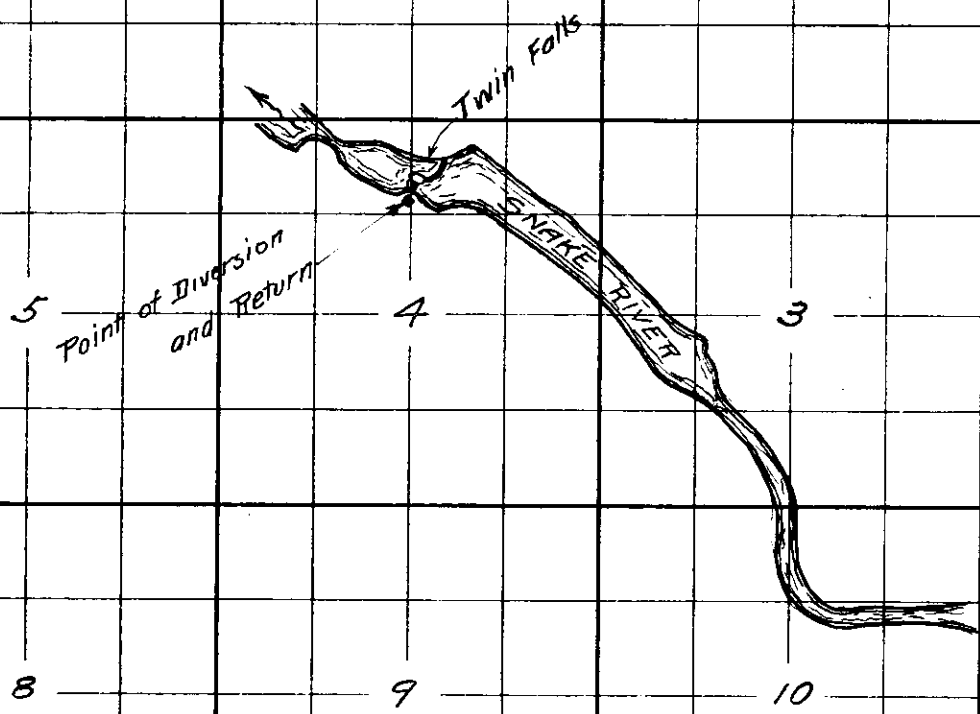
STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 17070

REPORT ON PROOF OF Completion of Works & Beneficial Use

17070



17070



IDAHO POWER COMPANY

BOISE, IDAHO

August 19, 1937.

Aug 20 1937
Department of Reclamation

Department of Reclamation of
State of Idaho,
Capitol Building,
Boise, Idaho.

Gentlemen:

In accordance with your notification, we
transmit herewith Company check in the amount of
\$322.00 to cover statutory fee in connection with
our filing of proofs of completion of works and
application of water to beneficial use for the
obtainment of license under Water Permit No. 17070,
Twin Falls, Snake River.

Very truly yours,

A. C. Inman,
Attorney.

ACI/B
Enc.

17070

RECEIVED

JUN 29 1937

PERMIT NO. 17070

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 and General Manager, Idaho Power Company; 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 and 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. 17070, April 2, 1929; 1500 cubic feet per second; Snake River; North 62° 10' East 3296 feet from the West quarter-corner of Sec. 4, in Twp. 10 South, Range 18 E., B.M. & is in Lot 5, Sec 4, T10S, R18E

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.

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

Ans. Water has been turned into the works of diversion; December 3, 1935 and since; up to about 1000 cubic feet per second; capacity of works about 1250 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.

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 vary from data contained in permit due to geologic conditions found to exist during construction.

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

Ans. North dam-reinforced concrete arch, 510 feet long, 14½ feet high, 5 feet thick at base and 3' 7" at top, flashboards 3' 5" high. South dam-mass concrete, 200 feet long, 28 feet high, 26 feet thick at base and 5' at top. Tunnel is rock lined with steel pipe 10 feet in diameter back filled with concrete. Capacity - 1250 cfs. Cost - approximately \$287,985.00.

(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 June, A. D. 1937.

M. E. Hughes

Notary Public.

My Commission expires March 27, 1940

Notary Public

17070

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

Permit No. 17070

RECEIVED

JUN 29 1937

Dep.

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. 17070, authorizing the diversion of 1500 second-feet of the waters of Snake River at or near Twin Falls, at power purposes? How long have you known him, and where does he reside?

Ans. Yes; since 1916; 1220 Idaho Street, Boise, Idaho.

Ques. 3. Have you read or heard read said Permit No. 17070, 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 1250 cfs from point of diversion to place of use.

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

Ans. Two concrete dams, 10' steel penstock back filled with concrete in rock tunnel; capacity 1250 cubic feet per second. North dam - reinforced concrete arch, 510 feet long, 14½ feet high. South dam - mass concrete gravity type, 200 feet long, average height 28 ft.

(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 June, A. D. 1937.

17070

Notary Public and Co. at Boise, Idaho

Permit No. 17070

RECEIVED

JUN 29 1937

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. 17070, authorizing the diversion of 1500 second-feet of the waters of Snake River at or near Twin Falls, at _____ for power purposes? How long have you known him, and where does he reside?

Ans. Yes; since 1916; 1220 Idaho Street, Boise, Idaho.

Ques. 3. Have you read or heard read said Permit No. 17070, 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 1250 cfs from point of diversion to place of use.

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

Ans. Two concrete dams, 10' steel penstock back filled with concrete in rock tunnel; capacity 1250 cubic feet per second. North dam - reinforced concrete arch, 510 feet long, 14½ feet high. South dam - mass concrete gravity type, 200 feet long, average height 28 ft.

(Sign here.)

C. 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 29thday of June, A. D. 1937.M. J. Hughes

Notary Public residing at Boise Idaho

17070

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUN 29 1937

Permit No. 17070

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. K. M. Robinson; Boise, Idaho; President and General Manager, Idaho Power Company; 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 and General Manager.

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

Ans. No. 17070; April 2, 1929; April 2, 1929.

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

Ans. Snake River; North 62° 10' East 5296 feet from the West quarter-corner of Sec. 4, in Twp. 10 South, of Range 18 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. Two concrete dams, steel penstock embedded in concrete in rock tunnel; about 1250 cubic feet per second; the Twin Falls Power Station, Twin Falls County, Idaho.

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 electric energy; on south side of Snake River below the south cataract of the Twin Falls.

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

Ans. Through one vertical-shaft turbine rated at 15,300 horsepower direct connected to one 9575 KW generator, capable of producing, and it has produced 10,000 KW, or approximately 15,333 horsepower.

17070

Ques. 8. What is the minimum amount of water required for the purpose specified above?
Ans. Approximately 1000 cubic feet per second.

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. _____

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.
Ans. December 3, 1935, and since, in development of electric energy; approximately 1000 cfs has been so used.

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. No other appropriations nor permits are in effect at this location.

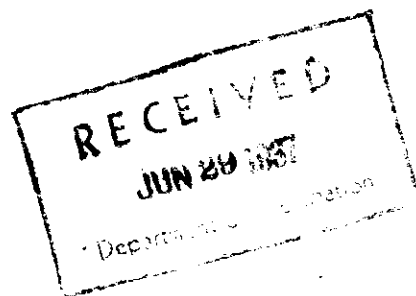
(Sign) R. M. Robinson

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 June, A. D. 1937.

M. E. Hughes
Notary Public residing at Boise, Idaho

My commission expires March 27, 1940.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



PERMIT NO. 17070

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, Engineer, Box 156 Boise Ida.

Age 45 - Residence Whitney Bench Boise

Ques. 2. Are you acquainted with Idaho Power Company, the holder of Permit No. 17070? 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. 17070, 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, Twin Falls, Dam across river with Tunnel and penstocks to power plant

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

Ans. Will safely convey 1250 cfs. Have seen 900 cfs. Records indicate that 990 cfs has been used.

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. Generation of electrical power for distribution to Power Company System.

17070

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

Ans. Water has been used to generate electrical energy. (See 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. _____

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. On June 22, 1937 I observed the plant in operation. See Ans. to
question 5 above.

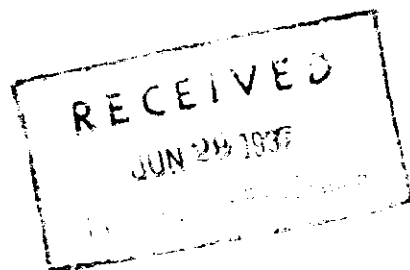
(Signed) Myron Burdick

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

My commission expires March 27, 1940

M. D. Hughes
Notary Public.
Notary Public - Boise, Idaho

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



PERMIT NO. 17070

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
St., Boise, Idaho.

Ques. 2. Are you acquainted with Idaho Power Co., the holder of Permit No. 17070? 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. 17070, 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, Twin Falls, Dam across river, conduit to Water Turbine

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. Safely convey 1250 sec.-ft. - Have seen 875 sec.-ft. Records show 990
sec.-ft. has been applied.

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

Ans. Power generation, for distribution on Company's transmission lines.

17070

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

Ans. Water has been used for generation of electrical energy - (See 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. -

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 June 26-1937. Plant in operation
generating 9000 kw. of electrical energy.

(Signed)

W. L. Gorton

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

M. E. Hughes
Notary Public.

My commission expires March 27, 1940

Notary Public residing at Boise, Idaho

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 June, 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 1500 cubic feet per second of the waters of Snake River and of the application to beneficial use of said water in accordance with the terms and conditions of Permit No. 17,070, heretofore issued by the ^{of} ~~Commissioner~~ 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 1500 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 1500 cubic feet per second.

4. The place where said water is used is 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, Twin Falls, Idaho

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

R. W. FARIS

17070

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 17070

Date: May 25, 1937

TWIN FALLS DAILY NEWS
Twin Falls, Idaho

DEAR SIR:

Enclosed you will find notice for publication ~~once a week for four consecutive weeks~~ **to be published daily in issues**
~~of May 27 to June 26, both inclusive, prior to~~
~~proposed~~ **June 29, 1937**, the date set for proof, the expense of the publication
to be paid by the applicant, **Idaho Power Company, 1220 Idaho St.**
Boise, Idaho

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

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

Very truly yours,

R. W. FARIS

Commissioner of Reclamation

17070

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 17070

May 25, 1937

Date.....

NORTH SIDE NEWS
Jerome, Idaho

DEAR SIR:

Enclosed you will find notice for publication ~~once a week for four consecutive weeks~~
~~June 29, 1937/ in its issues of May 27 to June 21, both inclusive~~
prior to....., the date set for proof, the expense of the publication
to be paid by the applicant, **Idaho Power Company, 1220 Idaho St.**
.....

Boise, Idaho
.....

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

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

Very truly yours,

R. W. FARIS

Commissioner of Reclamation

17070

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) May 24, 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 ^{weekly} /at my expense in the North Side News of Jerome, Idaho, published in the county in which the works are situated, in its issues of May 27 to June 24, both inclusive.

IDAHO POWER COMPANY

A. A. Robinson
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.

George B. Engle
Engineer.

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) May 24, 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 ^{daily} /at my expense in the Twin Falls Daily News of Twin Falls, Idaho, published in the county in which the works are situated, in its issues of May 27 to June 26, both inclusive.

IDAHO POWER COMPANY

W. M. Robinson
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.

Wm. E. Jingle
Engineer.

17070

UNITED STATES
DEPARTMENT OF THE INTERIOR
Geological Survey

Idaho Falls, Idaho
June 18, 1937

Mr. B. E. Stoutemyer
603 Post Office Bldg.,
Portland, Oregon.

Dear Mr. Stoutemyer:

Herewith is a clipping from the Twin Falls News relative to proof of completion of works and application of water to beneficial use by Idaho Power Co. at Twin Falls and Lower Salmon Falls with dates of priority of April 2, 1929 and March 20, 1935, respectively.

I understand that when the Federal Power Commission granted a license for the development at Twin Falls a provision was made that any water rights acquired would not be adverse to future storage rights above Milner. I do not know whether a similar provision applies to the increased development at Lower Salmon Falls.

If my understanding of this matter is correct I wonder if it wouldn't be desirable for you to file a request with the Commissioner of Reclamation asking that he include a provision in his license to the Power Co. reciting the restriction in the Federal Power Commission license.

I suppose the latter would control anyhow but it seems to me that it would be desirable to have it reaffirmed in the State water right license so that it will be clearly evident that the date of priority applies only to rights below Milner and is not adverse to subsequent developments above Milner.

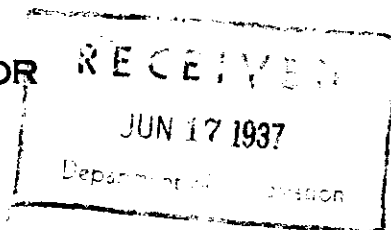
Yours very truly,

/s/ LYNN GRANDALL
District Engineer.

17070

17070

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



Idaho Falls, Idaho
June 16, 1937

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

Dear Mr. Faris:

I note the advertisement in the Twin Falls News of Proof of Completion of Works and application of 1500 Sec.ft. of water to Beneficial Use by Idaho Power Company at their Twin Falls plant with priority of April 2, 1929. I have understood that the Federal Power Commission in granting a license for this project made a reservation that no rights would be thereby acquired adverse to further storage developments on the river above Milner. If this is the case the above date of priority would only apply as to rights below Milner and would have no effect on upstream developments. I do not know whether a similar restriction applies to the Salmon Falls development. I think some reference to this restriction by the Federal Power Commission, if it was made, should appear in the license to be issued by you to the Power Company.

Yours truly,

Lynn Randall

Watermaster.

17070

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. 36, 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 3 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

17070

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.

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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

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 June, 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 1500 cubic feet per second of the waters of Snake River and of the application to beneficial use of said water in accordance with the terms and conditions of Permit No. 17,070, heretofore issued by the Commissioner of Reclamation of the State of Idaho.

1. The name and post office 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 1500 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 1500 cubic feet per second.

4. The place where said water is used is at the Twin Falls Power Station, in Lot 3 of Section 4, in Township 10 South, of Range 18 East B. M., in Twin Falls County, Idaho.

5. The date of priority which said water is prepared to establish is: **April 2, 1928.**

A. W. FARRIS

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

COUNTY OF TWIN FALLS.

ss.

Nº 3599

I, Aileen Groves, being first duly sworn upon

oath depose and say that I am principal clerk of the TWIN FALLS DAILY NEWS, published daily, except Monday, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice or advertisement, as per clipping attached was published in the regular and entire issue of said newspaper, and not in any supplement thereof,

for 27 consecutive issues, commencing with the

issued dated May 27 1937, and ending with the issue

dated June 26, 1937.

And I do further certify that said newspaper has been published as a daily paper, except Monday, under said name and in said city and county, continuously and uninterruptedly during a period of more than twelve consecutive months prior to the first publication of said notice or advertisement.

Subscribed and sworn to before me this twenty-sixth day of June 1937

Aileen Groves
Delane T. Miller

Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

17070

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 June, 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 1,500 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. 17,070, 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 1,500 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 1,500 cubic feet per second.

4. The place where said water is used is at the Twin Falls Power Station, in Lot 3 of Section 4, in Township 10 South, of Range 18 East B. M., in Twin Falls County, Twin Falls, Idaho.

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

R. W. FARIS.

First pub. May 27; last pub. June 24

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Jerome, } SS.

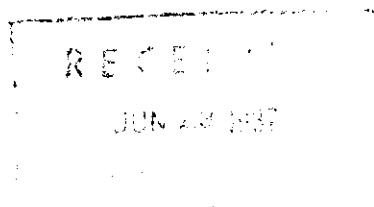
..... *John H. Jones* being first duly sworn deposes and says that he is one of the printers (publishers) of the North Side News, a newspaper published every week in Jerome, County of Jerome, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for *1 year* successive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the *5th* day of *May*, 1937, and the date of the last publication was on the *24th* day of *May*, 1937....

Subscribed and sworn to before me this *24th* day of

June, 1937.

Frank W. Rieck
Notary Public.

My Commission Expires *12/6/38*, 1937....



17670

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 June, 19 37, 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 1500
cubic feet per second of the waters of Snake River
and of the application to beneficial use of said water in accordance with the terms and conditions
of Permit No. 17,070, 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 1500 cubic feet per second.

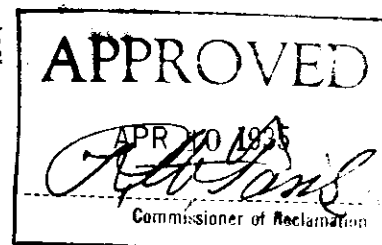
3. The use to which said water has been applied is in the production of electric energy
~~irrigation and domestic~~
~~purpose~~ and the amount applied to beneficial use is 1500 cubic feet per second.

4. The place where said water is used is 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,
Twin Falls, Idaho

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

R. W. FARIS

TWIN FALLS HYDRO - ELECTRIC DEVELOPMENT
GENERAL SPECIFICATIONS - DAM AND INTAKE
IDAHO POWER COMPANY
March, 1935



Location

The Twin Falls in Snake river are located approximately 7 miles east and 5 miles north of the city of Twin Falls, in Twin Falls County, Idaho. At the Twin Falls site the Snake river is the boundary line between Jerome County on the right or north bank, and Twin Falls County on the left or south bank of the river.

General Description

The river at the falls is divided into two channels by an island of solid lava rock which at its highest point rises about 30 feet above the stream bed. This island is about 700 feet long. The main channel of the river lies on the north side of this island. The north channel is split with a deep crevice which has capacity to carry all of the low water flow of the river. The water of the north channel drops into a deep pool below the falls. This pool is separated from the south pool by a rock barrier, the water in the south pool being 6 feet higher than that in the north pool in the low water periods. The low water elevation of the water surface in the north pool is 3369 and the south pool is 3375; sea level datum. The undeveloped head is about 130 feet.

Foundations

The foundations for dams are all of solid lava rock which is exposed to view during the low water periods.

General Plan of Development

The development would be made in two stages. The "initial" stage would provide for an operating head water level at elevation 3516, and high water at elevation 3525. The "future" stage of operation would include dams to provide an operating level at elevation 3550 and high water level at elevation 3557.3. The south channel dam would include the intake structures and gate control for a concrete lined penstock 9 feet in diameter in solid lava rock. This tunnel would divert the water to the point of return in the south pool below the falls.

South Channel Dam; Initial Stage

This is a concrete gravity type dam about 38 feet high and 200 feet long. The upstream side is vertical and the downstream side on a batter of 2 horizontal to 3 vertical. The top of the wall is 5 feet wide. A stone filled trench is provided at the upstream toe of this dam to trap seepage water and reduce uplift pressure. The seepage water entrapped in this trench is released by means of 4 inch pipes through the dam spaced on 30 foot centers. A waste gate is provided for trash.

17070

North Channel Dam; Initial Stage

This is a rock filled timber crib dam about 510 feet long with a crest

elevation of 3516. Additional overflow is provided with an extension of the dam on the rock island by a concrete curb overflow about 255 feet long with top elevation of 3516.5. The base of this dam is 30 feet wide. The height of the main crib is variable but its average height is about 7 feet. This crib supports a flashboard of timber construction 3 feet high, the upstream face of which is sealed with 4 inch tongue and groove planking. The main crib is made of 12 inch by 12 inch timbers fastened to the solid rock and sealed at the upstream side with concrete.

South Channel Dam; Future Stage

This is a concrete gravity type dam about 70 feet high and 220 feet long. An extension of this dam would be necessary on the south bank, the height of which would be about 5 feet and the length about 200 feet. The upstream side would be vertical; downstream side with batter of 2 to 3 and top width 5 feet. The initial dam structure would be included within the future structure.

North Channel Dam; Future Stage

This is a concrete dam, Ambursen type. Its maximum height would be about 50 feet and its length about 800 feet. The dam consists of a concrete face wall of variable thickness, supported by concrete piers spaced on about 20 foot centers. This is an overflow dam with a flood crest the full length of the dam. The face wall would have a slope of about 1 to 1 and the maximum width at the base of supporting piers would be about 65 feet.

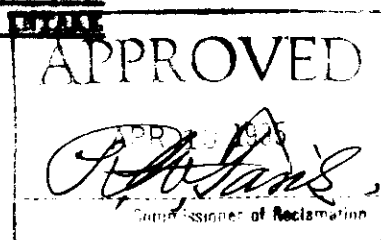
Crevice in North Channel

The rock ledge crossing the river at Twin Falls is about 1000 feet long measured in the stream bed. During the low water stages the river flows within the crevice which splits the north channel. At the point of the dam crossing the top width of the crevice is about 20 feet. The crevice is partially filled with boulders which are wedged between its sides. The crevice is probably 50 feet or more deep. A concrete plug will be placed in the crevice at the point where the crossing will be made by both the initial and future dam structures.

Design of Dams

The design of the initial and future dams is shown in greater detail on the drawing accompanying these specifications which is designated as ZD-3521. A key map indicates the point of diversion and use of water under water permit No. 17070 which pertains to this development.

TWIN FALLS HYDRO - ELECTRIC DEVELOPMENT
GENERAL SPECIFICATIONS - DAM AND INTAKE
IDAHO POWER COMPANY
March, 1935



Location

The Twin Falls in Snake river are located approximately 7 miles east and 5 miles north of the city of Twin Falls, in Twin Falls County, Idaho. At the Twin Falls site the Snake river is the boundary line between Jerome County on the right or north bank, and Twin Falls County on the left or south bank of the river.

General Description

The river at the falls is divided into two channels by an island of solid lava rock which at its highest point rises about 30 feet above the stream bed. This island is about 700 feet long. The main channel of the river lies on the north side of this island. The north channel is split with a deep crevice which has capacity to carry all of the low water flow of the river. The water of the north channel drops into a deep pool below the falls. This pool is separated from the south pool by a rock barrier, the water in the south pool being 6 feet higher than that in the north pool in the low water periods. The low water elevation of the water surface in the north pool is 3369 and the south pool is 3375; sea level datum. The undeveloped head is about 130 feet.

Foundations

The foundations for dams are all of solid lava rock which is exposed to view during the low water periods.

General Plan of Development

The development would be made in two stages. The "initial" stage would provide for an operating head water level at elevation 3516, and high water at elevation 3525. The "future" stage of operation would include dams to provide an operating level at elevation 3550 and high water level at elevation 3557.3. The south channel dam would include the intake structures and gate control for a concrete lined penstock 9 feet in diameter in solid lava rock. This tunnel would divert the water to the point of return in the south pool below the falls.

South Channel Dam: Initial Stage

This is a concrete gravity type dam about 35 feet high and 200 feet long. The upstream side is vertical and the downstream side on a batter of 2 horizontal to 3 vertical. The top of the wall is 5 feet wide. A stone filled trench is provided at the upstream toe of this dam to trap seepage water and reduce uplift pressure. The seepage water entrapped in this trench is released by means of 4 inch pipes through the dam spaced on 30 foot centers. A waste gate is provided for trash.

North Channel Dam: Initial Stage

This is a rock filled timber crib dam about 510 feet long with a crest

17070

elevation of 3516. Additional overflow is provided with an extension of the dam on the rock island by a concrete curb overflow about 255 feet long with top elevation of 3516.5. The base of this dam is 30 feet wide. The height of the main crib is variable but its average height is about 7 feet. This crib supports a flashboard of timber construction 9 feet high, the upstream face of which is sealed with 4 inch tongue and groove planking. The main crib is made of 12 inch by 12 inch timbers fastened to the solid rock and sealed at the upstream side with concrete.

South Channel Dam: Future Stage

This is a concrete gravity type dam about 70 feet high and 220 feet long. An extension of this dam would be necessary on the south bank, the height of which would be about 5 feet and the length about 200 feet. The upstream side would be vertical; downstream side with batter of 2 to 3 and top width 5 feet. The initial dam structure would be included within the future structure.

North Channel Dam: Future Stage

This is a concrete dam, Ambursen type. Its maximum height would be about 50 feet and its length about 800 feet. The dam consists of a concrete face wall of variable thickness, supported by concrete piers spaced on about 20 foot centers. This is an overflow dam with a flood crest the full length of the dam. The face wall would have a slope of about 1 to 1 and the maximum width at the base of supporting piers would be about 65 feet.

Crevice in North Channel

The rock ledge crossing the river at Twin Falls is about 1000 feet long measured in the stream bed. During the low water stages the river flows within the crevice which splits the north channel. At the point of the dam crossing the top width of the crevice is about 20 feet. The crevice is partially filled with boulders which are wedged between its sides. The crevice is probably 50 feet or more deep. A concrete plug will be placed in the crevice at the point where the crossing will be made by both the initial and future dam structures.

Design of Dams

The design of the initial and future dams is shown in greater detail on the drawing accompanying these specifications which is designated as ZD-3521. A key map indicates the point of diversion and use of water under water permit No. 17070 which pertains to this development.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application)
of the Idaho Power Company to)
Extend the Time for Requirements)
Under Permit No. 17070, Under the)
Provisions of Section 41-204, Idaho)
Code Annotated.)

ORDER EXTENDING TIME

WHEREAS, The Idaho Power Company filed in the Department of Reclamation of the State of Idaho, an application for extension of time within which to comply with the terms of Permit No. 17070, under the provisions of Section 41-204, Idaho Code Annotated; and,

WHEREAS, On the 7th day of July, 1931, an order was issued by the Commissioner of Reclamation granting such extension of time and that such extension date from April 2, 1929, being the date of the filing of the application for said Permit No. 17070, in the Department of Reclamation of the State of Idaho; and,

WHEREAS, On July 10, 1934, the applicant filed in the Department of Reclamation of the State of Idaho, notice of removal of the obstruction for which such extension of time was requested, said notice setting forth the fact that the removal of the obstruction dated back to June 11, 1934; and,

WHEREAS, The length of time elapsing between April 2, 1929, the date of the filing of the application for said permit in the office of the Commissioner of Reclamation of the State of Idaho, and June 11, 1934, the date of removal of the obstruction for which such extension of time was requested, amounts to five years, two months and ten days:

IT IS, THEREFORE, HEREBY ORDERED, That the dates for complying with the terms of said Permit No. 17070, be and the same are hereby extended as follows, to-wit:

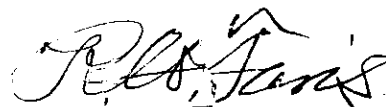
The time of completion of one-fifth of the work described under said permit be extended from October 2, 1931, to December 11, 1936.

The time for completion of works of diversion described under said permit, be extended from April 2, 1934, to June 11, 1939.

The time for beneficial use of water appropriated under said permit, be extended from April 2, 1940, to June 11, 1945.

17070

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of my office at Boise, Idaho, this 11th day of August, 1934.



Commissioner of Reclamation.

August 11, 1934

Re: Permit No. 17070
Idaho Power Co.

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

Dear Mr. Kiersted:

We are enclosing herewith Order Extending Time for requirements under the above numbered permit, which has been executed in accordance with the provisions of Section 41-204, Idaho Code annotated.

The time, in each instance, has been extended 5 years, 2 months and 16 days.

Very truly yours,

R. W. ELLIS
Commissioner of Reclamation

By _____
Assistant Chief Clerk

G
Encl.

17070

July 13, 1934

Re: Permit 17070
Idaho Power Company

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

Dear Mr. Kiersted:

We have your letter dated July 7th in which you advise this department that you are now in possession of a license from the Federal Power Commission covering right of way across certain Federal lands at the Twin Falls site on the Snake River.

Within the next few days we will issue an order extending the time for each and every act required under the above permit by the amount of time that you have been delayed by this impediment.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH:RG

17070

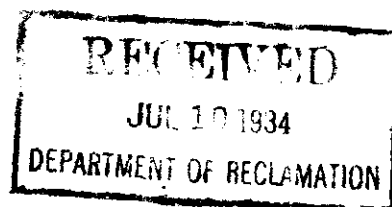


E. C. KIERSTED
SPECIAL AGENT

IDAHO POWER COMPANY

BOISE, IDAHO

87-7-1-B
July 7, 1934



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

In re Water Permit No. 17,070.

Dear Mr. Faris:

With reference to our letter to you of May 25, 1934, relating to the Order Granting Extension issued by your Department on July 7, 1931, in re the subject matter, this will advise that this Company is now in possession of License from Federal Power Commission, dated June 11, 1934, covering right-of-way etc. upon certain Federal lands at the Twin Falls.

The grant of this License by Federal Power Commission removes the disability which was the basis for the Order Granting Extension.

Will you please be advised accordingly, letting us have your acknowledgment of receipt of this advice?

Very truly,

E. C. Kiersted,

Special Agent.

ECK:LR

17070

June 1, 1934

Re: Permit No. 17070
Idaho Power Company

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

Dear Mr. Kiersted:

This will acknowledge receipt of your letter of May 25th wherein you advise this department that the Federal Power Commission has submitted to your company its form of license under the Federal Water Power Act, the pendency of which was the basis for the Order Granting Extension of time for its compliance with the terms of the permit. You further say that your company accepted the form of license on May 11, 1934, that it was signed, on behalf of the company, on May 12, 1934, and returned to the Federal Power Commission for further action.

I think, there is no doubt but what you were right in assuming that the removal of the disability will not be fully accomplished until the Federal Power Commission has executed the license and delivered it to your company. Certainly, you would not feel justified in going ahead with this matter until such time as you do have the license.

If you will kindly notify this department when such license is in your possession, we shall issue another order fixing the date for the compliance with each and every act required under the permit.

Very truly yours,

E. C. FLEMING
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH:RC

17070



E. C. KIERSTED
SPECIAL AGENT

IDAHO POWER COMPANY

BOISE, IDAHO

May 25, 1934



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

In re Water Permit No. 17,070.

Dear Mr. Faris:

By the Order Granting Extension, issued by your Department on July 7, 1931, it was provided that upon the removal of the disability mentioned in the said Order the applicant should notify your office of such removal.

In observance of that provision this is to inform you that Federal Power Commission has submitted to this Company, the applicant in said Order, its form of License under the Federal Water Power Act, the pendency of which was the basis for the Order Granting Extension; that this Company, by action of its Board of Directors on May 11, 1934, accepted the form of License, and that the same was signed on behalf of the Company on May 12, 1934, thereafter being returned to Federal Power Commission for its action in dating, signing on its behalf and delivery of executed copy to this Company.

As we construe it, the removal of the disability will be fully accomplished when Federal Power Commission has executed and delivered the license to this Company, and this is written to advise you of the status of the matter.

Very truly,

E. C. Kiersted,

Special Agent.

ECK:LR

17070

July 22, 1933

Re: Permits No. 17069, 17070, 17735

SHAWCH & SHAWCH
General Agents
Boise, Idaho

Attention: Mr. L. S. Euseign

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,

H. W. FARRIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PJW:SC
Encl.

17070

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...3867927....., in the amount of \$...3,000....., executed by National Surety Company on or about the...6th.....day of May....., 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 #17070.....

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....., 1933...

Attest:

NATIONAL SURETY CORPORATION

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

ACCEPTED:

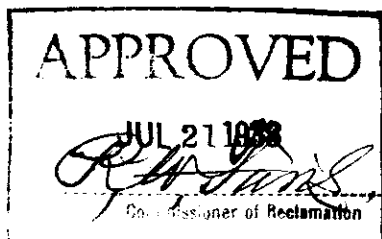
Countersigned

By.....
Resident Agent

Obligee

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.



IDAHO POWER COMPANY

Principal

By.....

President

17070

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the matter of the Application)
of the Idaho Power Company to)
extend the time for requirements)
of Permit No. 17070, under the)
Provisions of Section 5570, Idaho)
Compiled Statutes, as amended.)

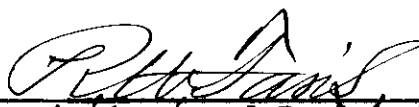
ORDER GRANTING EXTENSION

WHEREAS, On June 27, 1931, the Idaho Power Company filed in the Department of Reclamation of the State of Idaho an application for extension of time for compliance with each and every act or action required under the terms or provisions of Permit to appropriate the public waters of the State of Idaho, No. 17070, under the provisions of Section 5570 of the Idaho Compiled Statutes, for the following reasons, to-wit:

THAT, on or about April 30, 1927, the applicant, the Idaho Power Company, filed with the Federal Power Commission at Washington, D. C., its application for license under the terms and provisions of the Federal Water Power Act, approved June 10, 1920; that said application has not yet been acted upon by approval, rejection or otherwise, and is still pending, and that said application for license is required and necessary for the right of way and development under said Permit No. 17070:

WHEREFORE, IT IS HEREBY ORDERED, That, by reason of the pendency of the application for right of way and things and matters within the jurisdiction of the United States, over which the applicant has no control, all as hereinbefore set forth, the time for compliance with each and every act or action required under the terms and provisions of said Permit No. 17070 is extended a period of time equal to the time during which the applicant herein is delayed in proceeding with its work and complying with said acts or actions as aforesaid, said extension of time to date from April 2, 1929, being the date of the filing of the application for said Permit No. 17070 in the Department of Reclamation of Idaho, and said applicant herein should notify this office of the removal of the disability above set forth within thirty days from the date the same is removed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 7th day of July, 1931.


Commissioner of Reclamation.

17070

required by the terms or provision of said Permit No. 17070, by adding to the time or times specified in said Permit for the doing of each and every act as aforesaid and in said Permit required, a period of time equal to the time during which your applicant is delayed in proceeding with its work and complying with said acts or actions as aforesaid by reason of its failure to obtain the necessary consent or final approval or rejection of the applications, things and matters hereinbefore set forth, because of the pendency of the same.

M. L. Hibbard

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

M. L. Hibbard, being first duly sworn, on oath, deposes and says that he is the 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.

M. L. Hibbard

SUBSCRIBED AND SWORN to before me this 27th day of June, 1931.

M. E. Hughes
Notary Public, Residing at Boise, Idaho.

(NOTARIAL SEAL)

BEFORE THE HONORABLE COMMISSIONER OF RECLAMATION

DEPARTMENT OF RECLAMATION

STATE OF IDAHO.

- - -

In the matter of the Application of the)
Idaho Power Company to extend the time)
for requirements of Permit No. 17070) APPLICATION.
under provisions of Section 5570, Idaho
Compiled Statutes, as amended.)

- - -

COMES NOW The Idaho Power Company, a Maine corporation,
with principal place of business at Boise, Idaho, and respectfully
shows the Honorable Commissioner of Reclamation of the State of
Idaho as follows:

I.

That on or about the 2nd day of April, 1929, Idaho Power
Company, of Boise, Idaho, filed in the office of the Commissioner of
Reclamation, of the State of Idaho, application No. 24073 for permit
to appropriate 1500 cubic feet per second of the waters of Snake
River, which application on or about April 2, 1929, was approved by
the Honorable Commissioner of Reclamation for the State of Idaho as
Permit No. 17070, which permit was duly recorded in Book 61 at page
17070 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 2nd, 1931, that the whole of said work be com-
pleted on or before April 2nd, 1934, and that beneficial use of the
water appropriated in accordance therewith be made on or before
April 2nd, 1940.

II.

That development under said Permit No. 17070 will require right-of-way upon, over, under and/or across lands belonging to United States of America.

III.

That on or about April 30, 1927, your applicant filed with the Federal Power Commission at Washington, D. C. its application for license under the terms and provisions of the Federal Water Power Act, approved June 10, 1920; that said application has not been acted upon by approval, rejection or otherwise, and is still pending; that said application for license is required and necessary for the right of way and development under said Permit No. 17070.

IV.

That because and by reason of the pendency of the application for right-of-way and the things and matters within the jurisdiction of the United States, all as hereinbefore fully set forth, your applicant has failed to obtain the necessary consent or final approval or rejection of said application, and by reason thereof, your applicant has been at all times, now is, and until such necessary consent or final approval or rejection of the same will be, prevented from proceeding with its work under the said Permit No. 17070 and complying with the terms thereof.

V.

That your applicant has at all times been, and now is, proceeding diligently and in good faith as contemplated by the Proviso of said Section 5570, as amended, Idaho Compiled Statutes.

WHEREFORE, Your applicant respectfully prays for an order extending the time for compliance with each and every act or action

MAY 6 1929
Geo. H. Carter
Commissioner of Reclamation

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 THREE THOUSAND AND NO/100 - - - - - (\$ 3000.00) 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 Reclamation in Boise, Idaho, a certain application for permit to appropriate the public waters of the State of Idaho, the said application being thereupon numbered No. 24073, in accordance with which said application the Commissioner of Reclamation granted and issued to the said principal herein a certain permit numbered No. 17070, a full, true and complete copy of which application No. 24073 and permit No. 17070 is of record in the office of the Commissioner of Reclamation in Book 61 of Permits, at Page 17070.

Now, if the above bounden principal shall faithfully carry to completion the said works of diversion as specified in said application No. 24073 and permit No. 17070, 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, 19 29

WITNESSES: ATTEST: By IDAHO POWER COMPANY (SEAL)
James L. Boone VICE PRESIDENT & GENERAL MANAGER
By NATIONAL SURETY COMPANY (SEAL)
Helen Biggs Resident Vice President (SEAL)
Resident Assistant Secretary L.W. Ensign
STATE OF IDAHO, Countersigned
County of } ss: By Resident Agent and

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

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

Subscribed and sworn to before me this day of , 19

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise

Permit No. 17070

NOTICE

You are advised that in order to keep this permit in force a bond in the sum of \$ **5,000.00** 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

17070

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 17070

Mr. E. C. Kiersted
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

17070

GEO. N. CARTER
Commissioner of Reclamation.