

State of Idaho

License and Certificate of Water Right

Water License No. 14881

Amount 1,000 sec. ft.

Water District No. 46

Priority 8-9-20

THIS IS TO CERTIFY that IDAHO POWER COMPANY
of Boise, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated August 9, 1920; that Permit No. 14881
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1,000 second feet, was issued thereunder on December 10, 1925, showing that said works
were completed on the 24th day of August, 1925; and that on the 24th
day of August, 1925,

IDAHO POWER COMPANY
of Boise, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of Snake River
a tributary of Columbia River, for the purpose of developing power
under Use Permit No. 14881 of the Commissioner of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 6
of Licenses, at page 3335, on the 10th day of December, 1925;

The right hereby confirmed dates from August 9, 1920;

The Point of Diversion is located in Lot 9.

XXXXXXXXXXXXXXXXXXXX Sec. 31 Tp. 9 S. R. 18 E. B. M. Jerome and Twin

THE UNIVERSITY OF CHICAGO

Description and location of use: at Shoshone Falls Power Station

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

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

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
this 10th day of December, 1925

W. C. SWENDSEN
Commissioner of Reclamation

Commissioner of Reclamation

(9.4.4)

State of Idaho

License and Certificate of Water Right

Date: 11/11/2011

Priority 3-9-20

ILAND POWER COMPANY

The right hereby confirmed dates from August 9, 1920

XXXXXXXXXXXXXXXXXXXX Sec. 31. Tp. 9 S. R. 18 E. B. M. Jarous and Twin Falls Counties.

Description and location of use: at Shoshone Falls Power Station

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

W. C. SWENSON
Commissioner of Reclamation

(FBI)

APPLICATION FOR PERMIT 02-2036

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 21172
Permit No. 14881
District No. 46

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: \$16,310,000

(c) Amount paid in: \$16,282,200

(d) Names and addresses of directors: Geo. A. Bremer, Jerome, Ida.; J. W. Cunningham, Boise, Ida.;

E. H. Dewey, Nampa, Ida.; C. E. Groesbeck, New York, N.Y.; F. F. Johnson, Boise, Ida.;

II. The financial resources of the applicant are:

(b) Treasury stock: \$27,800

(d) Other resources: \$27,938,668.16

(a) Cash on hand: \$168,460.55 (W. P. Lyon, Caldwell, Ida.;

(c) Bonds to be issued: \$700,000 (O. G. F. Markhus, Boise, Ida.;

Treasury Bonds.

(D. F. McGee, New York, N.Y.;

(E. J. Ostrander, Twin Falls,

Ida.; W. R. Putnam, Boise,

Ida.; R. B. King, Boise, Ida.;

(D. W. Stanrod, Pocatello, Ida.;

(E. R. Tinker, New York, N.Y.;

(E. A. VanSicklin, Weiser, Ida.;

(Wm. T. Wallace, New York, N.Y.;

(H. J. Ward, Nyssa, Oregon.

2. Quantity of water claimed: 1,000 cubic feet per second.

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

4. Location of point of diversion: N. 7° 39' W. 1839.2 feet distant from the SE corner of Section 36, T. 9 S., R. 17 E., B. M., and is in the Lot 9 (SW 1/4) of Section 31, T. 9 S., R. 18 E., B. M., County of Jerome and Twin Falls.

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

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

(a) Point of use of water: N. 21° 28' W. / 2168.39 feet distant from SE corner of Section 36, T. 9 S., R. 17 E., B. M., in the Lot 5 of Section 36, T. 9 S., R. 17 E., B. M.

(b) Amount of power generated: 14,000 H. P., under 205 feet head.

(c) Water is to be returned to Snake River at a point N. 21° 45' W. / 2153.24 feet

distant from the SE corner of Section 36, T. 9 S., R. 17 E., B. M., in the Lot 5 of Section 36, T. 9 S., R. 17 E., B. M.

7. Estimated cost of works: \$160,000

8. Kind of works: 4 dams, intake tunnel and penstock.

9. Height of dam 15 to 20 combined feet/length of dam at top 827 combined feet/length of dam at bottom 827 feet; material used in dam concrete.

10. Size of headgate: Width 30 feet; height 35 feet.

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

Diameter of pipe 120" inches; length of conduit .12 miles.

Average grade per mile 1660 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 W. R. Putnam. Agent.
Vice-President.

Commissioner of Reclamation.

Date of first receipt at office of ~~State Engineer~~ Commissioner of Reclamation 5 P. M. Aug. 9, 1920.

Returned to applicant for correction

Corrected application received

COMMISSIONER OF RECLAMATION
APPROVAL OF STATE ENGINEER

The number of this permit is 14881

Recorded in Book **53** Page **14881** Approved **August 24, 1920.**

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 \$ 2000.00 to be filed on or before October 23, 1920.

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 **February 24, 1923.**

The whole of said work to be completed on or before **August 24, 1925.**

Beneficial use of water appropriated in accordance herewith, to be made on or before **August 24, 1931.**

Witness my hand this 24th day of August, 1920.

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

Remarks :

14 Twp	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			Permit No. 14881 CERTIFICATE OF COMPLETION OF WORKS TO ALL WHOM IT MAY CONCERN: This is to certify that Idaho Power Company of Boise, County of Ada, and State of Idaho, the holder of Permit No. 14881, issued upon Application No. 21172 bearing date of priority of August 9, 1920, authorizing the diversion of 1,000 second feet of the waters of Snake River, Counties of Jerome and 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 1,000 second feet of the waters of Snake River; that the point of diversion of said waters is in Lot 9, Sec. 21, Twp. 9 S., R. 18 E.B.M.; and that the place of use of said water is in Lot 5, Sec. 36, Twp. 9 S., R. 17 E. B.M. Witness my hand this 10th day of December, A. D. 1925. W. C. SWENDSEN Commissioner of Reclamation Proof of Completion of works made August 24, 1925 Certificate of completion issued December 10, 1925 ----- LICENSE ISSUED FOR 1000 SEC. FT. page 33 35																

01-02064
02-02036
RECEIVED

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D. C. 20426

JAN 11 1999

Department of Water Resources

DEC 28 1998

02-62060
02-02057

OFFICE OF HYDROPOWER LICENSING

Project No. 2778-Shoshone Falls
Project No. 2777-Upper Salmon Falls
Project No. 2061-Lower Salmon Falls
Project No. 1975-Bliss
Idaho Power Company

L. Lewis Wardle, Project Manager
Hydro Relicensing Department
Idaho Power Company
P.O. Box 70
Boise, ID 83707

Dear Mr. Wardle:

On February 13, 1998, FERC sent to Idaho Power requests for Additional Information (AIRs) for the above mentioned hydropower projects.

You have requested that AIR #5 and #11 be eliminated based on consultation and concurrence by the Idaho Department of Fish & Game and the U.S. Fish and Wildlife Service.

Staff have reviewed your request and find it reasonable. Your request is granted.

Sincerely,

Ann F. Miles

for AFM

Ann F. Miles
Chief
Licensing West Branch

cc: Public Files
Mailing List

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D. C. 20426

RECEIVED
APR 20 1998
Department of Water Resources

OFFICE OF HYDROPOWER LICENSING

Project Nos.: 1975 - Bliss 02-2064.
2061 - Lower Salmon Falls 02-2001A.
2777 - Upper Salmon Falls 02-2036.
2778 - Shoshone Falls 02-2057.
Idaho Power Company

APR 08 1998

Craig Jones, Project Manager
Hydro Relicensing Dept.
Idaho Power Company
P.O. Box 70
Boise, ID 83707

Dear Mr. Jones :

This letter confirms our meeting and site visits of the Bliss, Lower & Upper Salmon Falls, and Shoshone Falls hydroelectric projects on the Snake River.

The purpose of the meeting and site visits is to familiarize FERC's Contractor Staff, Berger and Associates, with project operations and associated resource issues prior to their preparing the environmental review of project impacts.

A meeting will be held Monday, May 4, 1:30 - 4:30 at Idaho Power's Corporate headquarters, 1221 W. Idaho Street, Boise, to brief FERC Contractor Staff. May 5, 8:00 - 5:00 will be site visits of Shoshone Falls and Upper Salmon Falls projects; May 6, 8:00 - 5:00 will be site visits of Lower Salmon Falls and Bliss projects.

By copy of this letter, all parties in these proceedings are notified of the meeting and site visits and may attend if they so desire. If you plan to attend the meeting or any of the site visits, please RSVP John Blair by FAX (202) 219-2152 no later than April 22.

Sincerely,



Carol L. Sampson
Director
Office of Hydropower Licensing

cc: Public Files
Service Lists

Office of Hydropower Licensing

Project Nos. 503, 1971,
1975-014, 2055, 2061-004,
2726, 2777-007, 2778-005

DATE: DEC 18 1997

MEMORANDUM TO: The Party Addressed

SUBJECT: Scoping document 2 for the (1) cumulative
analysis of the Snake River Basin and (2) the
project-specific analysis for the Bliss
Project (FERC No. 1975-014), Lower Salmon
Falls Project (FERC No. 2061), Upper Salmon
Falls Project (FERC No. 2777), and Shoshone
Falls Project (FERC No. 2778-005)--Idaho

The Federal Energy Regulatory Commission is evaluating
issues associated with new licenses for the continued operation
of the Bliss, Lower Salmon Falls, Upper Salmon Falls, and
Shoshone Falls Hydroelectric Projects, located on the Snake River
in Twin Falls, Elmore, Gooding, and Jerome Counties, Idaho, along
with the cumulative effects of these four projects and four other
Idaho Power Company projects (C.J. Strike, Upper and Lower Malad,
Hells Canyon, and Swan Falls Projects).

Scoping Document 2 is enclosed for your information. We
revised Scoping Document 1, dated June 1997, based on your
written comments. Key changes to Scoping Document 1 are
identified in italicized, bold type.

We will be issuing an additional information request and
responding to pending additional study requests shortly.

You may direct questions to Alan Mitchnick at (202) 219-
2926, or John Blair at (202) 219-2845.

Attachment: Scoping Document 2

SCOPING DOCUMENT 2



I. CUMULATIVE ANALYSIS OF THE SNAKE RIVER BASIN

and

II. PROJECT-SPECIFIC ANALYSIS

BLISS PROJECT (P-1975)
LOWER SALMON FALLS PROJECT (P-2061)
UPPER SALMON FALLS PROJECT (P-2777)
SHOSHONE FALLS PROJECT (P-2778)

December 1997

Federal Energy Regulatory Commission
Office of Hydropower Licensing
Washington, D.C.

RECEIVED

DEC 30 1997

Department of Water Resources

62-02036

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SCOPING DOCUMENT 2

I. CUMULATIVE ANALYSIS OF THE SNAKE RIVER BASIN

II. PROJECT-SPECIFIC ANALYSIS

Bliss (P-1975)
Lower Salmon Falls (P-2061)
Upper Salmon Falls (P-2777)
Shoshone Falls (P-2778)

1.0 INTRODUCTION

On December 20, 1995, Idaho Power Company (Idaho Power) filed license applications with the Federal Energy Regulatory Commission (Commission) for the continued operation and maintenance of the existing Bliss, Lower Salmon Falls, and Upper Salmon Falls Hydroelectric Projects.¹ Idaho Power filed an application for the Shoshone Falls Project on May 29, 1997. These four projects are located within a 57-mile-long reach of the Snake River. Between November 1998 and June 2008, Idaho Power Company is expected to file applications to relicense an additional four projects (7 dams) in the Snake River Basin. The location of the eight projects is shown in figure 1 and summarized in table 1.

The Commission, under the authority of the Federal Power Act (FPA),² may issue licenses for up to 50 years for the construction, operation, and maintenance of non-federal hydroelectric developments.

Under the Commission's regulations, issuing a licensing decision for any project first requires preparation of either an Environmental Assessment (EA) or Environmental Impact Statement (EIS), in accordance with the National Environmental Policy Act (NEPA) of 1969.³

¹ The licenses for the Lower Salmon Falls and Bliss Projects expire on December 23, 1997, and February 28, 1998, respectively. The Commission authorized the advancement of the expiration date of the Upper Salmon Falls Project from May 31, 1999, to November 1, 1998.

² U.S.C. Sect. 791(a)-825(r).

³ Pub. L. 91-190, 42 U.S.C. 4321-4347, January 1, 1970, as amended by Pub. L. 94-52, July 3, 1975, Pub. L. 94-83, August 9, 1975, and Pub. L. 97-258, §4(b), Sept. 13, 1982.

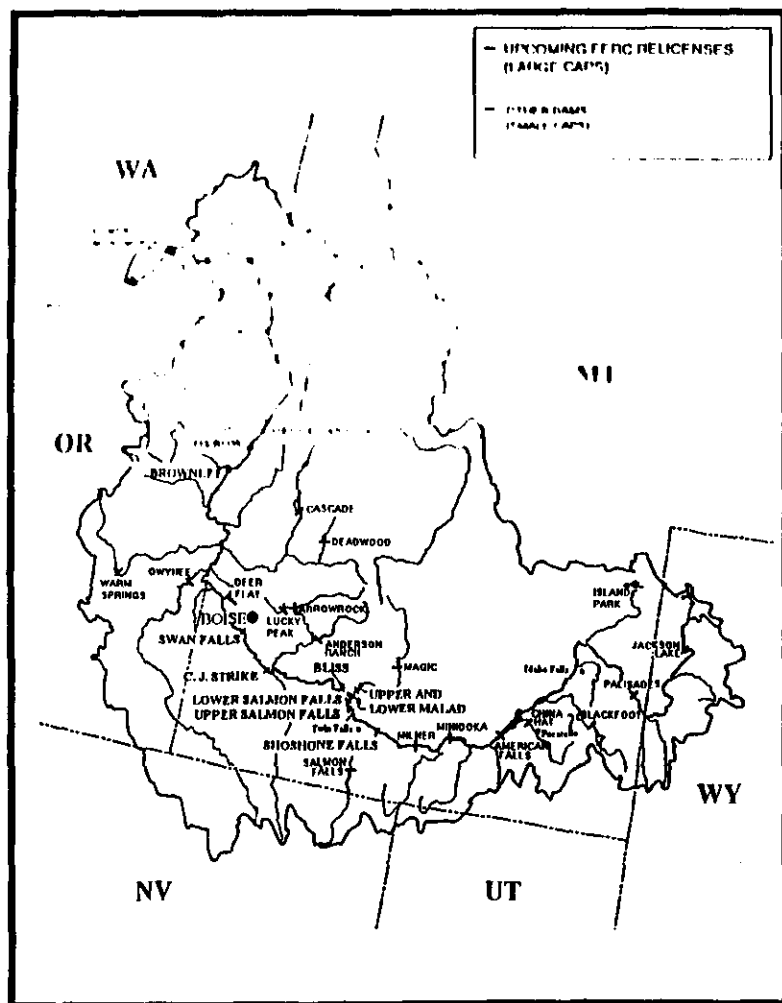


Figure 1. Location of eight Idaho Power Company projects (11 dams) coming up for relicensing in next 15 years along with other selected dams in the Snake River Basin.

Table 1. Description of Idaho Power relicense projects.

Project Name	Location	FERC No.	Expected Filing Date*	Snake River mile
Bliss	mainstem Snake River, about 6 miles west of Bliss, in Gooding, Twin Falls, and Elmore Counties, Idaho	1975	December 1995	560.0
Lower Salmon Falls	mainstem Snake River, about 2 miles north of Hagerman, in Gooding and Twin Falls Counties, Idaho	2061	December 1995	573.0
Upper Salmon Falls	mainstem Snake River, about 3 miles south of Hagerman, in Gooding and Twin Falls Counties, Idaho	2777	December 1995	580.0
Shoshone Falls	mainstem Snake River, about 4 miles east of Twin Falls, in Jerome and Twin Falls Counties, Idaho	2778	May 1997	615.0
C.J. Strike	mainstem Snake River about 20 miles southwest of Mountain Home, in Owyhee County, Idaho	2055	Nov. 1998	494.0
Upper and Lower Malad	Upper Malad development	2726	July 2002	enters the Snake River at river mile 571.5
	Lower Malad development			
Hells Canyon	Brownlee development	1971	July 2003	284.6
	Oxhow development			272.2
	Hells Canyon development			247.0
Swan Falls	mainstem Snake River, about 35 miles south of Boise, Ada and Owyhee Counties, Idaho	503	June 2008	458.0

* Commission regulations require applicants for a new license to file an application at least 2 years prior to expiration of the project license.

We have concluded that issuing licenses for the first four projects would be a major federal action significantly affecting the quality of the human environment--thus we would prepare a multi-project EIS for these four projects.

Approaches to Site-specific and Cumulative Impacts

Evaluating cumulative effects of the Idaho Power projects in the Snake River Basin provides a challenge given that four applications have already been filed and applications for the remaining four projects will be filed during the next 12 years. In developing approaches for assessing cumulative impacts, staff considered the following factors--the timing of the expiration of the licenses, the geographic location of these projects, and the availability of data with which to conduct a cumulative impact assessment.

Because of the substantial interest in relicensing the Snake River projects, staff initially prepared a discussion paper outlining two approaches (approaches A and B), held a public meeting, and solicited comments. Based on the comments, we agreed to delay selection of an approach until after scoping. We also added two additional approaches (approaches C and D) to Scoping Document 1. The four approaches are summarized below. (See appendix A for more detailed information on the approaches.)

Approach A--Staff would prepare a site-specific EIS for the Bliss, Lower Salmon Falls, Upper Salmon Falls, and Shoshone Falls Projects, which would include a cumulative analysis of all eight Idaho Power relicense projects--but only for resources affected by the first four projects (anadromous fish would be deferred). Separate environmental documents would be prepared for the remaining projects (C.J. Strike, Upper and Lower Malad, Hells Canyon, and Swan Falls Projects) as these applications are filed; additional or revised cumulative analyses would be included as appropriate.

Approach B--Staff would first conduct a basin-wide cumulative analysis for all resources, then proceed with site-specific EIS's tiering off the cumulative analysis. The analysis would stand apart from, but be integrated with, separate and more detailed EIS's covering the project-specific impacts of the projects. The cumulative analysis would be updated as new information is developed.

Approach C--Staff would initiate a basin-wide cumulative analysis for all resources (as in approach B), but would simultaneously begin preparation of the project-specific EIS for the Bliss, Lower Salmon Falls, Upper Salmon Falls, and Shoshone Falls (as in approach A). Both documents would be issued concurrently. Subsequent environmental documents would tier off of the cumulative analysis.

Approach D--similar to C, but staff would produce separate reports for certain key resources.⁴

Scoping Comments

In response to SD1, we received six recommendations on the approach (see Section 2.2). Idaho Department of Fish and Game recommended approach A, but recommended that we proceed now with multi-project analysis for sturgeon and anadromous fish. The National Marine Fisheries Service prefers approach B. Idaho Power recommends approach C because it believes that this approach best addresses its concern with the potential for extensive reopeners. The Forest Service also recommends approach C, but requests that study plans for the Hells Canyon Project that are relevant to the cumulative analysis be identified and deferred until the cumulative analysis is completed. The Environmental Protection Agency supports a combination of approaches A and B by using either approach C or D. American Rivers et al. favors approach D. Interior, although not endorsing a specific approach, recommends that the Commission should begin the cumulative effects analysis now, with initiation of the site-specific analysis for the first four projects.

Although no consensus on the approach was reached during scoping, it is clear that there is little support for any approach that substantially delays consideration of the first four projects and that there is support for beginning a cumulative analysis on the anadromous fish issue now.

Selected Approach

We have selected approach A, along with an initiation of a review of anadromous fish issues involved in the relicensings of the Idaho Power projects.

Using this approach, we would minimize the delays in acting on the first four relicense applications; analyze cumulative effects on the resources affected by these projects; and evaluate projects located close to each other at the same time to the extent possible. Separate reports (or appendices) on certain cumulative issues (e.g., water quality) would be issued simultaneously with the DEIS where appropriate.

We see no need to analyze the anadromous fish issue in detail in the environmental document for the first four projects for the following reasons:

⁴ American Rivers approach contemplates the Commission issuing annual licenses with protection measures in the event the cumulative analysis is delayed. In the past, the Commission has only conditioned annual licenses in extraordinary circumstances.

⁵ The EIS will include a limited analysis of the anadromous fish issue, focusing primarily on the reservation of authority needed to address future anadromous fish passage issues.

- *The relationship between the first four projects and the downstream projects in terms of anadromous fish is limited given the limited storage of these four projects and the downstream obstacles that must be overcome before serious consideration can be given to restoring anadromous fish upstream of Bliss dam*
- *Any unresolved anadromous fish issues (such as future fish passage) at the first four projects can be dealt with through reopeners*
- *Information on anadromous fish for the Hells's Canyon Project is incomplete-- Idaho Power is just initiating its relicensing studies (most won't be complete until 2000-2001)*
- *The Bureau of Reclamation's Snake River Resources Review, which would provide information that could be used by the Bureau to alter operation of its projects--and thus could significantly affect the timing and quantity of flows in the project reaches--won't be completed until 2000*
- *The National Marine Fisheries Service's existing Biological Opinion on endangered Snake River salmon species will be reissued after 1998*

Although we do not plan to initiate a cumulative analysis of anadromous fish at this time, we do not plan to ignore the anadromous fish issue. We will initiate a preliminary review of the anadromous fish issues associated with the relicensing of the Idaho Power projects. Given the great regional interest and the expected controversy in this issue, getting an early start evaluating the anadromous fish issue would be prudent. Our early involvement will allow us to: evaluate information and study needs; coordinate with the collaborative team and with the Bureau of Reclamation's Snake River resources review; and develop analytical tools earlier in the process. This effort will compliment and be coordinated with the Commission's discussions with the National Marine Fisheries Service on the impacts of the Hells Canyon Project on listed salmon species.⁶

Concerning reopeners, we have determined that the need for reopeners to address unresolved issues for the first four projects would be limited. Based on a review of scoping comments and our preliminary analysis, potential reopeners would likely be limited to fish passage questions.

We will hold workshops and work with the Snake River Relicensing Collaborative resource workgroups as necessary to better define issues and develop analytical techniques to

⁶ Letter from James J. Hoecker, Chairman, Federal Energy Regulatory Commission, Washington, D.C., to William Stelle, Jr., Regional Administrator, National Marine Fisheries Service, Seattle, Washington, December 3, 1997.

deal with certain issues (such as water quality modeling) for both the cumulative analysis and anadromous fish review.

Questions concerning Snake River relicensing should be directed to Alan Mitchnick, Chief, Lands Review Section, West Branch, FERC, at (202) 219-2826, or John Blair, Snake River Relicensing Environmental Coordinator, FERC, at (202) 219-2845.

2.0 SCOPING

Scoping is the process used to identify issues, concerns, and opportunities associated with a proposed action.

2.1 Purposes of Scoping

The purposes of the scoping process are as follows:

- Invite participation of federal, state, and local agencies, Indian tribes, and other interested persons to identify significant environmental and socioeconomic issues related to the proposed action
- Determine the depth of analysis and significance of issues to be addressed in the EIS
- Identify how the projects would or would not contribute to cumulative impacts to the project area and the Snake River Basin
- Identify reasonable alternatives to the projects that we should evaluate
- Eliminate from detailed study the issues and resources that don't require detailed analysis during review of the projects

We issued Scoping Document 1 (SD1) on June 5, 1997,⁷ to enable appropriate resource agencies, Indian tribes, and other interested parties to more effectively participate in and contribute to the scoping process. In SD1, we requested clarification of preliminary issues concerning the Bliss, Lower Salmon Falls, Upper Salmon Falls, and Shoshone Falls Projects and the Cumulative Analysis of the Snake River Basin and identification of any new issues that needed to be addressed in the environmental documents. We revised SD1

⁷ Copies of SD1 were mailed to all entities included in appendix F on June 11, 1997. A notice of intent to prepare an EIS and conduct scoping meetings and a site visit was published in the Federal Register on June 11, 1997 (volume 62, no. 112, pp. 31815-31816), and in local newspapers on July 1, and July 8, 1997.

following the scoping meetings and after reviewing comments filed during the scoping comment period. Scoping Document 2 presents our current view of issues and alternatives to be considered in the EIS. Additions are in bold and italic type.

2.2 Scoping Meetings and Written Comments

We conducted two scoping meetings concerning project-specific impacts associated with the Bliss, Lower Salmon Falls, Upper Salmon Falls, and Shoshone Falls Projects--on July 15, 1997, in Twin Falls, Idaho, and on July 17, 1997, in Boise, Idaho. We also held a separate scoping meeting on July 18, 1997, in Boise, Idaho, regarding the cumulative analysis of Idaho Power's eight relicense applications in the Snake River Basin. Announcement of the scoping meetings and site visit was published in local newspapers and in the Federal Register. A court reporter recorded the scoping meetings.

We also held a site visit to the Bliss, Lower Salmon Falls, Upper Salmon Falls, and Shoshone Falls Projects on July 16, 1997.

In addition to comments received at the scoping meetings, the following entities filed written comments on scoping document 1:

Entity	Date of Letter
Duane Reynolds	July 6, 1997
Middle Snake River Recreation Work Group	July 13, 1997
Vince Thompson	July 15, 1997
Dana Olson-Elle	July 15, 1997
Magic Valley Fly Fishers	July 16, 1997
Country Club Estates	July 21, 1997
Elmore County Wildlife Club	August 5, 1997
Twin Falls Area Chamber of Commerce	August 11, 1997
Idaho Department of Water Resources	August 14, 1997
Columbia River Inter-Tribal Fish Commission	August 14, 1997
Twin Falls County Parks and Recreation Advisory Commission	August 14, 1997
Environmental Protection Agency	August 14, 1997
American Rivers, Idaho Rivers United, Hells Canyon Preservation Council, Idaho Conservation League, Idaho Wildlife Federation, Friends of the Earth, and Federation of Fly Fishers	August 15, 1997

Entity	Date of Letter
Idaho Power Company	August 15, 1997
Wallowa-Whitman National Forest	August 15, 1997
Idaho Departments of Fish and Game and Parks and Recreation	August 15, 1997
George Coiner	August 15, 1997
Nez Perce Tribal Executive Committee	August 18, 1997
Department of the Interior	September 3, 1997
Oregon Department of Fish and Wildlife	October 23, 1997
National Marine Fisheries Service	November 10, 1997

All comments received are part of the Commission's official file for the projects. Copies of the official file are available through the Records and Information Management System (RIMS) in the Public Reference Room. Copies can also be obtained by writing or faxing (202-208-2320) your request to the Public Reference Room at the following address:

Federal Energy Regulatory Commission
Public Reference & Files Maintenance Branch
888 First Street, NE, Room 2-A
Washington, DC 20426
Attention: Mr. William G. McDermott, Chief

After careful consideration of all scoping input, we've revised SD1. Our responses to comments and any respective changes in the scoping document are shown as bold type. The general concerns raised by participants in the scoping process are summarized below by subject area. The summaries don't include every oral and written comment made during the scoping process. For instance, we have not addressed comments that are recommendations for specific information requests or license conditions. Such comments will be addressed in future additional information requests and in the EIS. We will request final terms, conditions, recommendations, and comments when we issue our Ready for Environmental Analysis notice after all additional information that we may request is filed.

Project-specific Issues

No Action Alternative

Many commenters (Interior, Nez Perce Tribal Executive Committee, American Rivers et al.) disagree with our no-action alternative. They believe that the no-action alternative should be license denial.

The no-action alternative is a difficult concept to apply to relicensing.⁸ Because there could be very serious socioeconomic and environmental impacts from license denial, our position has and continues to be that license denial, which would involve project retirement, is an action alternative; whereas, continued project operation under the terms of the existing license (status quo) is the better fit for the no-action concept in relicensing. The existing conditions represent the results of implementing past resource management decisions, and we agree with the Council on Environmental Quality's (CEQ) interpretation that in such a case, "no action" represents "no change" from current management direction.⁹

Baseline

Many entities continue to recommend that the environmental baseline must be the pre-project environment.¹⁰ This issue has been addressed previously (see appendix A).

Project Retirement

EPA and American Rivers et al. recommend that we consider the alternative of project retirement in the project-specific EIS, but provided no specifics as to what project retirement should entail.

Because of the agency comments, we will examine project retirement in the project-specific EIS for the projects, but we do not believe that it's reasonable to look at dam removal. We provide additional support for not evaluating dam removal as a reasonable alternative in Section 3.3.4.

Thousand Springs Project

Interior recommends that the Commission investigate the benefits of removing Idaho Power's unlicensed Thousand Springs Hydroelectric Project, located upstream of the Upper Salmon Falls Project. This project is not under the Commission's jurisdiction, and thus the Commission has no authority to remove this project.

⁸ For a detailed discussion of this issue, see *Public Service Company of New Hampshire* Order granting application for a new license, 68 FERC ¶61,177 (August 1, 1994).

⁹ Council on Environmental Quality, *Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations* (40 CFR 1500-1508), printed in *Federal Register* volume 46, no. 33, pp. 18026-18038, March 23, 1981.

¹⁰ The Commission's policy on baseline is found in the following two orders for the Cushman Project (FERC No. 460): (1) Declaratory order on nature of proceeding on application for a subsequent license after a minor part license expires, 67 FERC ¶61,152 (May 4, 1994); and (2) Order granting intervention and denying rehearing, 71 FERC ¶61,381 (June 22, 1995).

Economic Evaluation of Non-power Resources

EPA and American Rivers et al. recommend including an economic evaluation of non-power resources for comparison with the value of project power. We consider this recommendation to be directed towards our methods of analyses and outside the issue-identification purposes of this scoping document. We would, however, include the economic value of environmental resources in our analyses, if we can reasonably determine what they are, and if this information would help us decide what level of enhancement to recommend.

Cumulative Issues

Non-FERC-jurisdictional Upper Basin Projects

The Columbia River Inter-Tribal Fish Commission commented that we should evaluate various alternative operational and structural configurations of non-jurisdictional hydroelectric and non-hydroelectric developments, including those of the Bureau of Reclamation and U.S. Army Corps of Engineers in the upper basin, in order to provide augmented flows for anadromous fish:

The EIS should provide alternatives that assure the timely passage of upper Snake irrigation water through all dams in the upper Snake Basin so that water can be delivered to best benefit anadromous fish production needs downstream of the projects...FERC should also identify alternatives that address the basin-wide modifications of federal and private dam operations to determine how flows for anadromous fish production can be provided.

American Rivers et al. (Conservation Groups) "state:

The Conservation Groups believe that a rigorous analysis of existing water management above Milner Dam and in the major tributaries is required to determine how water management can be improved to reduce the environmental impacts caused by the lethal combination of low flows and hydroelectric dams, and to determine if there are opportunities for Idaho Power to increase flows through water acquisition or rental...the Conservation Groups recommend that FERC consult closely with the Bureau of Reclamation and the Idaho Department of Water Resources, to ensure that all relevant information is considered and potential flow improvement measures identified.

The Federal Power Act only provides the Commission with the exclusive authority to issue and condition licenses for nonfederal hydropower projects on navigable waterways and federal lands. The Commission does not have authority to issue and condition licenses for non-hydropower projects, any federally operated project, or non-federal hydropower projects on unnavigable waters. Accordingly, the Commission does not have the authority to direct

the actions of many projects in the Snake River Basin, including projects owned and operated by the Bureau of Reclamation and the U.S. Army Corps of Engineers and all non-hydropower projects. Therefore, we will not assume the role of lead agency in developing, analyzing, and directing alternative structural and/or operational configurations of non-jurisdictional projects in the Snake River Basin.

We will, however, evaluate how the eight Idaho Power projects could be operated to be consistent with all relevant federal or state comprehensive plans for improving, developing, or conserving the waters of the Snake River Basin, including plans for augmenting flows for anadromous fish. This evaluation will evaluate how the operation of the Idaho Power projects will affect the Snake River management plans of the Bureau of Reclamation, Snake River Project, and the Snake River Conservation Plan and project. The evaluation will be found in Appendix C.

Basin-wide Flow Augmentation

Idaho Department of Water Resources commented that the relicensing process is not intended to improve a reallocation of water in ways that interfere with proprietary water rights."

Idaho Departments of Fish and Game and Recreation and Parks commented that the Commission "intended to examine the effects of all salmon-related flow augmentation actions throughout the Snake River Basin whether or not the flow augmentation was related to the relicensing of the Idaho Power projects."

Our evaluation of flow augmentation will be limited to evaluating how flow augmentation would change baseline conditions in the Idaho Power reach; how Idaho Power projects could be coordinated with the flow augmentation; what changes are needed at the Idaho Power projects; and the effects of these changes on economic and environmental resources.

Watershed Analysis

The Forest Service requests that a watershed analysis be conducted for the Hells Canyon Project and that riparian/wetland habitat, bald eagles, peregrine falcons, MacFarlane's four-o'clock, and native grassland and shrubs be evaluated at the 5th field hydrologic unit. The Forest Service suggests that a watershed analysis is a necessary part of the cumulative analysis.

The Forest Service's request for a watershed analysis for all of these resources focuses on the Hells Canyon Project area--thus we will defer consideration of a watershed analysis. Our cumulative effects analysis for MacFarlane's four-o'clock will be addressed in

the EIS prepared for Hells Canyon because of this species' restricted distribution in the Snake River to a portion of Hell's Canyon.

3.0 IDAHO POWER RELICENSES AND ALTERNATIVES

3.1 Bliss, Lower Salmon Falls, and Upper Salmon Falls Projects

The Bliss Project, built in 1941, involves 183.95 acres of Bureau of Land Management (BLM) land. The Lower Salmon Falls Project, built in 1910 involves 29.2 acres of BLM land and 58.06 acres of National Park Service (NPS) land (Hagerman Fossil Beds National Monument). The Upper Salmon Project, built in 1910, doesn't involve any federal lands. The location of the three projects is shown in figure 2.

3.1.1 Project Facilities

The Bliss Project (figure 3) consists of:

- A 364-foot-long, 38-foot-high concrete gravity dam and 216-foot-long spillway
- A 5-mile-long, 255-acre reservoir at elevation 2,654.0 feet above mean sea level (msl), with a total storage capacity of 11,100 acre-feet
- A powerhouse (integral with the dam) with a total capacity of 75 megawatts (MW), producing about 493 gigawatt-hours (GWh) annually
- A 10.5-mile-long, 138-kilovolt (kV) primary transmission line

The Lower Salmon Falls Project (figure 4) consists of:

- A 700-foot-long, 38-foot-high dam, consisting of a 31-foot-long powerhouse section, a 97-foot-long concrete bulkhead section, which includes an intake to the fish ladder; a 312-foot-long gated spillway section; a 180-foot-long overflow dam section, and an 80-foot-long left (west) abutment
- A 6.6-mile-long, 750-acre reservoir at elevation 2,798.0 feet msl, with a total storage capacity of 10,900 acre-feet
- A powerhouse with a total capacity of 60 MW producing about 343 GWh annually

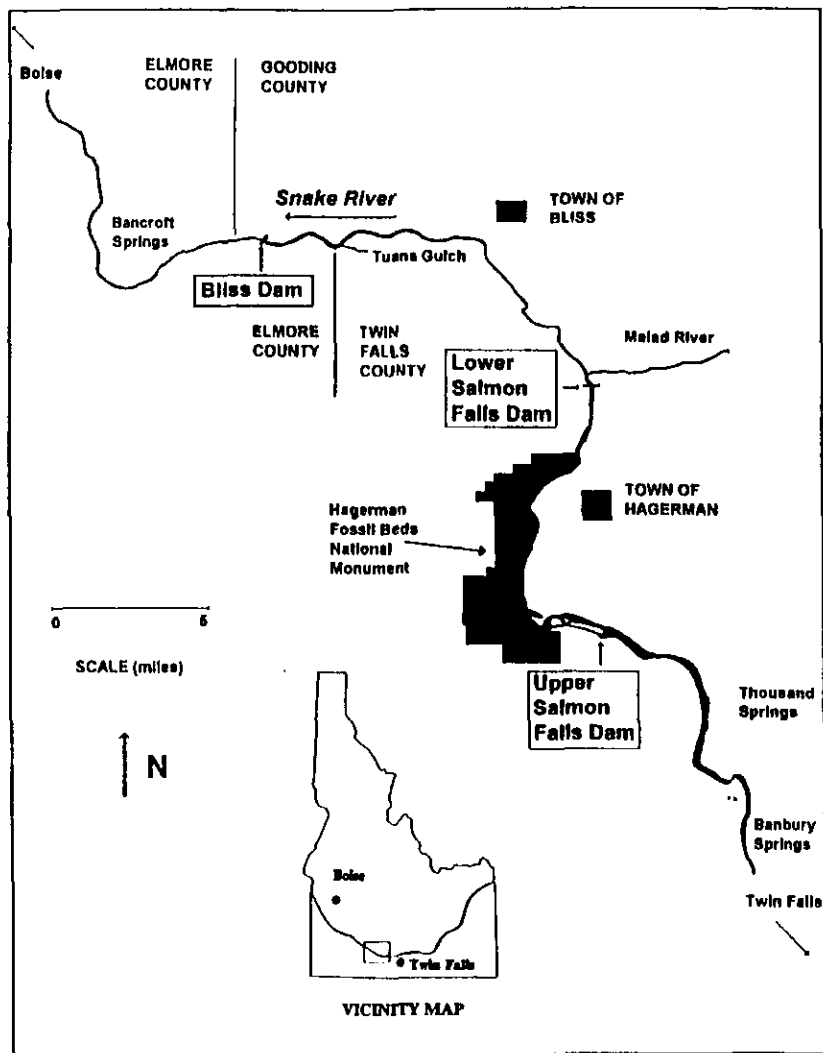


Figure 2. Location of the Bliss, Lower Salmon Falls, and Upper Salmon Falls Projects.

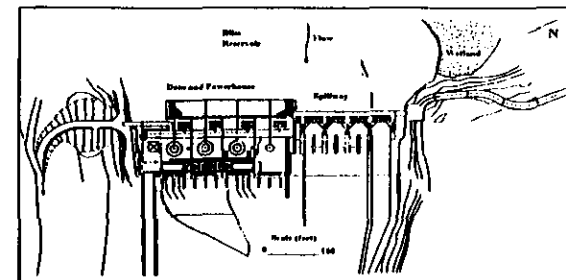


Figure 3. Project facilities for the Bliss Project (Source: Idaho Power, as modified by staff).

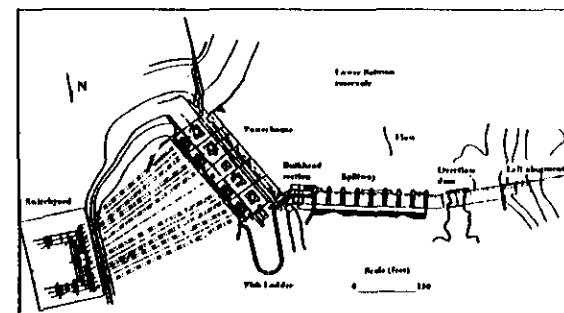


Figure 4. Project facilities for the Lower Salmon Falls Project (Source: Idaho Power, as modified by staff).

- Two 138-kV primary transmission lines (0.10- and 0.15-mile-long) from the switchyard to the King substation

The Upper Salmon Falls Project (figure 5) consists of:

- A 1,620-foot-long, 14-foot-high concrete dam, consisting of a 240-foot-long gated spillway section; a 610-foot-long gravity dam with flashboards; a 275-foot-long intake structure; and a 420-foot-long abutment gravity section
- A 5.8-mile-long, 50-acre reservoir at elevation 2,878.2 feet msl, with a total storage capacity of 600 acre-feet

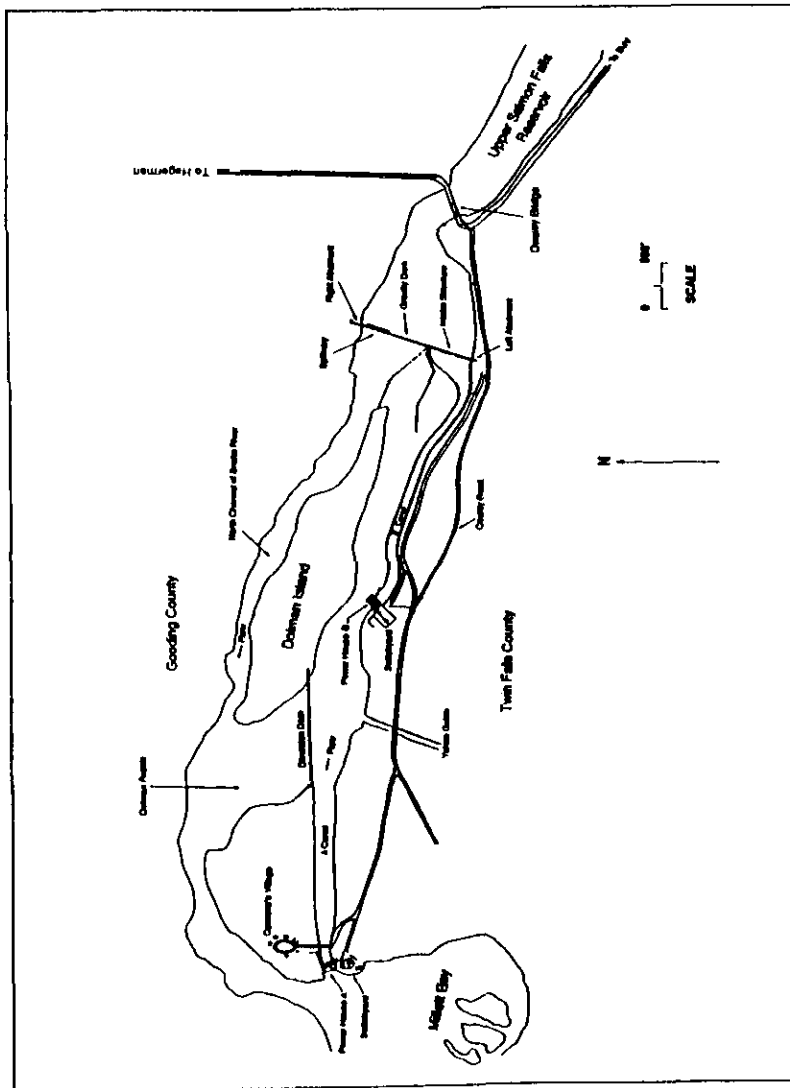


Figure 5. Project facilities for the Upper Salmon Falls Project.

- A 3,200-foot-long, concrete-lined canal
- A 1,380-foot-long, diversion structure across Dolman Rapids, separating the north channel from the main channel of the Snake River
- Two powerhouses (A and B), with a total capacity of 34.5 MW producing about 321 GWh annually
- A 1.8-mile-long bypassed reach

3.1.2 Proposed Project Operation

Figure 6 shows, schematically, the river-mile location, reservoir size, plant hydraulic capacity, and method of operation for the Bliss, Lower Salmon Falls, and Upper Salmon Falls Projects on the middle Snake River. Except for automating some of the plant operations, as described below, Idaho Power is not proposing any changes to the existing mode of operation.

Bliss Project

The Bliss powerhouse was automated in 1995 and is currently staffed 8 hours a day. During the unmanned periods the plant is controlled remotely, by an operator stationed at Idaho Power's Boise Bench Dispatch Center, located southeast of Boise.

Idaho Power operates the Bliss Project to help meet its peak hourly system loads; over a 24-hour period project releases are equal to inflow to the reservoir. The reservoir is maintained between elevation 2654.0 and 2649.0 feet msl. Operating within this range provides 1,250 acre-feet of useable storage.

Lower Salmon Falls

The Lower Salmon Falls Project is manually operated, with personnel on duty 24 hours per day, seven days a week. The project is operated to maintain reservoir levels between the elevations of 2792.0 and 2798.0 feet msl. With 4,100 acre-feet of useable storage, Idaho Power operates the project to help meet short-term (hourly) peak system loads. Idaho Power *automated the project* in 1996 for remote operation from the Boise Bench Dispatch Center. After automation, operators will be on-site eight hours per day and on call during the remaining time.

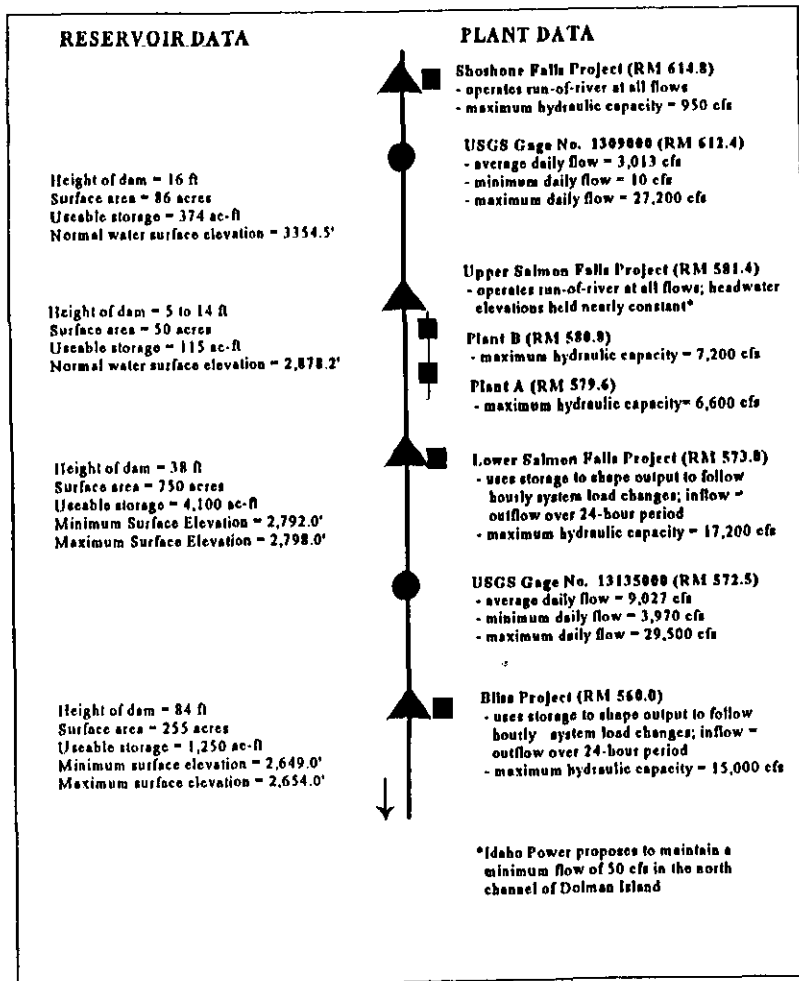


Figure 6. Reservoir and plant data for the Bliss, Lower Salmon Falls, Upper Salmon Falls, and Shoshone Falls Hydroelectric Projects.

Upper Salmon Falls

The Upper Salmon Falls Project has two powerhouses: plant A is located 1.8 miles downstream of the Upper Salmon Falls dam and plant B is about 0.6 mile below the dam. Plant A is manned 24 hours a day and plant B is manned from 7:30 a.m. to 4:30 p.m.; when plant B is not manned, it is controlled remotely from plant A. Idaho Power automated plant A in 1997, and plans to automate plant B in 1998.

Idaho Power proposes to continue to operate the Upper Salmon Falls Project run-of-river under all river flow conditions. Except for minor fluctuations caused by changing inflows, headwater elevation is held constant at 2841.3 feet msl at Plant A and 2878.2 feet msl at Plant B. The project reservoir provides a useable storage of 115 acre-feet.

3.1.3 Proposed Protection and Enhancement Measures

Idaho Power proposes to operate the projects as described above, with the following protection and enhancement measures. These measures are discussed in detail in volume 6 of the technical appendices of the license applications.

Water Quality and Quantity

- Continue its involvement in the Middle Snake River Watershed Management Plan
- Harvest aquatic macrophytes at all three projects
- Provide a minimum flow of 50 cfs in the north channel at the Upper Salmon Falls Project
- Monitor temperature and dissolved oxygen at all three projects to ensure that state standards are met

Aquatic Resources

- Stock fish in Bliss (undetermined numbers of warmwater fish species), Lower Salmon Falls (23,000 catchable-sized rainbow trout), and Upper Salmon Falls (6,000 catchable-sized rainbow trout) reservoirs
- Continue its involvement in the development of a white sturgeon conservation plan
- Protect spring habitat for aquatic endangered species, Idaho species of special concern, and rainbow trout spawning

- Continue its involvement in the development of a snail conservation plan

Terrestrial Resources

- Preserve, enhance, and manage 76 acres of the 425-acre Thousand Springs Preserve, now owned and operated by The Nature Conservancy, which supports sensitive riparian habitats, springs, and sensitive plants (Idaho Power has contributed about \$500,000 towards the purchase of the preserve.)
- Implement the following enhancement/protection measures at Banbury Springs: (1) protect the rare water birch (*Betula occidentalis*) community from further degradation, (2) revegetate disturbed areas, and (3) monitor the revegetation efforts and the continued health of the forest
- Provide long-term protection of the riparian vegetation associated with Dolman Rapids through continued maintenance of the barbed wire fence Idaho Power constructed in 1992 to prevent cattle from straying into the riparian vegetation and entering the streambed
- Preserve riparian resources on the applicant's existing landholdings at Bancroft Springs, Lower Salmon Falls, and Tuana Gulch by: (1) developing a land management plan for each area, (2) removing grazing through fencing or agreements with the Bureau of Land Management, (3) revegetating severely disturbed areas, (4) installing sediment traps at Tuana Gulch, and (5) maintaining and monitoring revegetated areas
- Provide additional protection to heron rookeries by protecting and enhancing habitat conditions of islands owned by Idaho Power
- Create a preserve for chatterbox orchid (*Epipactis gigantea*) at Banbury Springs
- Create a preserve for Torrey's blazingstar (*Mentzelia torreyi* var. *acerosa*) at Tuana Gulch
- Enhance weed control on Idaho Power lands

Aesthetic Resources

- Preserve and protect the aesthetic value of Bancroft Springs, Banbury Springs, and Thousand Springs
- Prepare an Aesthetic Resource Protection Plan

- At Upper Salmon Falls, landscape an area immediately adjacent to an existing visitor overlook

Cultural Resources

- Implement cultural resources management plans to maintain the historical integrity of cultural resources at the projects
- Establish a 375-acre cultural research preserve to protect prehistoric and historic archeological sites in the preserve, and to support innovative archeological research that would be applicable to other projects
- Construct and maintain interpretive kiosks to educate the public about Native American use of the project areas

Recreational Resources

- Continue to operate and maintain the Upper Salmon Falls powerhouse 'A' picnic area
- Enhance the Owsley Bridge boat launch facility by enlarging the parking area, installing a vault toilet, improving the boat ramp and dock facilities, graveling the parking area, and redesigning traffic patterns within the facility
- Enhance the Lower Salmon Falls Park by increasing the parking area, providing a new restroom facility, improving the boat ramp and dock facilities, paving roads and parking areas, adding a group picnic shelter, landscaping, and redesigning traffic patterns within the park
- Enhance the Lower Salmon Falls whitewater access below the Lower Salmon Falls dam by graveling the parking area, providing a portable toilet (seasonal), and improving the float boat ramp
- Enhance the Snake/Malad Rivers whitewater access site by enlarging the parking area, providing a portable toilet (seasonal), and improving the float boat ramp
- Enhance the Bliss reservoir boat launch access area by obtaining a long-term lease of the property, enlarging the parking area, providing a vault toilet and additional picnic sites, and improving the boat ramp and dock
- Continue to operate and maintain the existing Bliss day-use park facility

- Provide buffer zones at developed recreation facilities and special resource value areas--through such things as signs, safety/no wake buoys, and fencing--to ensure public safety and protect natural resources
- Consult with resource agencies every 10 years to decide if a needs assessment is necessary for reviewing the adequacy of the recreation plan
- Provide monetary assistance to the National Park Service to enhance environmental education and visitor information in the Hagerman Fossil Beds National Monument and Upper Salmon Falls and Lower Salmon Falls project vicinities.

3.1.4 Additional Study Requests

In response to the notice of tendering of the application for the Bliss, Lower Salmon Falls, and Upper Salmon Falls Projects, issued on January 4, 1996, nine entities filed 75 study requests (appendix B).

3.2 Shoshone Falls Project

3.2.1 Project Facilities

The project, initially built between 1901 and 1909, involves 4.85 acres of lands administered by BLM. Major facilities (figure 7) include:

- A 779.6-foot-long (average height of 16 feet) concrete diversion dam located above the crest of Shoshone Falls, consisting of four sections separated by rock islands, three of which function as uncontrolled overflow spillway sections, and a fourth, 380-foot-long gated spillway section fitted with 5-foot-high wooden slide gates
- A 1.8-mile-long, 86-acre reservoir at normal operating elevation of 3,354.5 feet msl, with a total storage capacity of 1,500 acre-feet and a usable storage of 374 acre-feet
- A 450-foot-long tunnel and 120-foot-long, 10-foot-diameter penstock
- A powerhouse located on the north bank of the river downstream of Shoshone Falls with three units with a total generating capacity of 12.5 MW, producing about 110 GWh annually
- A 100-foot-long tailrace

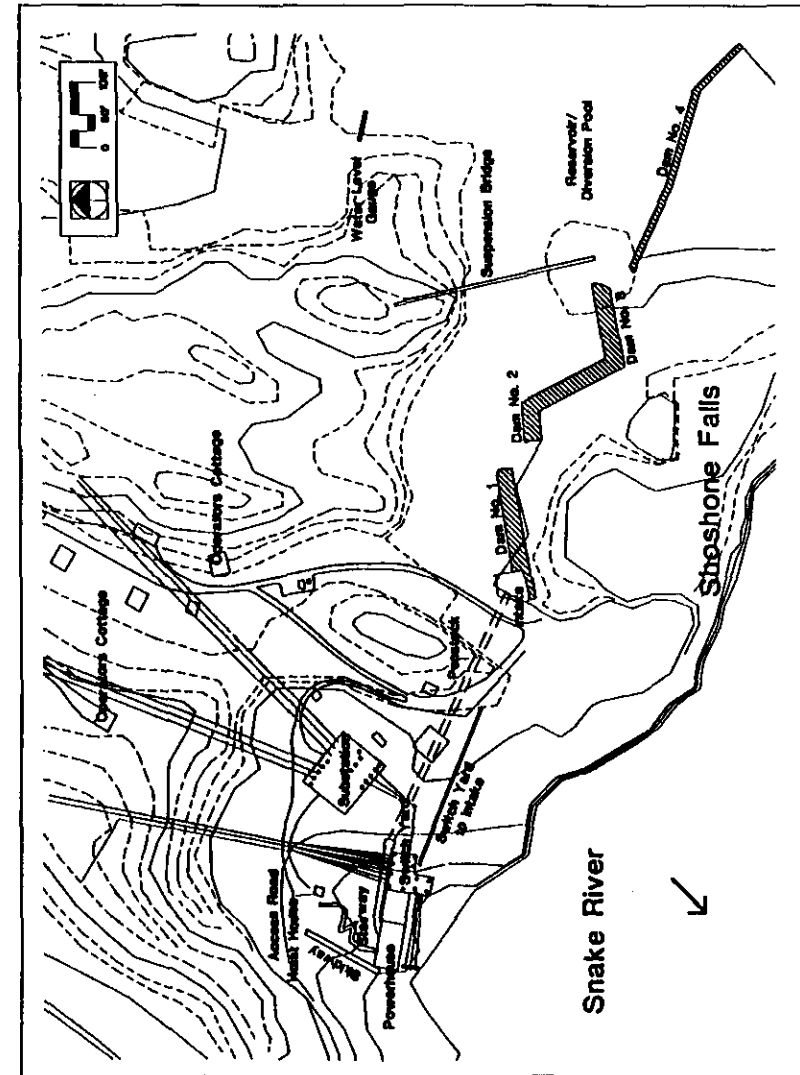


Figure 7. Project facilities for the Shoshone Falls Project (Source: Environmental Vision, October 1996).

3.2.2 Proposed Project Operation

The Shoshone Falls Project is manually operated, with personnel on duty eight hours a day. Idaho Power proposes to continue operating the project run-of-river by controlling the flow through the project to maintain the headwater elevation near the crest of the overflow spillway. The headwater elevation is remote from the spillway crest and the staff and personnel are on-call when the plant is operating. Idaho Power plans to continue the project in 1998, enabling remote operation from the Herrett Museum to the project area.

All the above measures are designed to ensure that the project is operated in a manner that is consistent with the project's purpose and the project's capacity to generate power. The project is designed to generate power from the overflow spillway, and the project is designed to generate power from the overflow spillway.

3.2.3 Proposed Project Mitigation and Enhancement Measures

Water Quality and Quantity

- Adopt and fully implement the Middle Snake River Watershed Management Plan
- Monitor water temperature and dissolved oxygen in powerhouse releases from June 15 through October 15

Aquatic Resources

- Establish a sport fishery in the reservoir by annually stocking 2,500 catchable-sized trout

Terrestrial Resources

- Develop artificial wetlands at the LQ and LS Drains

Aesthetic Resources

- Assure a minimum flow over the falls of 300 cfs from April 1 through Labor Day during daylight hours

Cultural Resources

- Construct signs depicting history of hydropower development in the project area
- Conduct limited data recovery at rock shelters within the project area

- Construct interpretive kiosks on Native American presence in the project area
- Develop a permanent exhibit at the Herrett Museum, College of Southern Idaho, Twin Falls, and a traveling exhibit to depict contributions of Euro-Americans and Chinese miners to local history
- Document and remove stone operator's cottage 072

Recreational Resources

- Invest \$50,000 toward recreational facility enhancements in the vicinity of the Shoshone Falls Project area
- Match, dollar for dollar, expenditures toward recreational or viewing opportunities in Shoshone Falls Park
- Develop and implement an interpretation and information plan for the public

3.2.4 Additional Study Requests

On June 13, 1997, the Commission issued a notice requesting additional study requests for the Shoshone Falls Project. We received requests for three studies from Idaho Department of Fish and Game (appendix B).

3.3 Alternatives

3.3.1 Staff's Modification to Idaho Power's Proposed Action

We will consider alternative mitigation and enhancement measures not proposed by the applicant. Alternative measures could include recommendations by resource agencies, other organizations, Indian tribes, the general public, or the staff. We will assess the environmental effects of these measures. To the extent that these measures would reduce the power production from the proposed project, we will evaluate the costs and any fossil-fueled-generation contributions to airborne pollution.

Specifically, we will consider recommending that the projects operate run-of-river at all times to reduce environmental impacts associated with wide and/or rapid fluctuations in the project reservoirs and in downstream river sections. Environmental, economic, and operational consequences of this alternative will be evaluated.

We will develop a preferred alternative for the projects based on a balancing of the expected benefits and costs of the proposed action and the recommendations provided by all stakeholders.

3.3.2 Project Retirement (No Dam Removal)

This alternative would involve denial of the relicensing application and surrender or termination of the existing license with appropriate conditions. This alternative would involve retaining the dams and reservoirs and disabling or removing equipment used to generate power. Project works would remain in place and could be used for historic or other purposes. This would require the Commission to identify another government agency willing and able to assume regulatory control and supervision of the remaining facilities (such as project dams, lakes, and existing recreational facilities).

3.3.3 No Action

Under the no-action alternative, the projects would continue to operate under the terms and conditions of their existing licenses, and no new environmental protection, mitigation, or enhancement measures would be implemented. We will use this alternative to establish the baseline environmental and economic conditions for comparison with other alternatives.

3.3.4 Alternatives Considered But Eliminated from Detailed Study

At present, we are proposing to eliminate the following alternatives from detailed study in the EIS.

Project Retirement (Dam Removal)

Under this alternative, project retirement would be accomplished by removing one or more of the project dams. This alternative would involve surrender or termination of the existing license or licenses with appropriate conditions. Existing recreation facilities would be operated and maintained by other entities or removed. Project retirements with dam removal would have the following effects.

- *The energy generated by one or more of the projects would be lost. .. Historically, the four projects have produced about 1,267 GWh of electricity per year. If the energy was no longer available, it would have to be replaced by an alternative source of energy with its associated environmental effects (including emissions of air pollutants)*
- *Project-generated employment and project-generated tax revenues would be lost*
- *The environmental enhancements currently proposed by Idaho Power (see sections 3.1.3 and 3.2.3), including preservation of spring habitat and*

recreational enhancements, and any additional enhancement measures required by the Commission, would be foregone

- *Short-term increases in downstream turbidity and sedimentation and temporary increases in noise, dust, exhaust emissions, and traffic in the project vicinity during dam removal activities would result*
- *Loss of over 1,000 acres of flatwater would result if all four projects were removed--the existing recreational benefits attributed to one or more project's reservoirs (water skiing, swimming, boating, fishing) would be lost or substantially reduced, with related economic losses to local communities*
- *Use of existing recreational facilities (picnic areas, restrooms, boat ramps, etc.) operated and maintained by Idaho Power would be lost if not taken over and managed by other entities*
- *The irrigation pump station at Lower Salmon reservoir may be made inoperable*
- *Removal of the dams would increase riverine habitat by as many as 20 miles, benefiting fish, wildlife, and riparian resources; recreational opportunities (rafting, kayaking, fishing) associated with riverine conditions would increase, with related economic benefits to local communities*
- *Cessation of operation would eliminate impacts associated with water-level fluctuations in reservoirs and in downstream reaches, benefiting fish and riparian habitats*
- *Visual benefits would result from removal of project structures and transmission lines*
- *If one or more of the project dams were removed, then improved fish passage and survival would result*

We are not aware of any agency or commenter recommending removal of any or all of the four project dams.

Based on the above, we don't believe dam removal is a reasonable alternative in this case.

Federal Government Takeover

We don't consider federal takeover to be a reasonable alternative. Federal takeover of the project would require congressional approval. While that fact alone wouldn't preclude further consideration of this alternative, there is currently no evidence showing that a federal takeover should be recommended to Congress. No party has suggested that federal takeover would be appropriate and no federal agency has expressed interest in operating the project.

Nonpower License

A nonpower license is a temporary license that the Commission would terminate whenever it determines that another governmental agency will assume regulatory authority and supervision over the lands and facilities covered by the nonpower license. At this point, no agency has suggested a willingness or ability to do so. No party has sought a nonpower license and we have no basis for concluding that the project should no longer be used to produce power. Thus, we don't consider a nonpower license a realistic alternative to relicensing in this circumstance.

3.4 Description of Idaho Power Relicenses with Applications Not Yet Filed

The following is a description of the other Idaho Power projects that will be evaluated in any cumulative analysis.

3.4.1 Upper and Lower Malad Project

The project, built in 1948, is located on the Malad River--the lowermost part of the project is located about 400 feet from the confluence with the Snake River. The project is located adjacent to the Malad Gorge State Park. No federal lands are affected.

The upper development includes:

- A 150-foot-long concrete gravity dam with a maximum height of about 18 feet
- An estimated 10-acre-foot reservoir at elevation 3,013 feet msl
- A 4,600-foot-long concrete flume
- A powerhouse with one unit with a generating capacity of 8,270 kW
- A 0.6-mile, 46-kV transmission line

The lower development includes:

- A 160-foot-long concrete gravity dam with a maximum height of 16 feet
- An estimated 10-acre-foot reservoir at elevation 2,884.3 feet msl
- A 5,450-foot-long concrete flume
- A powerhouse with one unit with a generating capacity of 13,500 kW

The project is operated run-of-river. A minimum flow of 70 cfs is released from each development.

3.4.2 C.J. Strike Project

The project, built in 1951, involves 3,019 acres of BLM land (Snake River Birds of Prey Natural Area). Major facilities include:

- A 3,220-foot-long dam with a maximum height of 115 feet
- A reservoir impounding 32 miles of the Snake River and 7 miles of the Bruneau River, with an area of 7,500 acres and a gross storage of 250,000 acre-feet
- A powerhouse with 3 units with total capacity of 82.8 MW
- Two 138-kV transmission lines spanning a total of 90 miles

The project is operated for peaking generation.

3.4.3 Swan Falls Project

The project, constructed in 1901, involves 211 acres of BLM land within the Birds of Prey Natural Area. A new powerhouse became operational in 1994. Major facilities include:

- A 1,218-foot-long concrete and rockfill dam, consisting of a 440-foot-long spillway section, a 290-foot-long powerhouse section, a 22.5-foot-long intermediate dam section, and a 111.2-foot-long new powerhouse section
- A 900-acre reservoir with a length of 27 miles and gross storage of 4,800 acre-feet at full pool of 2,314 feet msl
- A powerhouse with two units with a total capacity of 25 MW
- A 1.2-mile-long, 138-kV transmission line

The project is operated to reregulate flows from the upstream C.J. Strike Project. A minimum flow of 5,000 cfs is released from April through September and 4,000 cfs from October through March.

3.4.4 Hells Canyon Project

The Hells Canyon Project involves 9,194 acres of federal land administered by the Forest Service (FS) (Payette and Wallowa National Forests and the Hells Canyon National Recreation Area) and the Bureau of Land Management. The Brownlee, Oxbow, and Hells Canyon developments were constructed in 1957, 1958, and 1965, respectively.

The Brownlee development includes:

- A 1,380-foot-long earth and rockfill dam with a maximum height of 395 feet
- A 14,621-acre, 58-mile-long reservoir with a total storage of 1,420,000 acre-feet and usable storage of 975,318 acre-feet at normal maximum elevation of 2077.0 feet msl (minimum elevation of 1976.0 feet msl)
- A powerhouse containing five units with a total generating capacity of 585.4 MW
- About 485 miles of 230-kV and 77.9 miles of 345-kV transmission line

The Oxbow development includes:

- A 945-foot-long earth and rockfill dam with a maximum height of 209 feet
- A 1,150-acre, 12-mile-long reservoir with a total storage of 53,386 acre-feet and usable storage of 11,100 acre-feet at normal maximum elevation of 1805.0 feet msl (minimum elevation of 1795.0 feet msl)
- A powerhouse containing four units with a total generating capacity of 190 MW
- About 75 miles of 230-kV transmission line

The Hells Canyon development includes:

- A 994-foot-long concrete gravity dam with a maximum height of 320 feet
- A 2,412-acre, 25-mile-long reservoir with a total storage of 167,720 acre-feet and usable storage of 23,060 acre-feet at normal maximum elevation of 1688.0 feet msl (minimum elevation of 1678.0 feet msl)

- A powerhouse containing three units with a total generating capacity of 391.5 MW
- 21.9 miles of 69-kV and 37.9 miles of 230-kV transmission line
- A fish trap

The three developments are operated in close coordination. Brownlee drives the operation of the entire complex. Brownlee is normally operated to meet daily load shaping. Oxbow is closely coordinated with the operation of the upstream Brownlee plant, and typically functions as a reregulating dam. Hells Canyon typically follows the general daily load shape. The project is also operated for navigation, flood control, and anadromous fish protection. Operation is subject to the 1980 Hells Canyon Settlement Agreement concerning anadromous fish mitigation.¹¹

4.0 CUMULATIVE ENVIRONMENTAL ISSUES

According to the Council on Environmental Quality's Regulations for implementing NEPA (50 CFR §1508.7), an action may cause cumulative impacts on the environment if its impacts overlap in space and/or time with the impacts of other past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time, including hydropower and other land and water development activities.

Site-specific analyses have the potential to overlook the big picture. For some resources, it may be necessary to look at more than one Idaho Power project or other actions in the basin to understand the relationship between unrelated actions or to develop a comprehensive solution to an existing resource problem. Examples that illustrate the importance of a cumulative look are presented in the box below.

Evaluating cumulative impacts is an iterative process. Issues will be refined based on preliminary analyses and new information. Further workshops will be needed to better develop issues and analyses.

¹¹ Order approving uncontested offer of settlement, February 27, 1980, 10 FERC ¶ 61,190.

BENEFITS OF CUMULATIVE LOOK

Comprehensive solution--In some cases a solution to a resource problem may depend on more than one project. For example, the need for fish passage at an upstream dam may be contingent upon passage at a downstream dam; creation of a multi-day boating trip may require facilities at more than one project; and wildlife enhancement at more than one project may be more effective if lumped together into one larger parcel.

Additive effects--Multiple activities can affect common resources. Adding the impacts or enhancement measures can give an idea of how the activities collectively impact a resource or contribute to meeting management goals for that resource.

Interactions between actions--It is important to look at the interactions of actions. For example, changes in flow at upstream projects may have positive or negative effects at lower projects; and improvement in water quality at upstream projects may eliminate the need for improvement measures at downstream projects.

Tradeoffs--There may be multiple solutions to issues in a basin. A cumulative look can aid in reaching the most effective solution to a resource issue in the basin. For example, a need for one recreational access point may be more cost-effective or desirable at a particular project rather than at any of the other projects.

4.1 Description of the Snake River Basin

The Snake River, the largest tributary of the Columbia River, flows over 1,000 miles from its origin in Yellowstone National Park (elevation 9,840 feet msl) to its confluence with the Columbia River (elevation 340 feet msl). The Snake River flows through much of Idaho and parts of Wyoming, Utah, Nevada, Oregon, and Washington (figure 2). The river drains 109,000 square miles and transports an average of 37 million acre-feet of water each year.

4.2 Evaluating Cumulative Effects

4.2.1 Identifying Cumulatively Affected Resources

Resources are selected based on:

- Whether the resource has been cumulatively affected or is likely to be affected by multiple projects or other activities in the basin
- The economic, ecological, recreational, and *cultural* value of the resource
- The national, regional, or local significance of the resource
- The degree of agency/public concern
- Basin-wide management plans

The goal is to narrow the scope by eliminating resources that are not relevant to the proposed actions or the eventual licensing decisions or if issues can be adequately addressed at the project-specific level (i.e., no need for a multi-project or comprehensive solution is needed). Resources are also eliminated if the potential cumulative effects or benefits are likely to be inconsequential.

The resources we selected to be included in a cumulative analysis are found in section 4.3.

4.2.2 Determining Geographic Scope

The geographic scope defines the physical limits or boundaries of the proposed actions' effects (positive and negative) on a resource. The scope will be based on how the projects interact with, affect, or are affected by other hydropower and non-hydropower activities in the basin. If the scope is too narrow, opportunities for resource mitigation or enhancement or the status or importance of the resource can be missed; if the scope is too broad, licensing decisions can be confounded by impact issues beyond the Commission's control. Not every resource will have the same geographic scope or emphasis.

Our analysis will generally focus on the mainstem Snake River roughly from Milner dam to the confluence with the Lower Granite reservoir ("affected reach") because:

- The reach physically includes the area of the eight Idaho Power relicense projects
- The reach includes the zone of effect of the eight projects, including the downstream effects of storage at the Hells Canyon Project
- This is the segment where the Commission, through its licensing authority, can actually do something
- Flows below Milner dam are typically reduced to about 200 cfs and are replenished downstream as a result of significant spring flows, irrigation return flows, and tributary inflow¹²

We will also be looking at upstream and downstream activities, but in less detail. For example, the effect of existing and future upstream flow regulation, both diversions and storage, on flow-dependent resources (water quality, fish habitat, riparian habitat, etc.) in the affected reach will be considered. Where necessary to understand the context of the resource

¹² The 1993 Idaho State Comprehensive Water Plan recognizes that the exercise of water rights above Milner dam has and may reduce flow at the dam to 0 cfs.

in the basin, the discussion of historic impacts will be broader (e.g., the discussion of the loss of riparian habitat will include the entire basin *and the loss of or blockage of access to fish habitats of key species, including white sturgeon, salmon, and steelhead, will extend to the Snake River tributaries to the extent of the particular species' historical range*).

For anadromous fish, the downstream scope will be *extended to the mouth of the Snake River*, to include efforts to improve salmon passage at the Corps of Engineer's lower Snake River projects.

One resource will have more localized scope:

Mollusc habitat--the area of examination will encompass the Snake River Basin from Banbury Springs to *Grandview*. This scope corresponds to the scope of the U.S. Fish and Wildlife Service recovery plan.

4.2.3 Determining Temporal Scope

The temporal scope defines the time limits or boundaries that will be considered in the analysis and will include past, present, and future actions and their effects on each resource that could be cumulatively affected. We will look at past impacts that have occurred to the degree that information is available and necessary in establishing the value or uniqueness of the resource. Is the resource increasing, decreasing, or stable? Is pre-project information needed to understand the continuing impacts on a resource and establish reasonable mitigation and enhancement measures? To determine how far to look in the future, we evaluate how long project-specific effects will last and time frames for future reasonably foreseeable actions.

For the purposes of our analysis, the temporal scope will look about 45 years into the future (through a potential 30-year new license term for the Swan Falls Project), concentrating on the effect on the resources from these reasonably foreseeable future actions.

4.2.4 Determining Actions to Include in the Analysis

Past and ongoing actions in the basin include: construction of dams and reservoirs for hydropower, irrigation, and flood control; irrigation, industrial, and municipal water diversions and discharges; agricultural development; grazing; logging; aquaculture; and recreational development (see appendix C).

Past activities that have affected or will likely affect the cumulative resource of concern will be incorporated into the analysis. Understanding past actions and their effects on resources can be important to understanding the consequences of future actions. The effects of past and present activities are reflected in the existing environment and provide a context for determining the value and importance of the resource and the potential for cumulative impacts.

For future actions, we will look at those actions that will potentially affect the cumulative resources and that are within the selected geographic boundary or time frames. Speculative or undefined future actions will be excluded.

A description of ongoing and future activities within the Snake River Basin is found in appendix C. The primary future actions that could potentially affect the relicensing of the Idaho Power Projects include:

- BR's Snake River Resources Review
- National Marine Fisheries Service's (NMFS's) Biological Opinion on Operation of the Federal Power System and future opinions
- NMFS's proposed recovery plan for Snake River salmon
- Northwest Power Planning Council's Columbia River Basin Fish and Wildlife Program
- FS's and BLM's Interior Columbia Basin Ecosystem Management Project
- Idaho's total daily maximum load plans for the middle Snake River

A list of plans on file with the Commission is found in appendix D.

4.3 Cumulative Effects Resources/Issues

The key cumulative effects issues for the Snake River basin are summarized in table 2.

Based on our preliminary review of Idaho Power's license applications, comments received from agencies and other interested groups, input from the Snake River Relicensing Collaborative Team's resource work groups, and preliminary staff analysis, we've tentatively identified the resources/issues listed below as being potentially cumulatively affected (positively or negatively) by the Idaho Power relicense projects in combination with other hydropower and non-hydropower activities in the Snake River Basin. *Based on the criteria outlined in figure 8, we refined the list of resources and issues (described below) that will be included in our cumulative analysis.*

For each resource, we discuss the specific cumulative resource issues involved and the relationship to the Idaho Power relicenses. *All the issues described below, with the exception of the anadromous fish issue, will be evaluated as part of the EIS for the first four projects. Anadromous fish and MacFarlane's four-o'clock will be deferred until future environmental documents.*

Table 2. Key cumulative effects issues in the Snake River Basin.*			
Issues	Cause	Resources Affected	Effects
Degradation of water quality	flow modifications, agricultural development, urbanization, hydroelectric development, industrial development, impoundments, municipal waste, flood control, mining, forestry, aquaculture, habitat conversion	anadromous fish, native resident fish (<i>includes white sturgeon, bull trout, and redband trout</i>), listed snails, benthic invertebrates, amphibians, bald eagle, aquatic furbearers, aquatic birds, contact recreation, aesthetics	reduced habitat quality; nuisance aquatic plant growth; reduced visual quality and recreational experience
Flow modification (timing and volume)	timing: hydroelectric development, flow augmentation, flood control, dam operations, irrigation (diversions, pumping, and return flows) volume: hydroelectric development, irrigation, municipal water consumption, agricultural development, aquaculture, mining, impoundments	anadromous fish spawning and rearing habitat, native resident fish (<i>includes white sturgeon, bull trout, and redband trout</i>), listed snails, riparian vegetation, riparian vegetation, recreational use, aesthetics, cultural resources	habitat loss; unsuitable water temperature; alteration of sediment transport, resulting in the loss of spawning habitat and loss of sand and gravel bar recruitment; and diminished aesthetic quality
Aquatic habitat loss, alteration, and fragmentation	habitat loss: channelization, levee construction, irrigation, impoundments, mining, logging, removal of riparian vegetation, road construction, clearing of stream channels, irrigation return waters, urbanization fragmentation: creation of barriers (dams, water quality barriers)	anadromous fish, native resident fish (<i>includes white sturgeon, bull trout, and redband trout</i>), listed snails, riparian vegetation	direct habitat loss: loss of habitat for spawning, rearing, and migration resulting from reduced water velocities; accumulation of sediments; poor water quality; loss of wetlands and riparian vegetation; increased competition from exotic species fragmentation: genetic isolation, isolation from critical life stage habitats, loss of metapopulation structure, increased susceptibility to local extinctions or extirpation

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Table 2 (cont.). Key cumulative effects issues in the Snake River Basin.			
Issues	Cause	Resources Affected	Effects
Loss of anadromous ecosystem	hydroelectric development, irrigation, flood control, and other factors	juvenile anadromous salmonids, other resident fish species, black bear, aquatic furbearers, eagles, insects, aquatic plants, riparian plants	loss of nutrient source for fish and invertebrates and wildlife food supply provided by salmon carcasses
Riparian/wetland habitat loss, alteration, and fragmentation	irrigation/water diversions, urbanization, hydroelectric power generation, industrial development, impoundments, flood control, mining, habitat conversion, grazing, recreational use	anadromous and resident fish, native/rare plant communities, seeps, springs, island habitats, bald eagles, aquatic furbearers, birds, insects, big game thermal cover, neotropical migrants	habitat loss: declines in abundance of wetland and riparian habitats, noxious weed infestations, decreased biodiversity and productivity fragmentation: isolation from critical life stage habitats, loss of metapopulation structure, increased susceptibility to local extinctions or extirpation, decreased biodiversity and productivity
Native grassland and shrubland loss, alteration, and fragmentation	agricultural development, industrial development, impoundments, mining, habitat conversion, grazing, roads, transmission lines, recreational use	native/rare plant communities, big game foraging and wintering habitat, birds, and small mammal habitat	habitat loss: declines in abundance of upland habitats and associated wildlife species, noxious weed infestations, decreased biodiversity and productivity fragmentation: isolation from critical life stage habitats, loss of metapopulation structure, increased susceptibility to local extinctions or extirpation, decreased biodiversity and productivity

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* Based on input from the Snake River Relicensing Collaborative's Resource Work Groups.

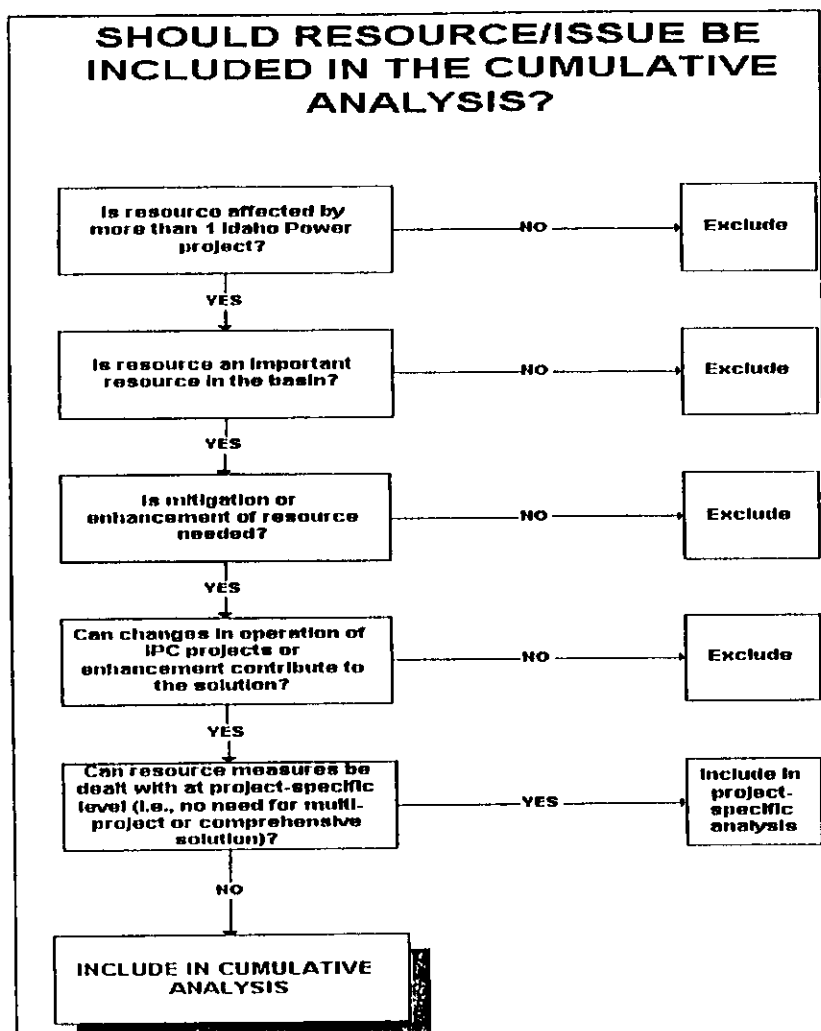


Figure 8. Steps in determining whether to include resources or issues in the cumulative analysis.

4.3.1 Water Quality

- Effects of degraded water quality (*including macrophyte growth*) on fish, snails, aquatic dependant wildlife, aesthetics, and recreation
- How the Idaho Power projects' effects on flow timing and volume contribute to water quality problems (dissolved oxygen, heavy metals and toxic sediment, nutrients, temperature, *total dissolved gases*) in the basin
- How the Idaho Power projects could be operated in combination with other actions in the basin to help meet water quality goals for fish habitat, snail habitat, aesthetics, and recreational use and opportunities
- How operation of the Idaho Power projects could be coordinated with future actions, such as the Middle Snake River Watershed Management Plan and future flow augmentation, to improve water quality or increase flows in the basin

4.3.2 Sediment Transport

- How the Idaho Power projects' effects on flow timing and volume contribute to erosion and sediment deposition and the associated effects on fish habitat, stream bank integrity, island, sand bar and beach formation/loss, cultural resources, and fossil deposits

4.3.3 Resident Fish (white sturgeon, Shoshone sculpin, rainbow trout, bull trout, and redband trout)

- How resident fish are affected by: barriers to upstream and downstream migration (*including habitat fragmentation effects*); project peaking flows and ramping rates; fish entrainment and turbine related mortalities; and water quality
- What measures are needed to protect and enhance resident fish populations (passage, flows, etc.)
- The effects of future changes in the timing and quantity of flow in the basin on resident fish

4.3.4 Anadromous Fish (spring/summer and fall chinook salmon, sockeye salmon, steelhead, and lamprey)¹³

- How the Hells Canyon, Swan Falls, and C.J. Strike Projects could be operated to enhance flows (timing, quantity) for anadromous fish habitat in the Snake River Basin above and below Hells Canyon Dam and for salmon migration
- What factors are preventing the restoration of anadromous fish upstream of Hells Canyon dam (habitat and food availability, water quality, passage, etc.), is upstream restoration feasible, and what measures are necessary at Idaho Power projects (upstream and downstream passage, habitat improvements, flows, etc.) in combination with other measures in the basin, to allow the restoration of anadromous fish
- How the Idaho Power hatchery program would contribute to the efforts to restore anadromous fish in the basin and what modifications may be needed
- How anadromous fish restoration would affect other resources (resident fish, wildlife, insects, and riparian and aquatic plants)
- How operation of Idaho Power Projects could be coordinated with other actions in the basin to provide flows for anadromous fish and improve passage at downstream dams

4.3.5 Federally Listed Aquatic Molluscs (the endangered Idaho springsnail, Utah valvata snail, Snake River physa snail, and Banbury Springs fanx, and the threatened Bliss Rapids snail)

- The effects of instream flows, water quality, and sediment transport on the quality and quantity of aquatic mollusc habitat.
- What changes in operation of the Bliss, Lower Salmon Falls, and Upper Salmon Falls Projects are needed to protect and enhance mollusc habitat
- How operation of the Idaho Power Projects could be coordinated with other actions in the basin, such as the Snake River Aquatic Species Recovery Plan

¹³ As previously discussed, anadromous fish won't be discussed in detail in the EIS for the Bliss, Lower Salmon Falls, Upper Salmon Falls, and Shoshone Falls Projects, but will be addressed in subsequent environmental documents.

4.3.6 Riparian/Wetland Habitat

- How the Idaho Power projects interact with other activities in the basin to reduce and alter riparian/wetland habitat, seeps, and springs
- The effects of altered flows and reduced and fragmented riparian/wetland habitat on abundance and connectivity of native/rare plant communities, aquatic furbearer habitat, waterfowl nesting cover, thermal cover for big game, and habitat for neotropical migrants and other birds
- The effects of altered flow and reduced and fragmented riparian/wetland habitat on noxious weed infestation
- The effects of future changes in the timing and quantity of flow in the basin on riparian/wetland habitat and the effects on riparian/wetland associated wildlife
- What measures are needed to protect and enhance riparian/wetland habitat

4.3.7 Terrestrial Threatened and Endangered Species

- The effects of altered flows and other activities in the basin on germination and survival of native cottonwood trees, which are important sources of nest, perch, and roost sites for bald eagles
- The effects of icing that results from altered flows and impounded conditions at the reservoirs on available foraging habitat for bald eagles
- The effects of human disturbances, including changes in human access patterns and types of human activities associated with the project impoundments, transmission line maintenance, road use, and recreation, on bald eagles, peregrine falcons, and MacFarlane's four-o'clock¹⁴
- The secondary effects of project operations (i.e., water quality, fish resources, and avian prey) on forage bases of the bald eagle and peregrine falcon

¹⁴ As previously discussed, MacFarlane's four-o'clock won't be discussed in detail in the EIS for the Bliss, Lower Salmon Falls, Upper Salmon Falls, and Shoshone Falls Projects, but will be addressed in the Hells Canyon EIS.

4.3.8 Native Grasslands and Shrublands

- How the Idaho Power projects interact with other activities in the basin to reduce and alter native grassland and shrublands
- The effects of reduced and fragmented native grassland and shrubland habitat on abundance and connectivity of native/rare plant communities, big game winter range and forage, and habitat for birds and small mammals
- How Idaho Power land management practices and policies interact with other basin-wide activities to affect noxious weed infestation in native grassland and shrubland habitats

4.3.9 Recreational Use Patterns

- How changes in reservoir management and flow changes for anadromous fish and other resources could affect recreational use patterns in the basin

4.3.10 Developmental Resources

- The additive effects of environmental enhancement measures on the economics of continuing to operate the projects *and the cost-effectiveness of operational changes designed for non-power benefits*
- How operational changes for environmental purposes affect other developmental purposes, such as flood control
- How changes at Idaho Power's projects, in combination with potential reductions in generation at other hydropower projects throughout the basin, could affect the power resources that serve the region, *and how these effects would affect consumers on a community, county, and Bureau of Economic Analysis area scale*

4.3.11 Air Quality

- Additive effects of reduced generation at the Idaho Power projects on the need for additional alternative sources of generation and the resulting increases in emissions of air pollutants *in the Snake River Basin and, specifically, relative to Forest Service Class I Airsheds (associated with wilderness areas) and other National Forest System Lands*

5.0 PROJECT-SPECIFIC RESOURCE ISSUES

A preliminary list of resource issues and concerns that we have identified for analysis in an EIS is presented below. Those issues identified by an asterisk (*) will be analyzed for cumulative impact, as well as project-specific effects. In analyzing the issues, we will evaluate various measures to mitigate, protect, or enhance the resources. This list is not intended to be exhaustive or final, but is an initial listing of issues that have been raised and could be potentially significant. For convenience, the issues have been grouped by resource categories.

5.1 Bliss, Lower Salmon Falls, and Upper Salmon Falls Projects

We have determined that there are no issues dealing with geology and soils, given the minimal amount of soil disturbance associated with relicensing these projects.

5.1.1 Water Quality

- * Effects of the projects' *operations* on water temperature, dissolved oxygen, nutrient levels, *and sediment transport*
- * *Effects of the projects' operations on algal production and the distribution of nuisance plants and their associated effects on water quality*

5.1.2 Aquatic Resources

- * *Effects of project operations on aquatic invertebrates in riverine and reservoir sections*
- * Effects of entrainment and turbine mortality on white sturgeon and other resident fish at the three projects
- * Effects of the project dams on the movement of migratory and non-migratory fish species
- Effects of project-induced water level fluctuations from load-following operations on habitat for aquatic resources in the project reservoirs and downstream of each project
- Effects of instream flows on the quantity and quality of aquatic habitat for fish and other aquatic resources in the Dolman Rapids *and North Channel* bypassed reaches of the Upper Salmon Falls Project and downstream of the *Lower Salmon Falls and Bliss* Projects

- Effects of project facilities and operations on the deposition of fine sediments in impounded areas as it relates to fish spawning habitat
- * Effects of project facilities and operations on the supply of and transport of spawning gravel downstream of the project dams
- * *What measures are needed to address the future passage of anadromous fish in the project areas*
- *Whether monitoring is necessary to determine the effects of protection, mitigation, and enhancement measures on fishery resources*
- *Effect of the Bliss Project on the Elmore County Wildlife Club fish-rearing pond*

5.1.3 Terrestrial Resources

- * Effects of project-induced water level fluctuations from load-following operations on riparian and wetland vegetation, both in the impounded and unimpounded areas
 - Do project operations favor the establishment of Russian olive and other non-native species in the riparian zone?
 - How do project-related changes in flow regimes affect regeneration of riparian tree species, specifically cottonwoods?
 - Whether project operations should be modified to benefit riparian habitat structure and function?
- * Whether modifications should be made to Idaho Power's current grazing policies to benefit riparian resources on project lands
- *Effects of project operation and maintenance (e.g. road use and transmission line corridor maintenance) on rare plants and rare plant communities.*
- *Effects of project operation and maintenance on key wildlife species*
- * Adequacy of proposed protection and enhancement measures, including noxious weed control, and whether additional enhancement measures are necessary to benefit upland, riparian, wetland, and spring habitats and the wildlife inhabiting these habitats

- Adequacy of proposed measures to protect rare plants (chatterbox orchid, Torrey's blazingstar) and rare plant communities (water birch, hackberry)

5.1.4 Threatened and Endangered Species

- * Direct and indirect effects of fluctuating water levels from the projects' load-following operations on the federally listed aquatic molluscs: the endangered Idaho springsnail (*Pyrgulopsis idahoensis*), Utah valvata snail (*Valvata utahensis*), Snake River physa snail (*Physa natricina*), and Banbury Springs lanx (undescribed *Lanx*), and the threatened Bliss Rapids snail (*Taylor concha serpenticola*)
- * Effects of instream flows and sediment transport on the quality and quantity of aquatic habitat for federally listed molluscs
- * *Direct and indirect effects of project operation and maintenance (including fluctuating water levels from the projects' load-following operations, transmission line maintenance, and road use) on the federally threatened bald eagle and endangered peregrine falcon*

5.1.5 Aesthetic Resources¹⁵

- Effect on visual resources from Idaho Power's grazing policies for project lands owned by Idaho Power
- Effect of water level fluctuations caused by project operations on the aesthetics of the Bliss, Lower Salmon Falls, and Upper Salmon Falls reservoirs, including shoreline sloughing
- Visual impacts of the Lower Salmon Falls Project facilities and operations as viewed from recreation areas and the Hagerman Fossil Beds National Monument, particularly the proposed visitor center, overlooks, and trails
- Visual impacts of the Upper Salmon Falls Project facilities and operations as viewed from Hagerman Fossil Beds National Monument, particularly the overlooks and trails

¹⁵ The issues "Visual impacts of the Upper Salmon Falls Project facilities and operations as viewed from the picnic area at powerhouse A" and "Visual impacts of the Bliss Project facilities and operations as viewed from recreation sites" were deleted based on discussions at the July 17, 1997, scoping meeting.

- Effect of the flow regime on the aesthetic characteristics of the Upper Salmon Falls Project's bypassed reach

5.1.6 Cultural Resources

- Effects of the projects on archeological and historic sites and what measures are necessary to comply with the National Historic Preservation Act

5.1.7 Recreation and Land Use¹⁶

- Whether Idaho Power should develop a float boat put-in directly downstream of Bliss dam
- *Whether Idaho Power should develop a river access site for recreational boating at the Bancroft Springs area*
- Whether a new take-out site for whitewater boaters on the popular Hagerman (Wiley) Reach of the Snake River is needed as a result of the 1993 Wiley landslide
- * Effects of fluctuating water levels from the projects' load following operations on the erosion of fossils at the Hagerman Fossil Beds National Monument
- Whether Idaho Power should participate in any efforts to establish a recreational trail along the Snake River, and if so, how
- Whether Idaho Power should provide monetary assistance (\$5,000 per year) to the NPS, as proposed, to enhance environmental education and research at the Hagerman Fossil Beds National Monument
- Whether the Dolman Island/Falls area should be granted a "protected" land use designation under Idaho Power's land management plan, as recommended by Idaho Power

5.1.8 Developmental Resources

Some of the proposed environmental enhancement measures would change how the projects are operated, thereby reducing the value of the projects for electric power production. Other measures would require direct expenditures by Idaho Power, increasing the cost of

¹⁶ The issue "Effects of fluctuating water levels from the projects' load following operations on boating and fishing on the reservoirs and in the reaches downstream of the projects" was deleted based on discussion at the July 17, 1997, scoping meeting.

operation and decreasing the cost advantage of the projects compared to other sources of power that could be used to meet the electricity needs of Idaho Power's customers. In the EIS, we would consider how the following would affect project generation or cost:

- Effects of providing minimum continuous flows in the Dolman Rapids reach and downstream of project dams on project generation and the value of project power
- Effects of reducing reservoir water surface fluctuations on load following capabilities and the value of project power
- Effects of funding various studies or providing additional protection and enhancement measures on the cost of project power

5.2 Shoshone Falls Project

5.2.1 Water Quality

- * Effects of the project's *operation* on water temperature, dissolved oxygen, gas supersaturation, and nutrient levels

5.2.2 Aquatic Resources

- * Effects of the project (water temperature, total dissolved gas levels) on downstream white sturgeon populations between Shoshone Falls and Upper Salmon Falls Projects
- Effects of the project on reservoir fishes and the desirability of stocking the reservoir with trout or other species

5.2.3 Terrestrial Resources

- * Adequacy of proposed protection and enhancement measures and whether additional enhancement measures are necessary to benefit riparian resources and spring habitats and the wildlife inhabiting these habitats

5.2.4 Aesthetic Resources

- Effects of the project's flow regime on the aesthetic characteristics of Shoshone Falls and what flows are necessary to adequately enhance the visual quality of the falls

- Visual impacts of the project facilities (dam structures, powerhouse, substation, and transmission lines) as seen from the existing and proposed recreation sites, particularly the overlooks

5.2.5 Cultural Resources

- Effects of the project on archaeological and historic resources and what measures are necessary to avoid, minimize, and compensate for adverse effects.

5.2.6 Recreation and Fishery Resources

- Effects of the project on recreation and fishery resources and what measures are necessary to avoid, minimize, and compensate for adverse effects.
- Adopting a program of riparian zone management and protection in the future.

5.2.7 Socioeconomics

- Effects of the existing, proposed, and other alternative flow regimes over Shoshone Falls on visitation, the local economy, and tax revenues to local governments

5.2.8 Developmental Resources

- Effects of funding various studies or providing additional protection and enhancement measures on the cost of project power

6.0 SCHEDULE

The short-term schedule for initial processing of the Bliss, Lower Salmon Falls, Upper Salmon Falls, and Shoshone Falls Projects and completing scoping is provided below. The long-term schedule will be developed after we finalize the cumulative effects approach (see appendix A).

SCHEDULE		
Milestone	Target Date	
	Bliss, Lower Salmon Falls, and Upper Salmon Falls Projects	Shoshone Falls Project
Applications filed	December 20, 1995	May 29, 1997

Notice requesting additional study requests (ASR's)	January 4, 1996 (due 2/20/96)	June 13, 1997 (due 7/28/97)
Applications accepted	June 7, 1996	October 16, 1997
Notice requesting interventions	June 24, 1996 (due 8/29/96)	October 21, 1997 (due 12/18/97)
Scoping document 1 issued	June 5, 1997 (comments due August 18, 1997)	
Scoping meetings/site visits	July 16-18, 1997	
Scoping document 2 issued	December 1997	
ASR's addressed	January 1998	
Additional information request issued	January 1997 (due 1/99)	
DEIS	Summer/Fall 1999	
FEIS	Spring 2000	

6.0 DRAFT EIS OUTLINE

The tentative outline for the EIS for the Bliss, Lower Salmon Falls, Upper Salmon Falls, and Shoshone Falls Projects is as follows:

COVER SHEET

FOREWORD

TABLE OF CONTENTS

EXECUTIVE SUMMARY

1. PURPOSE OF ACTIONS AND NEED FOR POWER

1.1 Purpose of Actions

1.2 Need for Power

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2.1.3.1 Project Facilities

2.1.3.2 Project Operations

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 - 7.3 Fish and Wildlife Agency Recommendations
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 - 7.5.3 Pacific Northwest Power Planning and Conservation Act
 - 7.5.4 National Historic Preservation Act
 - 7.5.5 Americans with Disabilities Act
 - 7.5.6 Other Laws and Policies
- 8. **LITERATURE CITED**
- 9. **LIST OF PREPARERS**
- 10. **LIST OF RECIPIENTS**

7.0 DISTRIBUTION LIST

Copies of this scoping document were sent to agencies, organizations, and individuals on the service list, FERC mailing list for the Bliss, Lower Salmon Falls, Upper Salmon Falls, and Shoshone Falls Projects, and Snake River Relicensing Collaborative Team mailing list (see appendix E).

Description of Approaches

Evaluating cumulative effects of the Idaho Power projects in the Snake River Basin provides a challenge given that four applications have already been filed and applications for the remaining four projects will be filed during the next 12 years. In developing approaches for assessing cumulative impacts, the following factors must be considered--the timing of the expiration of the licenses, the geographic location of these projects, and the availability of data with which to conduct a cumulative impact assessment.

We describe four possible approaches below.

Appendix A is located in Section 2 of Scoping document 2.

APPENDIX A

APPROACHES TO CUMULATIVE IMPACTS IN SNAKE RIVER BASIN revised June 1997

In December 1996, the staff prepared a discussion paper titled "Approaches to Cumulative Analysis for the Snake River Basin," outlining two possible approaches for evaluating the cumulative effects of relicensing the eight Idaho Power projects.¹ These and other approaches are discussed in detail later in this appendix.

The staff conducted a meeting in Boise, Idaho, on February 4, 1997, to solicit input from federal and state agencies, Indian tribes, non-governmental organizations, the licensee, and the public on the approaches. About 75 people attended the meeting.

At the meeting, representatives of the Snake River Relicensing Collaborative Team commented that they were unable to recommend a specific approach until the range of cumulative effect issues that needs to be addressed is known. They recommended the following steps before deciding on an approach:

- Conduct scoping for the cumulative effects analysis
- Scoping should be done as soon as possible, using the Collaborative Team work groups as technical advisors
- Identify cumulative effects issues for the Middle Snake projects (Bliss, Lower Salmon Falls, Upper Salmon Falls, and Shoshone Falls Projects)
- Develop the approach based on scoping

Idaho Power was hesitant to agree to a particular approach until they know the scope of the issues that may require reopeners.

Following the meeting, written comments were received from the following entities:

Entity	Date of Letter
Idaho Wildlife Federation	March 5, 1997
Oregon Department of Fish and Wildlife	March 5, 1997

¹ Copies of the discussion paper are available from Alan Mitchnick at (202) 219-2826.

These analyses would build upon or tier¹ off the previous analyses. Additional resources that could be cumulatively affected would be evaluated as necessary and multi-project issues would be expanded and updated. Ultimately, the series of analyses would represent a comprehensive evaluation of cumulative impacts of the Idaho Power relicense projects.

Approach B

This approach would involve the preparation of one basin-wide cumulative effects analysis for the area of effect of all the Idaho Power relicense projects before any project-specific assessments are begun. The cumulative analysis would also be used to determine the appropriate groupings for processing the individual projects and the resources that...

Wallowa County Court	March 5, 1997
Environmental Protection Agency	March 5, 1997
Shoshone-Bannock Tribes	March 5, 1997
Columbia Inter-Tribal Fish Commission	March 5, 1997
American River/Idaho Rivers United	March 5, 1997
Department of the Interior	March 5, 1997
Middle Snake Regional Water Resource Commission	March 5, 1997
Idaho Power Company	March 6, 1997
Idaho Department of Environmental Quality	March 6, 1997
Nez Perce Tribal Executive Committee	March 6, 1997
National Marine Fisheries Service	March 21, 1997

Summary of Comments Received on the Approaches

We've summarized the written comments below, followed by our response to the comments in *italics*.

General Comments

- (1) Many commentors supported the collaborative teams recommendations.

We agree that scoping would provide a better information base on which to determine an approach. Accordingly, we will conduct scoping on both the project-specific issues associated with the Bliss, Lower Salmon Falls, Upper Salmon Falls, and Shoshone Falls Projects and the basin-wide cumulative issues prior to deciding on the approach.

- (2) Many of the commentors, although not endorsing a particular approach, liked the early assessment of the earlier filed applications under approach A and the comprehensive aspects of approach B. Most believed that the project-specific analysis of the first filed application could proceed concurrently with the cumulative analysis.

We developed an additional approach that takes into consideration many of the comments (see approach C below).

- (3) American Rivers/Idaho Rivers United was the only commentor that provided an alternative approach for the Commission's consideration. They recommend that cumulative impacts be analyzed in a series of individual, stand-alone studies addressing specific resources. This approach is supported by Oregon Department of Fish and Wildlife.

We will further explore this approach (see approach D below).

(4) Many of the comments were based on incorrect understanding of the two approaches.

(4a) Many commented that they believed that the cumulative analysis under approach A would only look at cumulative effects of the projects being evaluated in multi- or single project documents and would ignore the effects of the later filed applications. Thus, they believe that the analysis is project based and not basin based.

This is not the case. Under approach A, the cumulative analysis would be basin wide.

basin (as in approach B), but, instead of waiting until the cumulative assessment is complete, we would concurrently prepare a project-specific, multi-project EIS for the Bliss, Lower Salmon Falls, Upper Salmon Falls, and Shoshone Falls Projects (as we would in approach A). Subsequent NEPA documents would tier off of the cumulative analysis. This approach allows us to move forward with the first four projects concurrently with a cumulative effects analysis.

Approach D

The following are selected excerpts from the American Rivers and Idaho Rivers United proposal.⁴

Cumulative impacts would be analyzed in a series of individual, stand-alone studies addressing specific resources that are or may be affected by cumulative impacts.

The individual cumulative impact studies would form the basis for the evaluation of cumulative impacts in each project-specific NEPA document. In other words, the project-specific NEPA documents would tier to or incorporate only relevant individual cumulative impact analyses. The cumulative impact study results, including proposed remedial/protective measures, would then be used to identify specific action alternatives and remedial/protective measures in the project-specific NEPA document.

Each cumulative impact analysis would be designed to identify the causes of resource degradation at a broad spatial scale and over time, and to identify remedial and protective measures to restore and conserve the resource. The studies would identify interactions between Idaho Power's dams and other human activities in the Basin that degrade resources and identify remedial and protective measures at the scale of the analysis (e.g., increase flows by a specified amount, provide passage to potential spawning habitat, restore riparian habitat). Project-specific measures (e.g., the identification of how to provide passage to habitat or how to manage flows at a specific dam) would be analyzed in the project-specific NEPA documents.

Scoping of cumulative impact studies should begin immediately, and studies commence as soon thereafter as possible. The project(s)-specific NEPA documents would go forward as scheduled. If a particular cumulative impacts analysis was not complete in time to prepare a project-specific NEPA document as scheduled, there would be two options. First, if the missing information could substantially alter the alternatives under consideration, the project-specific analyses and final licensing decision would be stayed, and annual licenses would be issued with interim mitigation. If the missing information would not substantially alter the alternatives, then a specific "reopener" would be included in the project license to allow for post-licensing modification.

Comparison of Approaches

The primary difference between approaches A and B is that approach A reviews

define that reserved authority as narrowly and with as much specificity as possible..."

Reopeners create uncertainty for licensees and are not to be used as a substitute for reasoned decision-making. Environmental documents must contain sufficient information to evaluate the environmental and economic consequences of a project. Use of reopeners will not be feasible in all cases.

Conditioning Annual Licenses

project-specific as well as cumulative impacts from the beginning, while approach B focuses on basin-wide cumulative impacts before starting any project-specific documents. Mitigation and enhancement measures could be required at an earlier date under approach A than under approach B.

Approach C incorporates some of the points in approaches A and B. It would allow the project-specific analyses of the earlier filed applications to proceed simultaneously with preparation of a cumulative analysis for the basin.

Approach D is similar to approach C except it envisions separate studies for each resource instead of one document exploring all the cumulatively affected resources.

⁴ See the March 5, 1997, letter from Rob Masons, American Rivers, 400 East Pine Street, Suite 225, Seattle, Washington 98122. A copy of the complete filing is available from the Commission.

APPENDIX B

SUMMARY OF ADDITIONAL STUDY REQUESTS Bliss (FERC No. 1975), Lower Salmon Falls (FERC No. 2061), Upper Salmon Falls (FERC No. 2777), and Shoshone Falls (FERC No. 2778) Projects			
#	Agency	Study Request	Cross ref.
Bliss, Lower Salmon Falls, and Upper Salmon Falls Projects			
1	FWS	Stream habitat and flow studies related to white sturgeon	13, 22, 28, 36, 64
2	FWS	White sturgeon habitat needs	4, 13, 22-24, 28, 30, 31, 60, 61, 64
3	FWS	Instream flow study downstream of Bliss dam	28, 32, 36, 64
4	FWS	Fish passage for salmon and steelhead and anadromous fish reintroduction feasibility study	2, 12, 23, 30, 35, 60, 66
5	FWS	Analysis of the effects of load following on fish and wildlife and their habitat from upper end of Upper Salmon Falls to upper end of C.J. Strike	8, 14, 22, 27, 28, 61
6	FWS	Sediment and nutrient dynamics	14, 20, 28, 29, 36, 54, 63, 64
7	FWS	Consideration of the Thousand Springs Project's effects on listed species and other terrestrial and aquatic fish and wildlife and their habitats	19, 51, 53
8	FWS	Effects of flow fluctuation on wildlife and their habitats	5, 27
9	FWS	Effects of project construction and operation on wildlife and their habitats--i.e. verification of HEP modeling results	
10	FWS	Habitat evaluation procedures study--effects in scrub-shrub habitat, and comparison of before and after conditions at Upper Salmon Falls	
11	FWS	Accurate valuation of proposed protection, mitigation, and enhancement plans for wildlife--i.e. accurate comparison of HUs lost to project construction to HUs gained from PM&E measures	26
12	FWS	Satisfaction of protection, mitigation, and enhancement needs--i.e. agreement on method to determine type and level of mitigation needed	4, 12, 36, 63-66
13	FWS	Cumulative effects study of serial impoundments on the Snake River on fish and wildlife species in all project areas due to be relicensed in foreseeable future	1, 2, 28, 52-62, 70
14	EPA	Detailed water quality and quantity description	5, 6, 20, 36, 61, 64

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SUMMARY OF ADDITIONAL STUDY REQUESTS Bliss (FERC No. 1975), Lower Salmon Falls (FERC No. 2061), Upper Salmon Falls (FERC No. 2777), and Shoshone Falls (FERC No. 2778) Projects			
#	Agency	Study Request	Cross ref.
15	ECWC	Determine fish stocking at Glens Ferry to mitigate loss of rearing ponds	
16	IDPR	Hagerman reach river access take-out	19
17	IDPR	Bliss dam river access and recreation use survey below Bliss dam	47
18	IDPR	Suitability analysis of a river access site at Bancroft Springs	48
19	IDPR	Inclusion of the recreation and access facilities at Thousand Springs in the three project license area	7, 46, 51
20	IDEQ	Impacts on nutrient processing and sediment dynamics	6, 14, 29, 36, 54, 55, 63, 64
21	IDEQ	Explanation of water quality analysis methodology and additional data analysis on existing data to explain project impacts on water quality	
22	IDFG	Effects of load following on downstream biological communities--downstream of Lower Salmon Falls Dam and Bliss dam	1, 2, 5, 28, 61
23	IDFG	Improving passage for rainbow trout and white sturgeon	2, 4, 30, 60
24	IDFG	Preventing entrainment for white sturgeon	2, 31
25	IDFG	Detailed wildlife protection and enhancement plan for each parcel proposed by IPC	
26	IDFG	Evaluation of terrestrial habitat units gained through proposed mitigation	11
27	IDFG	Describe and quantify current and future load following operation and their effect on riparian vegetation and associated wildlife	5, 8, 37
28	AR/IRU	Biological effect of load following at Bliss and Lower Salmon Falls--effects on fish and invertebrate communities	1, 2, 3, 5, 6, 13, 22, 61
29	AR/IRU	Effects of flow regulation on sediment transport	6, 20, 36, 54, 63, 64
30	AR/IRU	Fish passage--need and feasibility of passage for white sturgeon, rainbow trout, and other species of interest	2, 4, 23, 60
31	AR/IRU	Fish entrainment	2, 24
32	AR/IRU	Bliss reach IFIM	3, 36, 64
33	AR/IRU	Limiting factors analysis in free-flowing reaches--determine factors limiting cold-water fish production and the role dams play	
34	AR/IRU	Aquatic habitat inventory (pre-project and current)	58

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SUMMARY OF ADDITIONAL STUDY REQUESTS Bliss (FERC No. 1975), Lower Salmon Falls (FERC No. 2061), Upper Salmon Falls (FERC No. 2777), and Shoshone Falls (FERC No. 2778) Projects			
#	Agency	Study Request	Cross ref.
35	AR/IRU	Anadromous fish reintroduction potential	4, 66
36	AR/IRU	Flow augmentation--need and options for additional flows to benefit aquatic systems	1, 3, 6 12, 14, 20, 29, 32, 53, 54, 64
37	AR/IRU	Effects of flow regulation on riparian vegetation	5, 8, 27
38	AR/IRU	Site evaluations for wetland construction or restoration and riparian vegetation restoration	72
39	AR/IRU	Wildlife HEP along free-flowing reaches	
40	AR/IRU	Evaluation of opportunities for protecting spring habitats	
41	AR/IRU	Economic and power effects of eliminating load-following at Bliss and Lower Salmon Falls	
42	AR/IRU	Cost evaluation of proposed protection, mitigation, and enhancement measures	
43	AR/IRU	Aesthetic effects of Upper Salmon Falls, Lower Salmon Falls, and Bliss Projects	45
44	AR/IRU	Documentation of attempts to obtain historical records and information regarding pre-construction environmental conditions	
45	NPS	Aesthetic evaluation of the impacts of the three projects	43
46	NPS	Bliss Bridge/Hagerman reach boating access	16, 19
47	NPS	Boating access below Bliss dam	17
48	NPS	Public access to the Snake River across from Bancroft Springs	18
49	NPS	Bell Rapids access on the Lower Salmon Falls reservoir	
50	NPS	Multi-day boating trip potential for the Snake River	
51	NPS	Inclusion of the Thousand Springs Project and area--consider these resources in additional studies of recreation needs and opportunities	7, 19
52	CBFWA	Geomorphology--cumulative project effects on mainstem river geomorphology and resulting effects on ecological processes	13, 64
53	CBFWA	Hydrology--cumulative project effects on mainstem river flow regimes and resulting effects on ecological processes	7, 13, 36, 64
54	CBFWA	Sediment dynamics--cumulative project effects on mainstem river sediment recruitment and transport and resulting effects on biophysical processes	6, 13, 20, 29, 36, 63, 64

SUMMARY OF ADDITIONAL STUDY REQUESTS Bliss (FERC No. 1975), Lower Salmon Falls (FERC No. 2061), Upper Salmon Falls (FERC No. 2777), and Shoshone Falls (FERC No. 2778) Projects			
#	Agency	Study Request	Cross ref.
55	CBFWA	Water quality--cumulative project effects on mainstem river water quality and quantity and resulting effects on biophysical processes	13, 20, 59, 63, 64
56	CBFWA	Fish inventory--characterization of pre- and post-project fish resources and habitat in the mainstem river and cumulative project impacts on resources	13, 59, 64
57	CBFWA	Aquatic invertebrate inventory of the mainstem river from Milner to Lower Granite	13, 59, 64
58	CBFWA	Aquatic habitat inventory--assessment of pre- and post-project habitat conditions in mainstem river from Milner to Lower Granite	13, 34, 59, 64
59	CBFWA	Evaluation of trophic relationships of the mainstem river and adjacent riparian, wetlands, and uplands from Milner to Lower Granite	13, 55-58, 64
60	CBFWA	Fish passage--need and opportunities to provide fish passage at all projects between Hells Canyon and Shoshone Falls	2, 4, 13, 23, 30, 64
61	CBFWA	Assessment of water level fluctuation effects on aquatic species from Shoshone Falls dam to Hells Canyon and at the Malad projects	2, 5, 13, 22, 28, 64
62	CBFWA	Assessment of IPC's anadromous fish mitigation program	13
63	CBFWA	Water quality protection, mitigation, and enhancement--needs and opportunities on mainstem river from Milner to Lower Granite	6, 12, 14, 20, 29, 54, 55
64	CBFWA	Flow related protection, mitigation, and enhancement	1, 2, 3, 6, 12, 14, 20, 29, 32, 36, 52-60
65	CBFWA	Evaluation of options to shape releases from Brownlee reservoir and provide more water to meet instream targets in the lower Snake River	12
66	CBFWA	Anadromous fish reintroduction	4, 12, 35
67	CBFWA	Develop monitoring criteria for assessing ecological health--integrative monitoring protocol for evaluating PM&E measures and river's health	
68	CBFWA	Vegetation inventory, mapping, and assessment--pre- and current-project vegetation along mainstem river from Milner to Lower Granite	
69	CBFWA	Wildlife inventory of all IPC lands from Milner to Lower Granite	
70	CBFWA	Wildlife habitat inventory and assessment--pre- and current-project habitat conditions from Milner to Lower Granite	13
71	CBFWA	Identification and assessment of operation-related wildlife impacts	

SUMMARY OF ADDITIONAL STUDY REQUESTS Bliss (FERC No. 1975), Lower Salmon Falls (FERC No. 2061), Upper Salmon Falls (FERC No. 2777), and Shoshone Falls (FERC No. 2778) Projects			
#	Agency	Study Request	Cross ref.
72	CBFWA	Wetlands and riparian protection, mitigation, and enhancement needs on all lands between Milner and Lower Granite	38
73	CBFWA	Wildlife protection, mitigation, and enhancement needs on all lands between Milner and Lower Granite	
74	CBFWA	Inventory and analysis of land ownership and use within 1 mile of mainstem and major tributaries from Milner to Lower Granite	
75	CBFWA	Assessment of project-controlled flows and water levels on aquatic recreation	
Shoshone Falls Project			
1	IDFG	Sturgeon population status in the Shoshone Falls Project reach	
2	IDFG	Evaluation of total dissolved gas supersaturation below Shoshone Falls	
3	IDFG	Evaluation of the feasibility of acquisition of Devil's Corral for a fish and wildlife protection, mitigation, or enhancement measure	

Study Requestors:

AR/IRU	American Rivers/Idaho Rivers United (3/19/96)
CBFWA	Columbia Basin Fish and Wildlife Authority (9/23/95; adopted by FWS and AR/IRU)
ECWA	Elmore County Wildlife Club (2/12/96)
EPA	Environmental Protection Agency (3/18/96)
FWS	U.S. Fish and Wildlife Service (3/18/96)
IDEQ	Idaho Department of Environmental Quality (3/19/96)
IDFG	Idaho Department of Fish and Game (3/19/96; 7/28/97)
IDPR	Idaho Department of Parks and Recreation (3/19/96)
NPS	National Park Service (3/19/96)

DESCRIPTION OF PAST, PRESENT, AND FUTURE ACTIONS
IN THE SNAKE RIVER BASIN

C.1 Description of Past and Ongoing Actions in the Snake River Basin

Water Resource Development in the Snake River Basin

There are 23 dams on the mainstem that impound nearly 50 percent of the river. These facilities are described in table C-1.

The Bureau of Reclamation's (BR) projects are largely found in the upper part of the basin. BR operates 21 storage reservoirs in the basin, including four projects on the mainstem (Jackson, Palisades, American Falls, and Minidoka). Hydropower projects operated by BR include Minidoka (Snake River), Palisades (Snake River), Anderson Ranch (South Fork Boise River), Boise River diversion (Boise River), and Black Canyon (Payette River); hydropower at Arrowrock (Boise River), Cascade (North Fork Payette River), American Falls (Snake River), and Island Park (Henry's Fork) is licensed by the Commission.

Idaho Power's projects are located in the middle part of the basin. In addition to the eight relicense projects discussed in this document, Idaho Power operates the American Falls, Milner, Twin Falls, Cascade, Thousand Springs, and Clear Lake Projects--the last two are unlicensed.

The Corps of Engineers' (Corps) projects are found mainly in the lower basin. The Corps operates four projects on the mainstem (Lower Granite, Little Goose, Lower Monumental, and Ice Harbor), along with Lucky Peak (Boise River) and Dworshak (North Fork Clearwater River) reservoirs on tributaries; all these projects have hydropower (hydropower facilities at Lucky Peak are licensed by the Commission).

Including the Idaho Power projects, the Commission has issued 53 licenses and 69 exemptions for projects operating in the Snake River Basin, including 12 projects on the mainstem (see table C-1).

Water resource development in the basin has significantly modified the quantity and timing of flows in the basin. The largest storage facilities, with a total storage capacity of 9.6 million acre-feet, are described in table C-2.

Table C-1. Dams located on the mainstem Snake River, listed in order from upstream to downstream.								
Dam	Owner	FERC Project No.	Year Built	Generating Capacity (megawatts)	Gross Head (feet)	Reservoir length (miles)	Reservoir area (acres)	S Snake River mile
Upstream of Idaho Power Relicenses								
Jackson	Bureau of Reclamation	--	1906	none	--	12	25,540	988.9
Paisades	Bureau of Reclamation	--	1937	127.3	244	20 (mainstem) 18 (tributaries)	16,150	901.6
Idaho Falls-upper	City of Idaho Falls	2842	1930	8.0	20	2	100	804.7
Idaho Falls-city	City of Idaho Falls	2842	1913	8.0	21	1	50	798.1
Idaho Falls-lower	City of Idaho Falls	2842	1940	11.0	20	2	100	793.6
Gem State	City of Idaho Falls	2952	1989	22.6	200	4	305	786.8
American Falls	Bureau of Reclamation	2736 ¹	1926 ²	92.3	88	20	56,000	714
Minidoka	Bureau of Reclamation	--	1909	13.6	48	14	11,850	675
Milner	Twin Falls and North Side Canal Companies	2899 ³	1992	59.4	152	22	3,000	639
Twin Falls	Idaho Power Company	18	1935	52.1	142	1	96	618
Idaho Power Relicenses Reach								
Shoshone Falls	Idaho Power Company	2778	1907	12.5	312	1.2	60	615
Upper Salmon Falls	Idaho Power Company	2777	1937	powerhouse A--18.0 powerhouse B--16.5	powerhouse A--44 powerhouse B--36	1	50	581.4
Lower Salmon Falls	Idaho Power Company	2061	1949	60.0	59	6.6	750	572.9
Bliss	Idaho Power Company	1975	1949	75.0	70	5	255	560
C.J. Strike	Idaho Power Company	2055	1952	82.8	88	39	7,500	492
Swan Falls	Idaho Power Company	503	1901 ⁴	25.0	25	27	900	456
Brownlee	Idaho Power Company	1971	1958	585.4	272	60	14,621	285

Table C-1 (cont.). Dams located on the mainstem Snake River, listed in order from upstream to downstream.								
Dam	Owner	FERC Project No.	Year Built	Generating Capacity (megawatts)	Gross Head (feet)	Reservoir length (miles)	Reservoir area (acres)	S Snake River mile
Oxbow	Idaho Power Company	1971	1961	190.0	122	12	1,150	273
Hells Canyon	Idaho Power Company	1971	1967	391.5	221	55	15,000	248
Downstream of Idaho Power Relicenses								
Lower Granite	U.S. Army Corps of Engineers	--	1975	810.0	100	41.9	8,900	107.5
Little Goose	U.S. Army Corps of Engineers	--	1970	810.0	98	37.2	10,025	70.3
Lower Monumental	U.S. Army Corps of Engineers	--	1969	810.0	99	28.7	6,600	41.6
Ice Harbor	U.S. Army Corps of Engineers	--	1961	602.9	98	31.9	9,200	9.7

¹ Hydropower projects operated by Idaho Power Company

² Hydropower completed in 1978.

³ Hydropower operated by Idaho Power Company and Milner Dam, Inc.

⁴ New powerhouse completed in 1994.

Water Use

Dominant water uses in the Snake River Basin are:

- **Irrigation diversions**--occur throughout the basin; more than 14 million acre-feet of water is diverted by canals and pumps
- **Hydropower diversions** (non-consumptive)--occur throughout the basin, except the Salmon River Basin; the greatest diversions occur in the lower part of the basin
- **Commercial, domestic, industrial, livestock, and private use**--these uses combined make up about 5 percent of water use in the basin

Land Use

Major land uses in the Snake River include:

- **Agriculture**--about 85 percent of all irrigated agriculture in Idaho occurs in the Snake River plain, totaling over 3 million acres
- **Livestock grazing**--occurs primarily in the central part of the basin
- **Logging**--occurs primarily in the headwaters and Salmon River Basin
- **Mining**--occurs throughout the basin, but usually not in proximity to the mainstem of the Snake River.

The extent and location of agriculture, grazing, and logging can be seen to some degree from land cover/land use patterns (table C-3).

Other Actions

Other ongoing actions in the Snake River Basin include:

- **Aquaculture**--approximately 70 percent of the commercially produced trout in the United States are produced in the 60 to 70 hatcheries that use natural spring water from the north shore of the Snake River near Twin Falls.
- **Agricultural runoff**--occurs throughout the basin except in wilderness and mountainous areas
- **Recreation**--heavy recreational use occurs at the large reservoirs and lakes throughout the basin

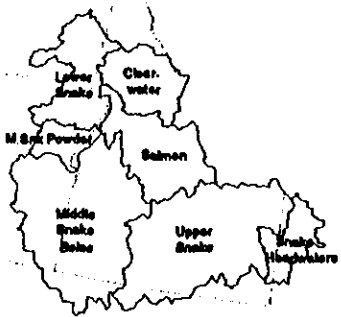
Table C-2. Storage facilities (greater than 100,000 acre-feet) located upstream of Hells Canyon dam.

Facility	Stream	Owner ¹	Storage Capacity (thousands of acre-feet)	Year Storage Began
Jackson Lake	Snake River	BR	847	1906
Palisades reservoir	Snake River	BR	1,400	1956
American Falls reservoir	Snake River	BR	1,700	1926
Lake Walcott	Snake River	BR	107	1906
C.J. Strike reservoir	Snake River	Idaho Power	250	1952
Brownlee reservoir	Snake River	Idaho Power	1,469	1958
Hells Canyon	Snake River	Idaho Power	176	1967
Island Park reservoir	Henrys Fork	BR	127	1938
Ririe reservoir	Willow Creek	Corps	100	1975
Blackfoot reservoir	Blackfoot River	BIA	413	1910
Salmon Falls Creek reservoir	Salmon Falls Creek	Salmon River Canal Co.	182	1910
Magic reservoir	Big Wood River	Big Wood Canal Co.	191	1909
Lake Owyhee	Owyhee River	BR	1,122	1933
Anderson Ranch reservoir	South Fork Boise River	BR	464	1945
Arrowrock reservoir	Boise River	BR	286	1917
Lucky Peak Lake	Boise River	Corps	307	1954
Lake Lowell	Boise River	BR	177	1908
Warm Springs reservoir	Malheur River	BR	190	1919
Cascade reservoir	North Fork Payette River	BR	703	1947
Deadwood reservoir	Deadwood River	BR	160	1930

BIA = Bureau of Indian Affairs; BR = Bureau of Reclamation; Corps = U.S. Army Corps of Engineers; Idaho Power = Idaho Power Company.

Table C-3. Dominant land uses in the Snake River Basin, by geographic region.

Land use	Geographic region						
	Headwaters Snake	Upper Snake	Middle Snake--Boise River	Middle Snake--Powder River	Lower Snake	Salmon River	Clearwater River
agriculture (%)	4.9	31.6	14.6	27.4	50.3	15.8	16.8
range (%)	3.3	48.3	62.2	29.9	20.2	16.5	0.3
forest (%)	86.8	18.1	20.1	41.8	28.1	62.4	82.2



C.2 Planned and Future Actions in the Snake River Basin

Various management plans are being developed that may affect the resources of the Snake River. Of particular importance are plans to secure additional flows from the upper Snake River Basin to improve downstream salmon passage, future plans to restore anadromous fish upstream of Hells Canyon, measures to recover federally listed aquatic snail species, plans to improve water quality in the middle Snake River, plans for groundwater recharge in the Hagerman Valley area, growth of irrigated agriculture in the basin, and the results of ongoing water adjudications in the basin. A preliminary list of management plans, recommendation documents, and potential future actions is found in appendix D. Some of the primary actions in terms of their potential effect on the Idaho Power project areas and other FERC projects are described below.

Primary Basin-wide Actions

Snake River Resources Review--BR is preparing a comprehensive review of the operation of its projects upstream of the Idaho Power projects. Their goal is to develop a single model to guide project operation and enable better management of water and related resources in the Snake River Basin. The review began in 1995 and is expected to be completed in 2000. Any changes in upstream BR projects, such as increased flows, would likely have an effect on the river reaches affected by the Idaho Power relicenses.

NMFS Proposed Recovery Plan for Snake River Salmon--General tasks that could interact with the Idaho Power projects include: providing adequate instream flows to rebuild salmon populations; reducing loss of juvenile fish through flow augmentation and improved water management; reducing loss of listed species associated with poor water quality; and restoring chinook salmon by introducing them into historic habitat (one element of the plan concerns the feasibility of reintroducing Snake River fall chinook into native habitat upstream of the Hells Canyon Complex).

NMFS Biological Opinion (BO)--The BO for the federal Columbia River power system calls for BR to secure additional water for flow augmentation after 1998 as may be necessary to further reduce human-caused mortality of endangered salmon in the Snake River. A new BO, which will be issued in 1999, could include a different set of reasonable and prudent measures.

Northwest Power Planning Council's Columbia River Basin Fish and Wildlife Program--The program calls for, among other things, an additional 1,000,000 acre-feet of storage for juvenile salmon migration from the Snake River Basin.

Interior Columbia Basin Ecosystem Management Project--FS and BLM are developing an ecosystem-based strategy for management of lands under their jurisdiction in the Upper Columbia River Basin in Idaho, Montana, Utah, Nevada, Wyoming, and parts of Washington. The strategy will focus on ecosystem health, including its forest, rangeland, and aquatic/riparian, landscape and social/economic components, with emphasis on population viability and sustainability of threatened, endangered, and sensitive species. The draft EIS is due to be issued in 1997. The Idaho Power relicenses affect both FS and BLM lands.

Total Daily Maximum Load (TDML) Plans for the mid-Snake River--TDML plans are required for water quality limited reaches. Phase I plans involve total phosphorous; subsequent plans will consider, among others, sediment and nitrogen reduction. These plans have the potential to significantly improve water quality in the section of the Snake River between Milner dam and King Hill, Idaho, which includes five of the Idaho Power relicenses.

FERC Projects in Snake River Basin

Environmental protection measures that have been proposed for the Bliss, Lower Salmon Falls, Upper Salmon Falls, and Shoshone Falls Projects (see sections 3.1.3 and 3.2.3) and additional potential measures for these four projects along with the other four Idaho Power projects up for relicensing (table 1), should enhance many of the resources that have been cumulatively affected in the basin.

In addition to the eight Idaho Power projects up for relicense, there are other potential new hydropower development and other relicensing activity in the basin. There are four applications for license involving new construction pending before the Commission (table C-4). Four existing licenses expire between 1996 and 2010 (table C-5). Further, the Auger Falls Project (FERC No. 4797)¹ was licensed in 1991, but construction has not yet begun.

Table C-4. Pending applications for new hydropower construction in the Snake River Basin.

Project Name	Project No.	Location	Status	Comments
Sahko	11060	near Filer, Idaho	scoping completed; awaiting additional information	on existing irrigation ditch
Stelley	5090	Snake River, downstream of Idaho Falls, Idaho	Commission order denying license issued September 1997	25-foot-high, 300-foot-long dam across Snake River; 2.7-mile-long reservoir
Dworshak Small Hydro	10819	North Fork Clearwater River, near Orofino, Idaho	final EA issued June 1997	at water intake for Dworshak fish hatchery
Swift Creek	1651	Salt River Basin, Utah	final EA issued; awaiting Commission decision	existing project inoperable due to avalanche; proposal to repair and increase capacity

¹ The Auger Falls Project would involve the construction of an 18-foot-high, 340-foot-long dam across the Snake River, about 0.25 mile downstream from Twin Falls, Idaho, and would have a generating capacity of 43.6 MW.

Table C-5. Hydropower licenses in the Snake River Basin that expire between 1996 and 2010, in addition to the Idaho Power projects.

Project name	Project no.	Location	Licensee	Capacity (kW)	Expiration year
Rock Creek	1986	Rock Creek, Powder River Basin, Baker County, Oregon	Oregon Trail Electric Consumers Cooperative	800	1996 ¹
Strawberry ²	2032	Strawberry Creek, Salt River Basin, Wyoming	Lower Valley Power and Light	1,500	1999
Ponds Lodge	1413	Buffalo River, Fremont County, Idaho	Buffalo Hydro L.C.	250	2004
Hettinger	3041	Smith Creek, South Fork Salmon River, Idaho	MacKay Bar Corp.	12	2010

¹ The licensee did not file an application to relicense the project--the license expired on June 29, 1996. An application was filed by Douglas W. Pagar on February 28, 1997.

² Application filed on September 25, 1996.

APPENDIX D

LIST OF MANAGEMENT PLANS AND POTENTIAL FUTURE ACTIVITIES RELEVANT TO THE SNAKE RIVER BASIN (revised December 1997)

- Bonneville Power Administration, Army Corps of Engineers, Bureau of Reclamation. Columbia River system operation review--final environmental impact statement. November 1995.
- Bonneville Power Administration. Endangered Species Act record of decision regarding biological opinions by the National Marine Fisheries Service and U.S. Fish and Wildlife Service on operation of the federal Columbia River power system in 1995 and future years. March 10, 1995.
- Bonneville Power Administration and Idaho Department of Fish and Game. Phase I water rental pilot project: Snake River resident fish and wildlife resources and management recommendations. October 1992.
- Bonneville Power Administration and Idaho Department of Fish and Game. Phase II water rental pilot project: Snake River resident fish and wildlife resources and management recommendations. August 1994.
- Bonneville Power Administration and Idaho Department of Fish and Game. Idaho water rental pilot project probability/coordination study--resident fish and wildlife impacts. Phase III annual report. September 1996.
- Bureau of Land Management. Bennett Hills draft resource management plan and environmental impact statement. Shoshone District. March 1994.*
- Bureau of Land Management. Birds of Prey National Conservation Area management plan. December 1995.
- Bureau of Reclamation. Record of decision implementing actions pursuant to biological opinions of March 1, 1995. March 10, 1995.
- Bureau of Reclamation. Snake River Resources review--blueprint. June 1996.
- Environmental Protection Agency. 1996. Middle Snake River watershed--ecological risk assessment planning and problem formulation. Risk Assessment Group. draft. June 17, 1996.
- *Environmental Protection Agency. 1997. Water quality standards for Idaho: final rule. Federal Register, volume 62, no. 147, pages 41162-41188 (July 31, 1997).*
- Federal Energy Regulatory Commission. Milner, Twin Falls, Auger Falls, and Star Falls Hydroelectric Projects--final environmental impact statement. FERC/EIS-0048F. July 1990.
- Federal Energy Regulatory Commission. Shelley Hydroelectric Project (FERC no. 5090, Idaho)--final environmental impact statement. FERC/EIS-0064F. volumes I and II. February 1994.
- Federal Energy Regulatory Commission. Sahko Hydroelectric Project (FERC no. 11061-001)--scoping document 2. July 1996.

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- Federal Energy Regulatory Commission. Swift Creek Hydroelectric Project (FERC no. 1651)--final environmental assessment. November 1994.
- Federal Energy Regulatory Commission. Dworshak Small Hydro Project (FERC no. 10819)--draft environmental assessment. January 1997.
- Forest Service. Hells Canyon National Recreation Area Comprehensive Management Plan--draft environmental impact statement. Wallowa-Whitman National Forest. 1996.
- Forest Service. Wild and scenic Snake River recreation a management plan--final environmental impact statement. Hells Canyon National Recreation Area, Wallowa-Whitman National Forest. 1994.
- Forest Service. Payette National Forest land and resource management plan. Department of Agriculture, McCall, Idaho. May 6, 1988.*
- *Forest Service. Wallowa-Whitman National Forest land and resource management plan. Department of Agriculture, Baker City, Oregon. April 1990.*
- *Forest Service. Integrated noxious weed management plan. Department of Agriculture. Baker City, Oregon. April 1993.*
- *Forest Service. Imnaha River wild and scenic river management plan. Department of Agriculture. Baker City, Oregon. January 1993.*
- *Forest Service. Imnaha River section 7 watershed. Assessment of ongoing and proposed activities. Final report. Wallowa-Whitman National Forest. 1994.*
- *Forest Service. Sheep Creek section 7 watershed. Assessment of ongoing and proposed activities. Final report. Wallowa-Whitman National Forest. 1994.*
- *Forest Service. Snake River section 7 watershed. Assessment of ongoing and proposed activities. Final report. Wallowa-Whitman National Forest. 1994.*
- *Forest Service. Deep Creek section 7 watershed. Assessment of ongoing and proposed activities. Final report. Payette National Forest. 1994.*
- Gooding, Jerome and Lincoln Counties. Coordinated Water Resources Management Plan.
- Idaho Department of Fish and Game. Idaho fisheries management plan--1996-2000. 1995.
- Idaho Department of Health and Welfare. Middle Snake River nutrient management plan--public review draft. Division of Environmental Quality, South Central Idaho Regional Office. February 1995.
- Idaho Department of Health and Welfare. Water quality standards and wastewater treatment requirements. March 20, 1997.*
- *Idaho Department of Parks and Recreation. Idaho statewide comprehensive outdoor recreation and tourism planning: assessment and policy plan. May 1997.**
- Idaho Division of Environmental Quality. The Middle Snake River watershed management plan--public review draft no. 2. Twin Falls Regional Office. October 23, 1996.

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- Idaho Water Resources Board. Idaho state water management plan. January 1992.
- Idaho Water Resources Board. Comprehensive State Water Plan: Snake River: Milner Dam to King Hill. December 10, 1993.*
- Independent Scientific Group. Return to the river: restoration of salmonid fishes in the Columbia River ecosystem. September 10, 1996.
- National Marine Fisheries Service. Proposed recovery plan for Snake River salmon. March 1995.
- National Marine Fisheries Service. Endangered Species Act section 7 consultation biological opinion--reinitiation of consultation on 1994-1998 operation of the Federal Columbia River power system and juvenile transportation program in 1995 and future years. March 1995.
- National Park Service. Hagerman Fossil Beds National Monument--final general management plan/environmental impact statement. July 1996.
- Northwest Power Planning Council. Columbia River basin fish and wildlife program. December 14, 1994; amended December 1, 1995.*
- Northwest Power Planning Council. Protected areas amendments and response to comments. Document 88-22. September 14, 1988.*
- Oregon Department of Fish and Wildlife. Comprehensive plan for production and management of Oregon's anadromous salmon and trout: Part I. General considerations. Portland, Oregon. June 1, 1982. 33 pp.*
- Oregon Department of Fish and Wildlife. Oregon Bighorn sheep management plan. Portland, Oregon. November 1986. 17 pp.*
- Oregon Department of Fish and Wildlife. The statewide trout management plan. Portland, Oregon. November 1987. 77 pp.*
- Oregon Department of Fish and Wildlife. Warmwater game fish management plan. Portland, Oregon. August 1987. 60 pp.*
- Oregon Department of Fish and Wildlife. Mule deer plan. Portland, Oregon. 49 pp.
- Oregon Department of Fish and Wildlife. Oregon's elk management plan. Portland, Oregon. July 1992. 63 pp. plus appendix.*
- Oregon Department of Fish and Wildlife. Oregon's black bear management plan, 1993-1998. Portland, Oregon. 33 pp. plus appendices.*
- Oregon Department of Fish and Wildlife. Oregon's cougar management plan, 1993-1998. Portland, Oregon. 31 pp. plus appendices.
- Oregon Department of Fish and Wildlife. Oregon's migratory game bird program strategic management plan. Portland, Oregon. 12 pp. plus appendices.
- Oregon Department of Fish and Wildlife. Oregon wildlife diversity plan. Portland, Oregon.

November 1993. 512 pp.*

- Oregon Department of Fish and Wildlife. Oregon's cougar management plan, 1993-1998. Portland, Oregon. 31 pp. plus appendices.*
- Oregon Department of Fish and Wildlife. Oregon wildlife and commercial fishing codes. Portland, Oregon. 146 pp. plus index.*
- Oregon Department of Fish and Wildlife. Biennial report on the status of wild fish in Oregon. Portland, Oregon. December 1995. 217 pp. plus appendix.*
- Oregon Department of Fish and Wildlife. Comprehensive plan for production and management of Oregon's anadromous salmon and trout: Part III. Steelhead plan. Portland, Oregon. April 26, 1995. 118 pp. plus appendices.*
- Oregon Department of Fish and Wildlife. Wildlife Diversity. Program. Species at risk: Sensitive, threatened, and endangered vertebrates of Oregon. Portland, Oregon. June 1996. No pp.*
- Oregon Department of Fish and Wildlife. The Hells Canyon initiative; restoration of bighorn sheep to Hells Canyon. Draft--April 1997.
- Oregon State Parks and Recreation Division. Statewide comprehensive outdoor recreation plan. August 1983.*
- Pacific States Marine Fisheries Commission. White sturgeon management framework plan. 1992.
- Snake River Basin Water Committee. Water management opportunities within the Snake River basin. July 1994.
- State of Idaho. 1996. Measures to enhance salmon and steelhead migration success during 1996. February 20, 1995.
- U.S. Fish and Wildlife Service. Biological opinion on 1994-1998 salmon flow augmentation. March 1995.
- U.S. Fish and Wildlife Service. Snake River Aquatic Species Recovery Plan. Snake River Basin Office, Ecological Services, Boise, Idaho. December 1995.
- U.S. Fish and Wildlife Service. Recovery plan for the MacFarlane's four-o'clock, *Mirabilis MacFarlanei*. Portland, Oregon. 47 pp. 1983.
- U.S. Fish and Wildlife Service. Pacific coast American peregrine falcon recovery plan. October 12, 1982.
- U.S. Fish and Wildlife Service. Draft programmatic environmental impact statement on impacts of artificial salmon and steelhead production strategies in the Columbia Basin. December 10, 1996.
- U.S. Army Corps of Engineers, North Pacific Division. Record of decision--reservoir regulation and project operation, 1995 and future years. March 10, 1995.
- U.S. Army Corps of Engineers, Walla Walla District. Salmon decision analysis, Lower Snake River

feasibility study--final report. October 4, 1996.

- U.S. Army Corps of Engineers, Walla Walla District Lower Snake River juvenile salmon migration feasibility study, system configuration study phase II Interim status report December 1996.
- Yakama Indian Nation, Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Warm Springs Reservation of Oregon, and the Nez Perce Tribe My Run Fish Mgmt. Agreement (Spirit of the Salmon) 1994
- Officially filed with the Commission as a project of the Snake River Basin

APPENDIX E

SCOPING DOCUMENT DISTRIBUTION LIST

1. Service List (List of Intervenor)--Bliss, Lower Salmon Falls, Upper Salmon Falls, and Shoshone Falls Projects¹

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¹ Current as of December 15, 1997. #=all four projects; *=Bliss, Lower Salmon Falls, and Upper Salmon Falls Projects; %=Bliss Project; &=Shoshone Falls Project.

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- DEQ
Idaho Falls, ID 83204

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Mr. Steve West
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P.O. Box 83720
Boise, ID 83720-0050

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Mr. Robert Yohe
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Idaho State Historical Society
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Morrill Hall, Room 106
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Ms. Sandy Thomas
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Weiser, ID 83672

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Mr. Roy Present, Chairman
Jerome County Commissioners
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Mr. Steve Stout
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Mr. Bob Minter
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Sun Valley, ID 83353

Alan Sands
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Mr. Lee Daniels
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Mr. Richard Reines
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State of Idaho - Office of the Governor
State Capitol
Boise, ID 83720

The Honorable John Kitzhaber
State of Oregon, Office of the Governor
State Capitol
Salem, OR 97310

The Honorable Mike Lowry
State of Washington
Office of the Governor
Olympia, WA 98504

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U.S. Bureau of Reclamation, Pac. NW
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1150 North Curtis Road
Boise, ID 83706-1234

Ms. Carolyn Hurpee Stone
U.S. Bureau of Reclamation, Pac. NW
Region
1150 North Curtis Road
Boise, ID 83706-1234

Regional Environmental Officer
U.S. Department of the Interior
500 N.E. Multnomah Street, Suite 600
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Mr. Steve Tibbets
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Bureau of Indian Affairs
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Columbia River Fisheries Program
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Mr. Kevin Ryan
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Pat Zenone
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USDA - Forest Service
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Mr. Dale Bosworth
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U.S. Geological Survey, WRD
230 Collins Road
Boise, ID 83702

Mr. Steve Munson
President
Vulcan Power Company
1183 NW Wall Street, Suite G
Bend, OR 97701

Wallowa County Court
101 S. River - Room 202
Enterprise, OR 97828

3. Others

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U.S. Army Engineer Div.
U.S. Army Corps of Engineers
North Pacific Division
P.O. Box 2870
Portland, OR 97208-2870

Ms. Barbara Benge
U.S. Army Corps of Engineers
Walla Walla District
201 North Third Avenue
Walla Walla, WA 99362-1876

Mr. A. Bradley Daly
Regulatory Branch
U.S. Army Corps of Engineers
Walla Walla District
201 North Third Avenue
Walla Walla, WA 99362-9265

Department of the Army
U.S. Army Corps of Engineers
Office of the Chief of Engineers
20 Massachusetts Avenue, NW
Washington, DC 20314-1000

Asst. Secretary
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Main Interior Bldg., MS 2340
1849 C Street, N.W.
Washington, DC 20240

U.S. Fish & Wildlife Service
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Washington County, ID
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National Oceanic & Atmospheric Adm.
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SP
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State of Idaho
Soil Conservation Commission
State House
Boise, ID 83720

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Director
Idaho Bureau of Mines & Geology
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Honorable Larry E. Craig
U.S. Senate
Washington, DC 20510

Honorable Dirk Kempthorne
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Washington, DC 20510

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Chairman
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Chairman
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Twin Falls, ID 83303

Ms. Kristy Webb
Prairie Falcon Audubon Society
2158 Addison Avenue Road East
Twin Falls, ID 83301

Mr. Barry Ross
Trout Unlimited
1318 N. 24th Street
Twin Falls, ID 83702

Gene Day
Idaho River United
3232 Woodridge Drive
Twin Falls, ID 83301-8151

Tribal

Mr. Lindsey Manning
Shoshone Paiute Tribes
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Attn: Environmental Coordinator
Fort Hall, ID 83203

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Attn: Environmental Coordinator
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Fort Hall Business Council
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Licencee

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FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D. C. 20426

02-2036

OFFICE OF HYDROPOWER LICENSING

Project No. 2778-005--Idaho
Shoshone Falls Project
Idaho Power Company

SEP 05 1997

Mr. Robert W. Stahman
Idaho Power Company
1221 West Idaho Street
P.O. Box 70
Boise, ID 83707

Dear Mr. Stahman:

Your license application filed on May 29, 1997, fails to conform to the requirements of the Commission's regulations.

Exhibit G of your application does not include the project reservoir, as required by section 4.51(h)(2)(I).

Under section 16.9(b)(2) of the regulations you have 30 days from the date of this letter to correct the deficiency in your application. If the correction of the deficiency causes other parts of the application to be inaccurate, that part must also be revised and refiled by the due date.

Within 5 days of receipt, provide a copy of this letter and the attached schedule to all agencies you will consult in response to this deficiency request. Then, when you file the requested information with the Commission, you must provide a complete copy of the information to each agency consulted under section 16.8 of the regulations.

Please file an original and 8 copies of the requested information with the Secretary of the Commission by the due date. Call Alan Mitchnick at (202) 219-2826, if you have any questions.

Sincerely,



Kevin P. Madden
Acting Director
Office of Hydropower Licensing

cc: Public Files
Service List

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

NOTICE OF APPLICATION TENDERED FOR FILING WITH THE
COMMISSION

(June 13, 1997)

Project No. 2778-005

- 2 -

The applicant proposes to continue to operate the project in a run-of-river mode.

1. With this notice, we are initiating consultation with the Idaho State Historic Preservation Office (SHPO), as required by §106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR, at 800.4.
- m. Under Section 4.32 (b)(7) of the Commission's regulations (18 CFR), if any resource agency, Indian Tribe, or person believes that the applicant should conduct an additional scientific study to form an adequate factual basis for a complete analysis of the application on its merits, they must file a request for the study with the Commission, not later than 60 days after the application is filed, and must serve a copy of the request on the applicant.

Lois D. Cashell
Secretary

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

- a. Type of Application: Major Relicense
(Tendered Notice)
- b. Project No.: 2778-005
- c. Date filed: May 29, 1997
- d. Applicant: Idaho Power Company
- e. Name of Project: Shoshone Falls Hydroelectric Project
- f. Location: On the Snake River in Twin Falls and Jerome Counties, Idaho
- g. Filed Pursuant to: Federal Power Act, 16 USC §§791(a) - 825(r).
- h. Applicant Contact: Mr. Robert W. Stahman
Vice President, Secretary, and General Counsel
Idaho Power Company
P.O. Box 70
Boise, Idaho 83707
(208) 388-2676
- i. FERC Contact: Alan D. Mitchnick at (202) 219-2826.
- j. Comment Date: 60 days from the filing date in paragraph c.
- k. Description of Project: The existing project consists of: (1) a diversion dam consisting of four sections with a total length of 798.4 feet; (2) a reinforced concrete intake structure; (3) a 450-foot-long tunnel and 120-foot-long penstock; (4) a powerhouse containing three generating units with an installed nameplate capacity of 12.5 megawatts; (5) an 86-acre impoundment with a gross storage of 1,500 acre-feet at normal operating elevation; and (6) other appurtenances.

RECEIVED
JUN 24 1997
Department of Water Resources

RECEIVED

FEB 18 1997

FEDERAL ENERGY REGULATORY COMMISSION

WASHINGTON, D. C. 20426

Department of Water Resources

FEB 12 1997

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

02-2036

To The Party Addressed:

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

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

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

Sincerely,



J. Mark Robinson
Director, Division of
Licensing and Compliance

Distribution:

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

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UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

LICENSE (MAJOR)

Before Commissioners: Charles B. Curtis, Chairman,
Georgiana Sheldon, and George R. Hall.

Idaho Power Company) Project No. 2778

ORDER ISSUING LICENSE (MAJOR)

(Issued June 13, 1979)

Background

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

In this order, we will address only the Shoshone Falls Project No. 2778. By separate order, we are simultaneously issuing a license for the Upper Salmon Project No. 2771.

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

Project History and Description

*Expires 5/31/99
see p. 5; Rule change
see p. 3-5*

The Shoshone Falls Project No. 2778 is located on the Snake River in the counties of Jerome and Twin Falls, Idaho. The project

- ^{1/} The Snake River was found to be a navigable water of the United States by Commission order dated August 4, 1955, Project Nos. 1971 and 2132, 14 FPC 72 (1955).
- ^{2/} See Order Issuing License, Idaho Power Company, Project No. 2258 (issued Mar. 31, 1975); Order Issuing Major License (Unconstructed) and Permitting Withdrawal of Intervention, Idaho Power Company, Project No. 2736 (issued Mar. 31, 1975).

was built in three stages beginning in 1907 and ending 1921. The total installed capacity is 12,400 kW. ^{3/} No significant changes have been made in the project since that time.

The constructed project consists of a diversion dam at the crest of Shoshone Falls which is 711 feet long with an average height of 16 feet. The dam impounds a reservoir with approximately 750 acre-feet of storage. The powerhouse is located in the canyon below the Shoshone Falls. The project is more fully described in ordering paragraph (B) below.

Safety and Adequacy

Our staff has examined the spillway capacity of the project and reports that it is adequate to pass excess flows not required for power generation. Should the flow in the river exceed the combined spillway and power discharge capacities, the diversion dam will act as an overflow section.

The staff has also analyzed the stability of the dam and reports that it is safe from normal hydrostatic plus earthquake loading. The concrete Amberson dam structure is also safe against sliding and overturning for unusual flood conditions. The staff states that the small concrete ogee section of the diversion dam is subject to failure under unusual flood conditions. However, because of the relatively small amounts of water which would be released, any failure would not pose a hazard to downstream life and property. The project's structures were inspected by our regional office on May 9, 1978. The regional office found the project to be well maintained and in good operating condition. We conclude that the project as licensed is safe and adequate.

Recreation, Fish, and Wildlife

At the time the original application for Project No. 2258 was filed, Exhibits R (recreational use) and S (fish and wildlife resources) were not required. These exhibits became required elements of license applications by subsequent Commission orders. Articles 45 and 47 of this license require the Applicant to file for our approval Exhibits R and S, prepared in conformance with §4.41 of our regulations, including consultation with federal and state agencies. Under Articles 12, 15, and 17 we retain

^{3/} The project provides an average annual generation of 101,947,000 kWh, utilizing a renewable resource that saves the equivalent of approximately 166,000 barrels of oil or 46,800 tons of coal annually.

authority to require changes in the project to develop or protect recreational, fish, and wildlife resources.

Other Environmental Considerations

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

Comprehensive Development

Our staff has thoroughly analyzed the Shoshone Project in relation to other existing and planned developments on the Snake River. The project is located between the Twin Falls Project No. 18 and the downstream Upper Salmon Project No. 2777. It appears that an additional 150 feet of undeveloped head is available between the Shoshone Falls Project and the Twin Falls Project No. 18. Moreover, the project operates at a very high plant factor. In light of these facts and the continuing escalation in the costs of fossil fuels, Article 51 requires the Applicant to study the economic feasibility of modifying the project to install additional generating capacity. 4/ Articles 39 and 40 have been included in this license in response to requests by the Department of Interior to insure the project's consistency with irrigation and other beneficial consumptive uses in the Snake River watershed. 5/ We conclude that the Shoshone Project as conditioned in this license is best adapted to a comprehensive plan for improving and developing the Snake River for beneficial public uses.

License Term

It has been the Commission's long-standing practice to fix January 1, 1938, as the effective date for licenses located on U.S. lands and constructed before that time. 6/ To continue that practice would require us to set December 31, 1937, as the termination date for this license. In a recent order issuing a license for the Medway Project No. 2666 (Medway), 7/ we modified another long-standing Commission practice in setting

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- 4/ Under Article 9 of this license, we retain authority to require installation of any additional generating capacity that may be economically feasible.
- 5/ See Utah Power & Light Co., Cutler Project No. 2420, 41 FPC (1969).
- 6/ See, e.g., Rhineland Paper Co., Project No. 2161, 14 F.P.C. 653 (1955). The practice originally applied to all projects constructed before 1938, regardless of the basis of jurisdiction. But for projects where jurisdiction was based only on navigable waters, the practice was varied in a series of decisions culminating in Public Service Co. of New Hampshire, Project No. 2288, 27 F.P.C. 830 (1962) ("Androscoggin"), and discussed in 27 F.P.C. at 834-36.
- 7/ Order Issuing License (Major), Bangor Hydro-Electric Company, Project No. 2666, (issued Mar. 29, 1979).

license termination dates issued under the so-called "Androscoggin rule".^{8/} In doing so, we noted that an enormous administrative burden would arise when over 160 licenses terminated in 1993. Under the new rule, any initial license that may be issued for a project on navigable waters, with no post-1935 construction, would normally be set to expire twenty years from the date of issuance of the license.

Here, we conclude that continued adherence to the old rule for projects constructed on government lands before 1938 is not in the public interest. If followed here and in the future, licenses for such projects would terminate in less than nine years from the date of issuance. Requiring relicensing so soon, and at the same time as other such projects, would unduly strain the Commission's ability to discharge its regulatory duties in an efficient and timely manner. To ameliorate this administrative problem and at the same time limit as much as practicable the sorts of unmerited advantages noted in the Androscoggin and Medway cases, from now on initial licenses for constructed projects on U.S. lands will normally be issued for a period ending twenty years from issuance. ^{9/}

This new rule poses an additional problem not presented in the Medway case, however. Here, the license will expire in 1999. But since the maximum statutory license period is 50 years, the license cannot be back-dated to 1938, as it would have been under the old policy.^{10/} Accordingly, this license will be made effective as of 1949, fifty years before its expiration date. Annual charges will be based upon that effective date, but we are also conditioning this license on payment of an amount equivalent to the annual charges that would otherwise have been payable under section 10(c) of the Federal Power Act for the period from January 1, 1938, to the effective date of this license.

Conditioning this license upon that payment is not a penalty. It is intended only to prevent a windfall to the Applicant, to place it in the same position as similarly situated licensees who received their licenses before today's change of policy on

^{8/} See Public Service Company of New Hampshire, Project No. 2288, 27 FPC 830, 834 (1962).

^{9/} In unusual circumstances, however, the term may be shorter. See Bangor Hydro-Electric Co., Project No. 2666, Order Issuing License (Major) (issued Mar. 29, 1979) (mimec at 6 n.6 and accompanying text).

^{10/} In the Medway case, the Androscoggin rule called for back-dating the license only to 1962, the time of the Androscoggin decision, since the river in question had not been determined navigable until after 1962.

expiration date, and to place it as nearly as possible in the position it would have been in had it carefully observed the licensing requirements of the Federal Power Act. As the court of appeals has stated in a similar circumstance when upholding our broad authority to issue licenses on conditions, including payment of past annual charges:

...the term "penalty" is hardly appropriate for a condition that puts the wrongdoer in no worse stance than the company that has punctiliously observed the requirements of law, and is not made collectible in any event but only as an obligation to accompany the privilege of continuing to utilize a river subject to the jurisdiction of Congress. Niagara Mohawk Power Corp. v. FPC, 379 F.2d 153, 159-60 (D.C. Cir. 1967); see also Central Maine Power Co. v. FPC, 345 F.2d 875 (1st Cir. 1965).

Revised Exhibits

The installed capacity of the project stated in Exhibit M is 10,880 kW. Idaho Power Company's recent filings of Form 12 and our staff's inspection show that the actual installed capacity is 12,400 kW. Article 42 requires the Applicant to file a revised Exhibit M to show the correct rating of the generators. Article 48 provides for the assessment of annual charges for administration of Part I of the Act. Exhibits J and K do not conform to the regulations in that they do not adequately show or designate the project reservoir and United States lands within the project boundary. Thus, the exact acreage of U.S. lands occupied by the project is still unclear. The Applicant is required by Article 38 to file revised Exhibits J and K, prepared in consultation with the federal agency administering the U.S. lands occupied. Once these exhibits are filed, we will be able to determine the amount the Applicant should recompense the United States for the use, occupancy, and enjoyment of U.S. lands.

The Commission Orders:

(A) This license is issued under Part 1 of the Federal Power Act (Act), to Idaho Power Company (Licensee) of Boise, Idaho, for a period of 50 years, effective June 1, 1949, and terminating May 31, 1999, for the continued operation and maintenance of Shoshone Falls Project No. 2778, located in Jerome and Twin Falls Counties, Idaho, on the Snake River, a navigable waterway of the United States, and occupying lands of the United States. This

license is subject to the terms and conditions of the Act, which is incorporated by reference as part of this license, and subject to the regulations the Commission issues under the provisions of the Act.

(B) The Shoshone Falls Project consists of:

(1) All lands, to the extent of the Licensee's interests in those lands, constituting the project area and enclosed by the project boundary, the project boundary and area being shown and described by certain exhibits which form part of the application for license and are described are:

<u>Exhibit</u>	<u>FERC No. 2778</u>	<u>Showing</u>
J	1	Location Map
K	2	Detail Map of Project

(2) Project works consisting of: (a) a concrete diversion dam divided into four sections by natural rock islands in the river, three of which comprise Amberson type structures 102 feet, 41.5 feet, and 274.7 feet long, respectively, with the fourth section comprising a gravity type structure 371.5 feet long, which has 19 vertical wood control gates 4.9 feet high by 17.12 feet long; (b) a reservoir with normal water surface at elevation 3,362 feet m.s.l. and approximately 750 acre-feet of gross storage capacity; (c) a concrete tunnel and steel penstock extending 176 feet from the dam to the powerhouse which is located on the right bank of the river below the falls; (d) a powerhouse containing three generating units with a total installed capacity of 12,400 kW, operating under a 212-foot head; (e) 6.6/46 kV and 2.4/46kV transformer banks and associated switching equipment at the 46-kV substation located adjacent to the powerhouse; and (f) appurtenant facilities.

The location, nature, and character of these project works are generally shown and described by the exhibits cited above and more specifically shown and described by certain other exhibits

which also form a part of the application for license and which are designated and described as:

<u>Exhibit L</u>	<u>FERC Drawing No. 2778</u>	<u>Titled</u>
L-1	3	General Plan
L-2	4	Dam and Spillway Section
L-3	5	Sectional View

Exhibit M

Consisting of pages 3 and 4 of the Exhibit M entitled "General Description and Specifications of Equipment" filed on February 13, 1959, as part of the application for license for Project No. 2258.

- (3) All structures, fixtures, equipment, or facilities used or useful in the operation or maintenance of the project and located on the project area, all portable property that may be employed in connection with the project, located on or off the project area, as approved by the Commission, and all riparian or other rights necessary or appropriate in the operation or maintenance of the project.
- (C) (1) Exhibits J and K, designated in ordering paragraph (B) above, are approved and made a part of the license only to the extent that they show the general location and layout of the project.
- (2) Exhibit L, designated in ordering paragraph (B) above, is approved and made a part of the license.
- (3) Exhibit M, designated in ordering paragraph (B) above, is approved and made a part of the license only to the extent that it provides a general description of generating and transmission equipment at the project.
- (D) This license is also subject to the terms and conditions designated as Articles 1 through 37 in Form L-5 (revised October 1975), entitled "Terms and Conditions of License for Constructed Major Project Affecting Navigable Waters and Lands of the United States," attached to and made a part of the license. This license is also subject to the following special conditions set forth as additional articles.

June 13, 1980
Article 38. Within one year of the date of issuance of this license the Licensee shall file for approval by the Director, Office of Electric Power Regulation, revised Exhibits J and K conforming to §4.41 of the Commission's regulations. The Exhibit K shall include a clear showing of the United States lands within the project boundary, the project reservoir, and the boundary in the vicinity of the project tailwater, to reflect the project works as currently constructed and located. These revised exhibits shall be prepared in consultation with the federal agency administering the U.S. lands within the project boundary.

x Article 39. The project shall be operated in a manner that will not conflict with the future depletion in flow of the waters of the Snake River and its tributaries, or prevent or interfere with the future upstream diversion and use of water, above the backwater created by the project, for the irrigation of lands and other beneficial consumptive uses in the Snake River watershed.

Article 40. This license shall not be construed as affecting in any way any claim the Licensee may have concerning its water rights acquired pursuant to State law. Those rights, not this license, shall govern any claim the Licensee may advance against the United States for any damages resulting from any future depletion in the flow of the waters of the Snake River and its tributaries for the irrigation of lands or other beneficial consumptive uses.

Article 41. The Licensee shall, to the satisfaction of the Commission's authorized representative, install and operate any signs, lights, sirens, or other devices below the powerhouse that may be reasonably necessary to warn the public of fluctuations in flow from the project and, to protect the public in its recreational use of project lands and waters.

June 13, 1980
Article 42. Within one year from the date of issuance of this license, the Licensee shall submit for approval by the Director, Office of Electric Power Regulation, a revised Exhibit M to show the current installed capacity of the project, and a listing showing any changes in the installed capacity of the project that have occurred since January 1, 1938.

Article 43. In the interests of protecting and enhancing the scenic, recreational, and other environmental values of the project, Licensee: (1) shall supervise and control the use and occupancy of project lands and waters; (2) shall prohibit, without further Commission approval, the further use and occupancy of project lands and waters other than as specifically authorized by this license; (3) may authorize, without further Commission approval, the use and occupancy of project lands and waters for landscape plantings and the construction, operation, and maintenance of access roads, power and telephone distribution lines, piers, landings, boat docks, or similar structures and facilities, and embankments, bulkheads, retaining walls, or other similar structures for erosion control to protect the existing shoreline; (4) shall require, where feasible and desirable, the multiple use and occupancy of facilities for access to project lands and waters; and (5) shall ensure to the satisfaction of the Commission's authorized representative that all authorized uses and occupancies of project lands and waters (a) are consistent with shoreline aesthetic values, (b) are maintained in a good state of repair, and (c) comply with state and local health and safety regulations. Under item (3) of this article, Licensee may, among other things, institute a program for issuing permits to a reasonable extent for the authorized types of use and occupancy of project lands and waters. Under appropriate circumstances, permits may be subject to the payment of a fee in a reasonable amount.

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

Article 44. Prior to the commencement of any construction or development of any project works or other facilities at the project, the Licensee shall consult and cooperate with the State Historic Preservation Officer (SHPO) to determine the need for, and extent of, any archeological or historic resource surveys and any mitigative measures that may be necessary. The Licensee shall provide funds in a reasonable amount for such activity. If any previously unrecorded archeological or historic sites are discovered during the course of construction, construction activity in the vicinity shall be halted, a qualified archeologist shall be consulted to determine the significance of the sites, and the Licensee shall consult with the SHPO to develop a mitigation plan for the protection of significant archeological or historic resources. If the Licensee and the SHPO cannot agree on the amount of money to be expended on archeological or historic work related to the project, the Commission reserves the right to require the Licensee to conduct, at its own expense, any such work found necessary.

June 12 1980 Article 45. Within one year from the date of issuance of this order the Licensee shall file for Commission approval an Exhibit R (recreational use plan) conforming to the requirements of §4.41 of the Commission's regulations.

Article 46. During the period of this license, the Licensee shall continue to consult and cooperate with the Idaho Department of Fish and Game, the U.S. Fish and Wildlife Service of the Department of the Interior, and other appropriate state and federal agencies for the protection and enhancement of the natural resources and environmental values of the project area.

June 13 1980 Article 47. Within one year from the date of issuance of the license, the Licensee shall file for Commission approval an Exhibit S (fish and wildlife development and enhancement plan) conforming to the requirements of §4.41 of the Commission's regulations. This plan shall include, but not be limited to, consideration of the effects of the operation of the spillway on the shoreline and aquatic habitat below the diversion dams.

Article 48. The Licensee shall pay the United States the following annual charge, effective June 1, 1949:

- (a) For the purpose of reimbursing the United States for the cost of administration of Part I of the Act, a reasonable annual charge as determined by the Commission

in accordance with the provisions of its regulations in effect from time to time. The authorized installed capacity for that purpose will be determined at a later date.

(b) For the purpose of recompensing the United States for the use, occupancy, and enjoyment of its lands an amount to be determined at a later date.

Article 49. Licensee shall implement, and modify when appropriate, the emergency action plan on file with the Commission designed to provide an early warning to the upstream and downstream inhabitants and property owners if there should be an impending or actual sudden release of water caused by an accident to, or failure of, project works. That plan shall include: instructions to be provided on a continuing basis to operators and attendants for actions they are to take in the event of an emergency; detailed and documented plans for notifying law enforcement agents, appropriate federal, state, and local agencies, operators of water-related facilities, and those residents and owners of properties that could be endangered; actions that would be taken to reduce the inflow to the reservoir, if possible, by limiting the outflow from upstream dams or control structures; and actions to reduce downstream flows by controlling the outflow from dams located on tributaries to the stream on which the project is located. Licensee shall also maintain on file with the Commission a summary of the study used as a basis for determining the areas that may be affected by an emergency, including criteria and assumptions used. Licensee shall monitor any changes in upstream or downstream conditions which may influence possible flows or affect areas susceptible to damage, and shall promptly make and file with the Commission appropriate changes in the emergency action plan. The Commission reserves the right to require modifications to the plan.

Article 50. Pursuant to Section 10(d) of the Act, after the first 20 years of operation of the project under license, a specified reasonable rate of return upon the net investment in the project shall be used for determining surplus earnings of the project for the establishment and maintenance of amortization reserves. One-half of the project surplus earnings, if any, accumulated after the first 20 years of

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

The annual specified reasonable rate of return shall be the sum of the weighted cost components of long-term debt, preferred stock, and the cost of common equity, as defined herein. The weighted cost components for each element of the reasonable rate of return is the product of its capital ratios and cost rate. The current capital ratios for each of the above elements of the rate of return shall be calculated annually based on an average of 13 monthly balances of amounts properly includable in the Licensee's long-term debt and proprietary capital accounts as listed in the Commission's Uniform System of Accounts. The cost rates for such ratios shall be the weighted average cost of long-term debt and preferred stock for the year, and the cost of common equity shall be the interest rate on 10-year government bonds (reported as the Treasury Department's 10-year constant maturity series) computed on the monthly average for the year in question plus four percentage points (400 basis points).

June 13, 1950
Article 51. Within one year from the date of issuance of this license, the Licensee shall file with the Commission a detailed analysis of the economic feasibility of installing additional generating capacity at the project taking into account, to the extent reasonable, all benefits that would be derived from the installation, including any contribution to the conservation of non-renewable natural resources. If the analysis shows installation of additional capacity to be feasible, the Licensee shall at the same time submit a schedule for filing an application for authorization to install the additional capacity.

Article 52. The Licensee shall pay the United States an amount equal to the following annual charges that would have applied for the period January 1, 1938, to May 31, 1949, if the project had been licensed during that period:

(a) For the purpose of reimbursing the United States for the cost of administration of Part I of the Federal Power Act, a reasonable annual charge as determined by the Commission in accordance with the provisions of its regulations in effect from time to time during that period. The authorized installed capacity for that purpose will be determined at a later date.

(b) For the purpose of recompensing the United States for the use, occupancy, and enjoyment of its lands, an amount to be determined at a later date.

(E) Within 90 days from the date of acceptance of this license, the Licensee shall file a statement under oath showing the gross amount of power generation for the project in kilowatt-hours for each calendar year commencing January 1, 1938, in accordance with the provisions of Section 11.20(a) (4) of the Regulations. ?

(F) This order shall become final 30 days from the date of its issuance unless an application for rehearing is filed as provided in Section 313(a) of the Federal Power Act, and failure of the Licensee to file such an application shall constitute acceptance of this license. The acknowledgment of acceptance attached to this license shall be signed for the Licensee and returned to the Commission within 60 days from the date of issuance of this order.

By the Commission.

(S E A L)

Kenneth F. Plumb

Kenneth F. Plumb,
Secretary.

FEDERAL ENERGY REGULATORY COMMISSION

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

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

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

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or otherwise dispose of interests in project lands or property without specific written approval of the Commission pursuant to the then current regulations of the Commission. The provisions of this article are not intended to prevent the abandonment or the retirement from service of structures, equipment, or other project works in connection with replacements thereof when they become obsolete, inadequate, or inefficient for further service due to wear and tear; and mortgage or trust deeds or judicial sales made thereunder, or tax sales, shall not be deemed voluntary transfers within the meaning of this article.

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

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

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

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

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

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

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

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

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

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

compensation shall be fixed by the Commission either by approval of an agreement between the Licensee and the party or parties benefiting or after notice and opportunity for hearing. Applications shall contain information in sufficient detail to afford a full understanding of the proposed use, including satisfactory evidence that the applicant possesses necessary water rights pursuant to applicable State law, or a showing of cause why such evidence cannot concurrently be submitted, and a statement as to the relationship of the proposed use to any State or municipal plans or orders which may have been adopted with respect to the use of such waters.

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

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

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

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

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

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

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

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

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

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

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

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

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

Article 26. Timber on lands of the United States cut, used, or destroyed in the construction and maintenance of the project works, or in the clearing of said lands, shall be paid for, and the resulting slash and debris disposed of, in accordance with the requirements of the agency of the United States having jurisdiction over said lands. Payment for merchantable timber shall be at current stumpage rates, and payment for young growth timber below merchantable size shall be at current damage appraisal values. However, the agency of the United States having jurisdiction may sell or dispose of the merchantable timber to others than the Licensee: Provided, That timber so sold or disposed of shall be cut and removed from the area prior to, or without undue interference with, clearing operations of the Licensee and in coordination with the Licensee's project construction schedules. Such sale or disposal to others shall not relieve the Licensee of responsibility for the clearing and disposal of all slash and debris from project lands.

Article 27. 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 28. 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 29. 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 30. 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 31. 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 32. 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 33. 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 34. 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 35. If the Licensee shall cause or suffer essential project property to be removed or destroyed, or to become unfit for use, without adequate replacement, or shall abandon or discontinue good faith operation of the project or refuse or neglect to comply with the terms of the license and the lawful orders of the Commission mailed to the record address of the Licensee or its agent, the Commission will deem it to be the intent of the Licensee to surrender the license. The Commission, after notice and opportunity for hearing, may require the Licensee to remove any or all structures, equipment and power lines within the project boundary and to take any such other action necessary to restore the project waters, lands, and facilities remaining within the project boundary to a condition satisfactory to the United States agency having jurisdiction over its lands or the Commission's authorized representative, as appropriate, or to provide for the continued operation and maintenance of nonpower facilities and fulfill such other obligations under the license as the Commission may prescribe. In addition, the Commission in its discretion, after notice and opportunity for hearing, may also agree to the surrender of the license when the Commission, for the reasons recited herein, deems it to be the intent of the Licensee to surrender the license.

Article 36. The right of the Licensee and of its successors and assigns to use or occupy waters over which the United States has jurisdiction, or lands of the United States under the license, for the purpose of maintaining the project works or otherwise, shall absolutely cease at the end of the license period, unless the Licensee has obtained a new license pursuant to the then existing laws and regulations, or an annual license under the terms and conditions of this license.

Article 37. The terms and conditions expressly set forth in the license shall not be construed as impairing any terms and conditions of the Federal Power Act which are not expressly set forth herein.

FERC Project No. 2778
[Project Name]
Shoshone Falls

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

Subject: Amendment of the License for Project No
By Adding Article No. 53 [if applica
and by Deleting Article No.].

Dear Mr. Plumb:

We have received a letter from Mr. William W. Lindsay, Director of the Office of Electric Power Regulation, offering us an opportunity to amend the license for Project No. 2778 by adding a new standard article. The new article gives the Licensee authority to grant permission for certain uses of project lands and waters and to convey certain interests in project lands, without prior Commission approval. By this letter, we accept that new article as an amendment to the project license. The new article should be designated Article No. 53. A copy of the new article, with that article number filled in, is attached to this letter.

[If applicable, add:

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

Sincerely,

James E. Bruce

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

Attachment:

New license Article No. 53

7/21/80

subsequent entry

Article 53. (a) In accordance with the provisions of this article, the Licensee shall have the authority to grant permission for certain types of use and occupancy of project lands and waters and to convey certain interests in project lands and waters for certain other types of use and occupancy, without prior Commission approval. The Licensee may exercise the authority only if the proposed use and occupancy is consistent with the purposes of protecting and enhancing the scenic, recreational, and other environmental values of the project. For those purposes, the Licensee shall also have continuing responsibility to supervise and control the uses and occupancies for which it grants permission, and to monitor the use of, and ensure compliance with the covenants of the instrument of conveyance for, any interests that it has conveyed, under this article. If a permitted use and occupancy violates any condition of this article or any other condition imposed by the Licensee for protection and enhancement of the project's scenic, recreational, or other environmental values, or if a covenant of a conveyance made under the authority of this article is violated, the Licensee shall take any lawful action necessary to correct the violation. For a permitted use or occupancy, that action includes, if necessary, cancelling the permission to use and occupy the project lands and waters and requiring the removal of any non-complying structures and facilities.

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

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

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

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

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

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

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

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

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

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

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

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

REHEARING

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

Idaho Power Company)

Project No. 2778

ORDER ON REHEARING

(Issued July 23, 1981)

Idaho Power Company (IPC) filed an application for rehearing of our order of June 13, 1979 issuing a license for the Shoshone Project No. 2778. We granted IPC rehearing solely for the purpose of further consideration of its application.

IPC requests that we delete Article 39 1/ from the license, contending that it is inconsistent with Article 40 2/ and would impair IPC's water rights under state law.

In a separate proceeding involving IPC's Upper Salmon Project No. 2777, we granted an identical request by order issued on this date. For the reasons set forth in that concurrent order, IPC's request in this proceeding should be granted.

1/ Article 39. The project shall be operated in a manner that will not conflict with the future depletion in flow of the waters of Snake River and its tributaries, or prevent or interfere with the future upstream diversion and use of such water, above the backwater created by the project, for the irrigation of lands and other beneficial consumptive uses in the Snake River watershed.

2/ Article 40. This license shall not be construed as affecting in any way any claim the Licensee may have concerning its water rights acquired pursuant to State Law. Those rights, not this license, shall govern any claim the Licensee may advance against the United States or other parties claiming through the United States for any damages resulting from any future depletion in the flow of the waters of the Snake River and its tributaries for the irrigation of lands or other beneficial consumptive uses.

Project No. 2778

-2-

The Commission orders:

Article 39 of the license for Project No. 2778 is hereby deleted.

By the Commission.

(S E A L)

Kenneth F. Plumb

Kenneth F. Plumb,
Secretary.

FEDERAL ENERGY
REGULATORY COMMISSION
WASHINGTON, D.C. 20426

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PENALTY FOR PRIVATE USE, \$300

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REGULATORY COMMISSION
FERC 351



53 FERC ¶ 62,013 *2 59*UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Idaho Power Company

Project No. 2778-004
Idaho

ORDER AMENDING LICENSE AND REVISING ANNUAL CHARGES

(Issued October 5, 1990)

The Shoshone Falls Project has a total installed capacity of 12,500 kW, which is higher than the authorized capacity of 12,400 kW in the license. 1/ The increase in the generating capacity has minimal effects on the project's hydraulic capacity causing no additional environmental impacts. Therefore, the license will be amended to show the project's total authorized installed capacity to be 12,500 kW. In addition, the annual charge article will be amended and made effective June 1, 1949, the effective date of the license.

The Director orders:

(A) Ordering paragraph B of the license for the Shoshone Falls Project, FERC No. 2778, is revised to show the authorized installed capacity to be 12,500 kW.

(B) Paragraph A of article 48 is amended effective June 1, 1949, 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 16,667 horsepower.

(C) This order is issued under authority delegated to the Director pursuant to section 375.314 of the Commission's regulations. Section 385.1902 of the Commission's regulations provides 30 days from the date of this order for an appeal to the Commission of this action. Filing an appeal does not stay the effective date of this order or any date specified herein.

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

1/ The license was issued on June 13, 1979, 7 FERC ¶61,254.

file
7

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Idaho Power Company
Idaho Power Migrating Corporation

Project Nos. 18-003,
503-005, 1971,023,
1975-003, 2055-004,
2961-002, 2726-005,
2736-005, 2777-003,
2778-003, 2848-007,
and 3104-003
Idaho

ERRATA NOTICE

(June 29, 1989)

ORDER APPROVING TRANSFER OF LICENSES
(Issued June 9, 1989)

Insert the following paragraph at the end of the first paragraph of the order:

Idaho Power Company is moving its state of incorporation from Maine to Idaho. After completion of the merger, Idaho Power Migrating Corporation will change its name to Idaho Power Company, an Idaho corporation. Therefore, Idaho Power Migrating Corporation will henceforth be known as Idaho Power Company, an Idaho corporation.

Lois D. Cashell
Secretary

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Idaho Power Company
Idaho Power Migrating Corporation

Project Nos. 18-003,
503-005, 1971-023,
1975-003, 2055-004,
2061-002, 2726-005,
2736-005, 2777-003,
2778-003, 2848-007,
and 3104-003
Idaho

ORDER APPROVING TRANSFER OF LICENSES
(Issued June 9, 1989)

Idaho Power Company seeks Commission approval to transfer its licenses for the projects listed below to Idaho Power Migrating Corporation. The projects are located on the indicated rivers in Idaho. The purpose of the transfer is to effectuate an agreement and plan of merger whereby the Company will be merged with and into the Migrating Corporation.

Licensed Projects Being Transferred

Project No.	Project Name	Project Location	
		River	County
18-003	Twin Falls	Snake	Jerome & Twin Falls
503-005	Swan Falls	Snake	Ada & Owyhee
1971-023	Hells Canyon	Snake	Adams & Washington
1975-003	Bliss	Snake	Gooding & Twin Falls
2055-004	C.J. Strike	Snake	Elmore & Owyhee
2061-002	Lower Salmon	Snake	Gooding & Twin Falls
2726-005	Malad	Malad	Gooding
2736-005	American Falls	Snake	Power & Bingham
2777-003	Upper Salmon	Snake	Gooding & Twin Falls
2778-003	Shoshone Falls	Snake	Jerome & Twin Falls
2848-007	Cascade	North Fork Payette	Valley
3104-003	Lucky Peak		Ada

*Transmission Line License associated with the Lucky Peak Power Project No. 2832.

Idaho Power Company has fully complied with the terms of the licenses and agrees to pay annual charges that have accrued to the date of the transfer. Idaho Power Migrating Corporation is qualified to hold the licenses and operate the properties under license and agrees to accept all the terms and conditions of the licenses and to be bound by the licenses as if it were the original licensee.

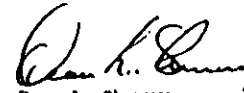
No comments, protests, or motions to intervene were filed in response to the public notice of the application to transfer the licenses. Transfer of the licenses for these projects is consistent with the Commission's regulations and is in the public interest.

The Director orders:

(A) Transfer of the licenses for these projects is approved.

(B) Approval of the transfer is contingent upon transfer of title of the properties under license and delivery of all license instruments to Idaho Power Migrating Corporation, which shall be subject to all terms and conditions of the licenses as though it were the original licensee. Idaho Power Migrating Corporation shall submit certified copies of all instruments of conveyance within 60 days from the date of this order.

(C) This order is issued under authority delegated to the Director and is final unless appealed to the Commission within 30 days from the date of this order. Idaho Power Migrating Corporation shall acknowledge acceptance of this order and its terms and conditions by signing and returning the attached acceptance sheet within 60 days from the date of this order.


Dean L. Shumway
Director, Division of
Project Review

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

Attest: By _____ President

Secretary

(Executed in quadruplicate)

34

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

28FERC162,347

Idaho Power Company

)

Project No. 2778-001

ORDER APPROVING REVISED EXHIBITS J, K, AND M
AND EXHIBITS R AND S

(Issued September 11, 1984)

Idaho Power Company, Licensee for the Shoshone Falls Project No. 2778, filed on June 13, 1980, revised Exhibits J, K and M pursuant to Articles 38 and 42 and Exhibits R and S pursuant to Articles 45 and 47 of its license issued on June 13, 1979.^{1/}

Article 38 of the license requires the Licensee to file revised Exhibits J and K, and Article 42 requires the Licensee to file revised Exhibit M, reflecting any significant changes that may have been made in the project since the initial filing of the exhibits. Article 45 requires the Licensee to file for approval an Exhibit R, Recreational Use Plan, and Article 47 requires the Licensee to file for approval an Exhibit S, Fish and Wildlife Development and Enhancement Plan.

The Exhibits J and K have been revised reflecting changes in the project boundaries and ownership description. The Exhibit M has been revised indicating Units Nos. 1, 2, and 3 rated capacity as 0.48 MW, 0.40 MW, and 11.5 MW, respectively.

The revised Exhibits J, K, and M have been examined and found to conform to the Commission's regulations and satisfy the requirements of Articles 38 and 42 of the license.

^{1/} Authority to act on this matter is delegated to the Director, Office of Hydropower Licensing, under §375.314 of the Commission's regulations, 49 Fed. Reg. 29,369 (1984)(Errata issued July 27, 1984)(to be codified at 18 C.F.R. §375.314). This action may be appealed to the Commission by any party within 30 days of the issuance date of this letter pursuant to Rule 1902, 18 C.F.R. §385.1902 (1983). Filing an appeal and final Commission action on that appeal are prerequisites for filing an application for rehearing as provided in Section 313(a) of the Act. Filing an appeal does not operate as a stay of the effective date of this order or of any other date specified in this letter, except as specifically directed by the Commission.

DC-A-4

(C) The superseded Exhibits J, K, and page 3 of Exhibit M are eliminated from the license.

(D) The Exhibit R, consisting of two pages (R-1 and R-2) of text describing the Recreation Use Plan and a drawing, FERC Drawing No. 2778-4, is approved and made a part of the license for Project No. 2778.

(E) The Exhibit S, consisting of two pages (S-1 and S-2) of text describing the Fish and Wildlife Development and Enhancement Plan, is approved as part of the license for Project No. 2778.

Quentin A. Edson
Quentin A. Edson
Director, Office of
Hydropower Licensing

NO. FILED 4/15
A.M. P.M.

MAR 9 1990

JOHN EASTDA CLERK
BY *Michael Martinez* DEPUTY

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

* * * * *

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

* * * * *

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

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

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

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

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

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

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

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

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

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

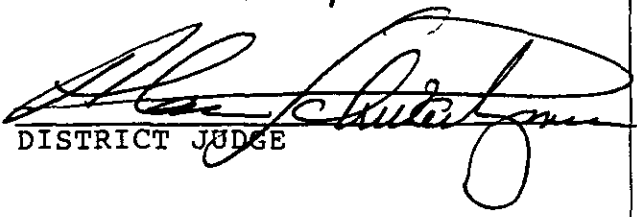
18 2. The above-captioned case is hereby dismissed
19 without prejudice as to all remaining defendants other than the
20 State Defendants.

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

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

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

DATED this 17th day of March, 1990


DISTRICT JUDGE

ELDM POWER FILINGS ALONG THE SNAKE RIVER IN IDAHO BELOW MINNER DAM

RIGHT NO. & TYPE	NAME OF DAM	NAME OF OWNER	PRIORITY	LOCATION			AMOUNT (CFS)	CONDITIONED* (Yes, No)
				Sec.	Twp.	Rge.		
License No. 03-2017	Hell's Canyon	Idaho Power Company	5-29-1964	16	22N	3W	9,000	Yes
License No. 03-2020		Idaho Power Company	5-13-1963	16	22N	3W	21,000	Yes
License No. 03-2023	Brownlee	Idaho Power Company	10-17-1952	2	17N	5W	20,000	Yes
License No. 03-2024		Idaho Power Company	2-11-1964	2	17N	5W	10,000	Yes
Permit No. 03-7018		Idaho Power Company	12-24-1975	2	17N	5W	5,000	Yes
License No. 03-2019	Oxbow	Idaho Power Company	6-19-1947	21	19N	4W	16,000	Yes
License No. 03-2015	Oxbow	Idaho Power Company	2-11-1964	21	19S	4W	14,000	Yes
Permit No. 03-2021	High Mountain Sheep	Pac. Northwest Power	2-11-1955	30	29N	3W	25,000	Yes
Permit No. 03-2022	Pleasant Valley	Pac. Northwest Power	2-11-1955	29	27N	1W	25,000	Yes
Permit No. 02-7135	Coolant for New Plant	Idaho Power Company	1-03-1975	30	1S	4E	30	No
Decree 01-0217	Minidoka	U. S. Sec. of Interior	6-15-1909	1	9S	25E	2,500	No
Decree 01-0219	Minidoka	U. S. Sec. of Interior	7-01-1912	1	9S	25E	200 <i>2.7c</i>	No

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

02-2036



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

*- RKH
- AKD*

*- Copies of these
orders should
go in each
water right
file.*

MEMORANDUM

March 30, 1976

TO: Steve Allred *CA*

FROM: Ralph Mellin *Rm*

SUBJECT: Water Rights for Power Production - Snake River - Southwest Idaho

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

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

	Water Right in cfs	Low Month Average in cfs	Low Month in cfs	DATE OF LICENSE EXPIRATION
01-0217 Minidoka - 1909	2,700	100 Feb.	0 March 36	by Congress
02-2036 Shoshone Falls - 1920	1,000	10 Aug.	0 Aug. 36	No FPC License
02-2057 Upper Salmon Falls-1929	6,500	7,100 Aug.	6,100 July 61	No FPC License
02-2001 Lower Salmon Falls-1946	15,550	7,100 Aug.	6,100 July 61	1997
02-2064 Bliss - 1947	15,000	7,100 Aug.	6,100 July 61	1998
02-2003 Swan Falls - 1919	9,450	4,000 Aug.	2,700 July 61	License of 1 year
<i>(Includes 4,000 cfs claim)</i>				

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

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

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

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

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

RM:jg

cc: Ken Dunn



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

MEMORANDUM

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

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

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

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

Let us know if you would like more information.

DRT

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

Reservoir under paragraph 18 of that certain contract between the United States of America and Idaho Power Company, dated June 15, 1923, and the discharge of which it may control under the terms of said contract; (b) the right to use for power development at this project the seepage, percolation, drainage, spring or springs, waste, and/or other influent waters which do not flow or spill over Milner Dam but which enter in, arise in, and flow in and along the channel of Snake River between the down-stream toe of Milner Dam in Snake River, Idaho, and the site of the project covered by this license. Licensee further agrees, for itself, its successors and assigns, to forego any and all claims which it might otherwise have for damages or other relief, in connection with any power rights at the site of this project, other than those mentioned in (a) and (b) above and which are necessary for irrigation purposes, and it is actually agreed by the parties hereto that this license neither expressly nor impliedly has modified, relinquished, abandoned, or surrendered, nor does hereby modify, relinquish, abandon, or surrender any of the Licensee's rights and privileges under said contract of June 15, 1923, or any of its rights and privileges heretofore or hereafter acquired to the use of water or waters for power purposes at any other point or points.

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

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

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

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

17070

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

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

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

Very truly yours,

/s/ B. E. STOUTMYER
District Counsel

encl
cc - Mr. Crandall

17070

ELC POWER FILINGS ALONG THE Snake River IN IDAHO BELOW MILNER DAM

LICENSE NO. & TYPE	NAME OF DAM	NAME OF OWNER	PRIORITY	LOCATION Sec. Twp. Rge.	AMOUNT (DPS)	CONDITIONED* (Yes, No)
License No. 02-2032 ~~License~~	xSwan Falls	Idaho Power Company	7-29-1919	18 2S 1E	4,000	No
License No. 02-2033 ~~License~~		Swan Falls Power Co.	1-17-1920	18 2S 1E	1,340	No
License No. 02-2034		Swan Falls Power Co.	4-17-1920	18 2S 1E	1,460	No
License No. 02-2035	Swan Falls	Trade Dollar Mining Co.	4-02-1927	18 2S 1E	2,150 2150	No
License No. 02-2036	xShoshone Falls	Idaho Power Company	8-08-1929	36 9S 17E	1,000	No
License No. 02-2037	xTwin Falls	Idaho Power Company	4-02-1929	4 10S 18E	1,050	No
License No. 02-2038	xUpper Salmon Falls	Idaho Power Company	4-02-1929	2 8S 13E	6,500	No
License No. 02-2039	xLower Salmon Falls	Idaho Power Company	7-02-1908	2 7S 13E	1,300	No
License No. 02-2040		Idaho Power Company	3-20-1935	2 7S 13E	250	No
License No. 02-2041		Idaho Power Company	8-08-1946	2 7S 13E	14,000 15,550	No
License No. 02-2042	x Bliss	Idaho Power Company	9-04-1947	7 6S 12E	12,000	No
License No. 02-2043		Idaho Power Company	12-11-1947	7 6S 12E	3,000 15,000	No
License No. 02-2044	C J Strike	Idaho Power Company	6-21-1950	34 5S 4E	15,420	Yes
Permit No. 02-2045	Guffey	U. S. Bureau of Rec.	9-14-1962	27 1S 2W	15,000	Yes

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

unsub
flow
right

9450

1000

6500

15,550

15,000



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

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

Project No.	Name	License Expiration Date	Pertinent License Articles
18	Twin Falls	6-10-84	14 - <i>As depicted</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>Pertinent License Articles</u>
1975	Bliss	2-25-98	28
2061	Lower Salmon	12-23-97	30
2258	American Falls	12-31-93	14, 31, 32, 33

Ag. 2/24/76

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

This stipulation and agreement shall be considered as a covenant running with the title to the said power plant at 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.

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

Bliss

02-2064
02 2065

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

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

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

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

*Lower
Salmon*

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

O2.2001
O2.2004
O2.2006

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

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

- (i) For the purpose of reimbursing the United States for the costs of administration of Part I of the Act, one (1) cent per horsepower on the authorized installed capacity (65,840 horsepower), plus two and one-half (2½) cents per 1,000 kilowatt-hours of gross energy generated by the project during the calendar year for which the charge is made;
- (ii) For the purpose of recompensing the United States for the use, occupancy and enjoyment of its lands, \$173.68.

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

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

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

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

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

*American
Facts*

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

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

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

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

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

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

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

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

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

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

*American
Falls*

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

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

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

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

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

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

February 20, 1937

xxxxxxxxxx

Barzilla W. Clark

Re: Permit No. 14881

JEROME ABSTRACT & TITLE CO.
Jerome, Idaho

Attention: J. Shirley

Gentlemen:

I have your letter of February 17th in which you say that you are preparing an abstract of title covering the property of the Idaho Power Company at Shoshone Falls and you are therefore desirous of determining what water filings apply to this site.

You mentioned Permits No. 2165, 2300, 3685, 9264 and 9266. All of these permits have either been cancelled or relinquished except Permit No. 3685 which applies to Lower Salmon Falls. The power company does, however, have a license for the usage of 1000 second feet of water at the Shoshone Falls plant, such license being issued under Permit No. 14881. Therefore, it appears to me that Permit No. 14881 is the only one that you should mention in your abstract of title.

Very truly yours

Chief Clerk & Office Engineer

PLH/cj

14881

Jerome Abstract and Title Company

BONDED ABSTRACTOR

JEROME, IDAHO

February 17, 1937

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

Dear Sir:

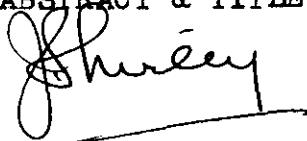
In preparing an abstract of title covering property of the Idaho Power Company at Shoshone Falls, we are undecided whether or not to include instruments which refer to the following water filings:-

Permit No. 2164; 2300; 3685; 9264; 9266

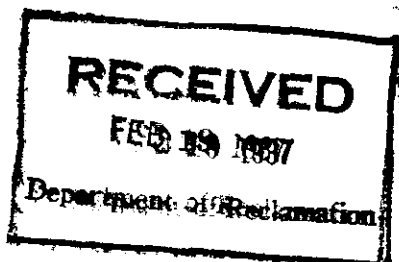
Can you advise me which, if any, of the above permits, cover filings now appurtenant to the Shoshone Falls power plant?

Yours very truly,

JEROME ABSTRACT & TITLE CO.



8



14881

December 11, 1925

Re: Permit No. 14881.

Idaho Power Company,
Boise, Idaho.

Gentlemen:

Attention: Mr. Kiersted.

Enclosed you will find certificate of completion
of works and water license issued under the above numbered
permit, together with receipt for fees paid.

Very truly yours,
W. G. SWENDSEN,
Commissioner of Reclamation.

CCW-WL-R10845

By _____
Chief Clerk.

14881

December 8, 1925.

Re: Permit No. 14881

Idaho Power Company,
Boise, Idaho.

Gentlemen:

Attention: Mr. Kiersted.

In our letter of December 5th, an error was made in the amount of fees due for proof of completion of works under the above numbered permit. The total amount should have been \$307.00, being \$302.00 for proof of completion of works and \$5.00 for proof of beneficial use of water.

Under the provisions of Sec. 5581, Compiled Statutes of Idaho, the fees for proof of completion of works shall be \$5.00 for works having a capacity of 10 second feet, or less, and, for works having a capacity of more than 10 second feet, the fee shall be at the rate of \$5.00 for the first 10 second feet and 30 cents additional for each second foot additional capacity.

We have your check for \$10.00. This would leave a balance due amounting to \$297.00 for proof of completion of the works showing a capacity of 1,000 second feet.

We regret very much that this mistake occurred in our letter but, in writing several letters for fees in the sum of \$5 and \$20, this went in with the rest.

Very truly yours,
W. G. SWENDSEN,
Commissioner of Reclamation.

By _____
Chief Clerk.

14881



IDAHO POWER COMPANY
BOISE, IDAHO

81-14-1

December 5, 1925.

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

Water Permit No. 14881.

Gentlemen:

With reference to your communication of the 3rd
inst., we enclose our check No. 10007 to your order for
\$10.00 covering fees in Proof of Completion of Works and
in Proof of Beneficial Use of Water Permit No. 14881.

Very truly,

E. J. [Signature]
Special Agent.

ACK/S

Enc.

14881

RECEIVED
DEC 7 1925
DEPARTMENT OF RECLAMATION

December 3, 1925.

In Re: Permit 14881

Idaho Power Company,
Boise, Idaho.

Attention: Mr. E. C. Kiersted

Gentlemen:

The report of our examining engineer for proof of completion of works and beneficial use of water under the above numbered permit, is now on file in this office. Upon receipt of fees in the sum of \$10.00, being \$5.00 for each proof, the certificate and license will be issued.

Very truly yours,

W. G. SWENDSEN
Commissioner of Reclamation

By _____
Chief Clerk

CB-H

14881

September 15, 1925.

Re: Permit No. 14881-Idaho Power Co.

Messrs. Ensign & Ensign,
General Agents, National Surety Co.,
Boise, Idaho.

Gentlemen:

Referring to your letter of the 14th inst. would say that proof of completion of works under the above numbered permit was made August 24, 1925. The bonding company is, therefore, released from any further liability under the bond filed in connection therewith.

Very truly yours,
W. G. SWENDSEN,
Commissioner of Reclamation.

By _____
Chief Clerk.

14881

[Handwritten signature]



National Surety Company

CAPITAL \$10,000,000.00

New York.

LOCAL BOARD

RESIDENT VICE-PRESIDENTS

JOHN D. DALY

JAS. H. HAWLEY

JESS B. HAWLEY

RESIDENT ASS. SECRETARIES

L. W. ENSIGN

FRANK G. ENSIGN

ENSIGN & ENSIGN
[AUTHORITY LIMITED]
GENERAL AGENTS FOR
SOUTHERN IDAHO

HAWLEY & HAWLEY
CONSULTING ATTORNEYS

BOISE, IDAHO

September 14th, 1925.

Commissioner of Reclamation,
State House,
Boise, Idaho.

Re-Idaho Power Company.
Water Permit #14881.
Application #21172,

Gentlemen:-

We have been advised by the Idaho Power Company that Proof of Completion of Works under the above water permit was filed with your Department August 24th, 1925.

Will you please verify this statement and advise us that our Company is relieved from any further liability under the bond filed in this case?

Thanking you, we are

Very truly yours,

ENSIGN & ENSIGN
General Agents.

By

The Bond Man

HNP

14881

August 29, 1925

Re: Permit No. 14881
Idaho Power Company.

Mr. E. C. Kiersted.
c/O Idaho Power Company,
Boise, Idaho

Dear Sir:

We are in receipt of your letter of the 28th inst., enclosing depositions of holder and witnesses in the matter of proof of completion of works and beneficial use of water, under the above numbered permit, together with the affidavit of publication. These are in proper form and will be held without further action until the report of our engineer has been made. Mr. Carter will make this examination within the next few weeks. You will then be advised as to fees due before the issuance of certificate and license.

Very truly yours,

W. G. SWENDSEN
Commissioner of Reclamation

By _____
Chief Clerk

14881

B-H



IDAHO POWER COMPANY
BOISE, IDAHO

81-14-1

August 28, 1925.

Department of Reclamation,
Boise, Idaho.

Gentlemen:

We enclose papers in connection with Proofs of Completion
and Beneficial Use of waters under Water Permit No. 14881 as follow:

In Proof of Completion of Works:

Deposition by H. L. Senger, witness.
Deposition by C. O. Crane, witness.
Deposition by W. R. Putnam, for Idaho
Power Company, holder.

In Proof of Beneficial Use:

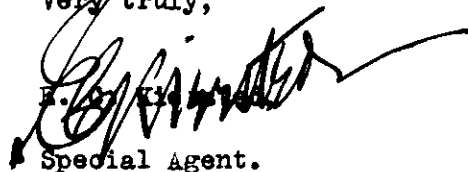
Deposition by Chas. B. Smith, witness.
Deposition by A. T. Ingalls, witness.
Deposition by W. R. Putnam, for Idaho
Power Company, holder.

Affidavit of Publication:

Notice of Proof of Completion of Works and
Application of Water to Beneficial Use by
John D. Nims, Publisher of North Side News at
Jerome, Idaho.

Upon advice from you of the amount of fees required, we shall
promptly transmit checks in payment.

Very truly,


F. A. Smith
Special Agent.

ECK/S
Enc.

14881

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

Notice is hereby given that a 10 a. m. on the 24th day of August, 1925, at Boise, County of Ada, State of Idaho, before M. E. Hughes, Notary Public, proof will be submitted of the completion of works for the diversion of 1,000 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. 14881, 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, Boise, Ada County, 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 1,000 cubic feet per second.

3. The use to which said water has been applied is power purposes and the amount applied to beneficial use is 1,000 cubic feet per second.

4. The place where said water is used is Shoshone Falls Power Station, in Sec. 36, Twp. 9 South, Range 17 E. B. M.

5. The date of priority which said user is prepared to establish is August 9, 1920.

W. G. SWENDSEN,
Commissioner of Reclamation.
(First pub. July 16; last pub. Aug. 6.)

AFFIDAVIT OF PUBLICATION

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

..... John D. Hime being first duly sworn deposes and says that he is one of the 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 Four successive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 16th day of July, 1925, and the date of the last publication was on the 6th day of August, 1925.

Subscribed and sworn to before me this 24th day of

August, 1925.

Edward J. Reynolds

Notary Public,
Notary Public, residing in Jerome, Idaho.

My Commission Expires..... My Commission Expires January 26, 1926, 192.....

14881

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

Permit No. 14881This proof is for COMP. WORKS & USEIn Water District No. 46

1. Name of applicant: Idaho Power Company
2. Source of water supply: Snake River
3. Location of point of diversion: Is in the Lot 9 (SW $\frac{1}{4}$) of Section 31
T. 9 S R. 18 E.B.M. County of JEROME

4. Describe works as they exist, giving dimensions and capacities of same: Three concrete steel hollow dams, 450', 170' & 150' long & approx 12' high & 1 diversion weir 430' long & 3' high, one weir closed for 70' of depth, intake structure and miter driven gates provide tunnel 450' long and 140' of 10' riveted steel pipe. Capacity of intake & pipe 1100 sec ft. at 14' per sec. vel. Lower hydro turbines, generators and aux. equip.
5. Water is used for: Power purposes

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): Place of use at Shoshone Falls Power Station, in Sec. 36, T. 9 S., R. 17 E.B.M.

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

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

Remarks: Work is all completed and plant in operationThis examination was made on the 27th day of November 19 26(Signed) Geo. H. Carter

Examiner.

14881

Idaho Power Co.

Boise

Permit No. 14881

Examination for COMP. WORKS & USE

County JEROME

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. 14881

REPORT ON PROOF OF Comp. 11 kva. & Ben. Use.

Idaho Power Co. Shoshone Falls.

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

PERMIT NO. 14881

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. C. O. Crane; Boise, Idaho; Electrical Engineer, Idaho Power Company.
Boise, Idaho.

Ques. 2. Are you acquainted with Idaho Power Company, the holder of Permit No. 14881, authorizing the diversion of 1,000 second-feet of the waters of Snake River, at Shoshone Falls for power purposes? How long have you known him, and where does he reside?

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

Ques. 3. Have you read or heard read said Permit No. 14881, 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. Not applicable

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

Ans. Yes.

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

Ans. Dam No. 1, 2 and 3, respectively 102 ft., 41.5 ft., and 274.7 ft. long, average 16 ft. height, of reinforced concrete slabs on concrete piers. Dam No. 4, solid concrete, 298 ft. long, average 2½ ft. high. Concrete intake 38 ft. wide, 30 ft. high, 42 ft. long. Tunnel, concrete lined, 450 ft. long, 92.3 sq. ft. area - 10 ft. wide, 10 ft. high, radius at top 5 ft., corners at bottom 2½ ft. Steel penstock 10 ft. dia., 162 ft. long. Capacity more than 1,000 c.f.s.

(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 24th day of

August A. D. 1925.

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

14881

PERMIT NO. 14881

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. W. R. Putnam; Boise, Idaho; General Manager, P. O. Box 910,
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; Augusta, Maine; Vice-President and General
Manager; Vice-President.

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

Ans. 14881, August 24, 1920; 1000 cubic feet per second; Snake River;
North 73 degrees and 39 minutes West 1839.2 feet from Southeast corner of Sec. 36, in
Twp. 9 South of Range 17 E.B.M.

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

Ans. 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 diverted by works under Appropriations of Nov. 1, 1901 and
Sept. 13, 1902, since August 1, 1907, and under Permit No. 14881 since August 31, 1921 -
more than 1000 cubic feet per second.

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. The works 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. _____

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

Ans. Four concrete dams of varying dimensions, concrete intake, cement-lined tunnel,
450 feet long, in rock, and steel penstock about 162 feet long; about \$215,000.

(Sign here.)

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 Twenty-fourth day of
August A. D. 1925

My Commission expires March 27-1928.

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

14881

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

PERMIT NO. 14881

Proof of Completion of Works

DEPOSITION OF WITNESS

DUPLICATE
ORIGINAL

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

Ans. Henry L. Senger; Boise, Idaho; Assistant Chief Engineer, Idaho Power Company,
Boise, Idaho.

Ques. 2. Are you acquainted with Idaho Power Company, the holder of Permit No. 14881, authorizing the diversion of 1,000 second-feet of the waters of SNAKE RIVER, at Shoshone Falls for power purposes? How long have you known him, and where does he reside?

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

Ques. 3. Have you read or heard read said Permit No. 14881, 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. not applicable.
Not applicable

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

Ans. Yes.

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

Ans. Dam No. 1, 102 ft. long - Dam No. 2, 41.5 ft. long - Dam No. 3, 274.7 ft. long - average height 16 ft. - consist of reinforced concrete slab on concrete piers. Dam No. 4 - 298 ft. long, of solid concrete, average 2 1/2 ft. high. Concrete intake 38 ft. wide x 30 ft. high x 42 ft. long. Tunnel 450 ft. long, area 92.3 sq. ft.; concrete lined; 10 ft. wide x 10 ft. high, radius top 5 ft.; radius corners at bottom 2 1/2 ft. Steel penstock 10 ft. diam., 162 ft. long. Capacity more than 1,000 second feet.

(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 24th day of

August A. D. 1925

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

14881

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT No. 14881

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. Chas. B. Smith, Civil and Hydraulic Engineer, Shaw Bldg., Boise, Idaho.

Ques. 2. Are you acquainted with The Idaho Power Company, the holder of Permit No. 14881? How long have you known him and where does he reside?

Ans. 8 years. Boise, Idaho.

Ques. 3. Have you read or heard read said Permit No. 14881, and are you familiar with its provisions and conditions?

Ans. Yes.

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

Ans. Snake River. N. 73° 39' W. 1839.2 ft. from SE. corner Sec. 36, T. 9S., R. 17 E. B. M., in SW $\frac{1}{4}$ Lot 9, Jerome County. Headworks. Tunnel and steel penstock N. 21° 28' W. 2168.4 ft. from SE cor. Sec. 36, T. 9S., R. 17 E. B. M. in Lot 5 Sec. 36.

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. 1,000 second feet. 991 second feet.

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

Ans. Development of power.

14881

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

Ans. This water is used in the development of power. The works consist of control works, tunnel, steel penstock and power house with two Hydroelectric units, one of 600 kw. capacity and one of 10,000 kw. capacity, with the necessary auxiliary electrical equipment.

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. July 10th, 1925, 991 second feet of water were conducted through above mentioned plant and resultant power delivered to the Idaho Power Company Transmission Line.

(Sign) *Chas. B. Smith*

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 *24th* day of *August*, A. D. 19*25*.

W. B. Hughes

Notary Public.
Notary Public residing at Boise, Idaho

My commission expires *March 27-1928*

14881

RECORDED
INDEXED
AUG 25 1925
BOISE IDAHO

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT No. 14881

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. A. T. Ingalls, age 63, Civil Engineer, Overland Building, Boise, Idaho.

Ques. 2. Are you acquainted with Idaho Power Company, the holder of Permit No. 14881? How long have you known him and where does he reside?

Ans. Aug. 1, 1916, Boise, Idaho.

Ques. 3. Have you read or heard read said Permit No. 14881, and are you familiar with its provisions and conditions?

Ans. Yes.

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

Ans. Snake River, N. 73° 39' W. 1839.2 feet from S.E. Cor. Sec. 36, T. 9 S., R. 17 E., B.M., SW 1/4 Lot 9, Jerome County, Tunnel, and steel penstock, N. 21° 28' W. 2168.4 feet from S.E. Cor. Sec. 36, T. 9 S., R. 17 E., B.M., Lot 5 Sec. 36.

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. 1000 sec. feet 986 sec. feet.

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

Ans. _____

14881

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

Ans. The water is used for the development of power, and consists of control works, tunnel and steel penstock, power house, with two units, of 600 kw, and 10000 kw capacity, switchboard, transformers, and miscellaneous equipment.

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. July 10, 1925, 986 sec. ft., conducted through development as described under Ques. 7, with maximum output of 12020 K.W.H. from 10 A.M. to 11 A.M.

(Sign) A. T. Ingalls

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 24th day of August, A. D. 1925.

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

My commission expires March 27-1928

14881

14881

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT No. 14881

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. W. R. Putnam; Boise, Idaho; General Manager; P. O. Box 910, 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; Augusta, Maine; Vice-President and General Manager; Vice-President.

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

Ans. 14881, August 24, 1920; August 9, 1920.

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

Ans. Snake River, at a point North 73 degrees and 39 Minutes West 1839.2 feet from the Southeast corner of Sec. 36, in Twp. 9 South, of Range 17 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. Four concrete dams, with concrete intake to cement-lined tunnel in rock, and steel penstock; more than 1000 c. f. s.; Shoshone Falls Power Station.

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

Ans. Development of power; on north side of Snake River below Shoshone Falls.

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

Ans. Through one horizontal type reaction turbine rated at 1200 horsepower, direct connected to 600 kw. generator; and through one vertical type reaction turbine rated at 14,500 horsepower direct connected to 10,000 kw. generator. Power generated is 10,600 kilowatts, or about 14,100 horsepower.

14881

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

Ans. 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. August 31, 1921: in development of electrical energy; 1000 cubic feet per second.

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 right claimed thereunder.

Ans. Since August 1, 1907, in development of electrical energy, about 150 cubic feet per second have been used constantly, under Appropriations by L. B. Perrine on Nov. 1, 1901, and A. Z. Conrad on Sept. 13, 1902, the rights under each, by mesne conveyances, vested in Idaho Power Company.

(Sign)

L. B. Perrine

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 *24th* day of *August* A. D. 19*25*.

M. E. Hughes

Notary Public in and for the State of Idaho

14881

14881

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS AND PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO,

August 20, 1925.

Idaho Power Co.

c/o M. E. Hughes,

Boise, Idaho.

DEAR SIR:

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

14881

DEPOSITION OF PERMIT HOLDER.

DEPOSITIONS OF TWO WITNESSES.

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

1. On ~~August 24, 1925~~, the date set for proof, the enclosed forms (two for permit holder and two each for two disinterested witnesses) should be filled out and sworn to, at _____
~~Boise~~ before ~~M. E. Hughes, notary public.~~

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

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

Yours truly,

W. G. SWENDSEN,

Commissioner of Reclamation.

14881

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

DATE July 13, 1925

North Side News,
Jerome, Idaho.

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to August 24, 1925, the date set for proof, the expense of the publication to be paid by the applicant, Idaho Power & Light Co., Boise, to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

14881

Notice for Publication

Notice is hereby given that at 10 A. M., on the 24th day of August, 192 5, at Boise, County of Ada, State of Idaho, before M. E. Hughes, Notary Public. proof will be submitted of the completion of works for the diversion of 1,000 cubic feet per second of the waters of Snake River in accordance with the terms and conditions of a certain permit heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is Idaho Power Company

2. The postoffice address of such person or principal place of business of such corporation is P. O. Box 910,
Boise, County of Ada, State of Idaho.

3. The number of such Permit is 14881, and the date set for the completion of such work is August 24, 1925.

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

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 1,000 cubic feet per second.

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

Commissioner of Reclamation.

14881

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 a. m. on the 24th day of August, 19 25,
at Boise, County of Ada, State of Idaho,
before M. E. Hughes, Notary Public, proof will be submitted
of the application to beneficial use of 1,000 cubic feet per second of the
waters of Snake River in accordance with the terms and conditions of
Permit No. 14881 heretofore issued by the Department of Reclamation
of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Idaho
Power Company, P. O. Box 910, Boise, Idaho.

The use to which said water has been applied is Power purposes

The amount applied to beneficial use is 1,000 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the
lands irrigated) is Shoshone Falls Power Station, in Section 36, in Township 9 South,
of Range 17 E. B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use
is _____

The right to take water from such works is based upon Permit No. 14881

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

The date of the priority which said user is prepared to establish is August 9, 1920.

Commissioner of Reclamation.

14881

June 9, 1925

Re: Permit No. 14881-Idaho Power Co.

Mr. E. C. Kiersted
c/o Idaho Power Company
Boise, Idaho

Dear Sir:

Relative to notices for proof of completion of works and beneficial use of water under the above numbered permit, would say that a combined notice of these two proofs will be mailed to the North Side News at Jerome, in ample time for the required four weeks publication prior to August 24, the date set for proof, and deposition blanks will be mailed to the notary public, M. E. Hughes.

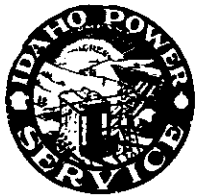
Very truly yours,

W. G. SWENDSEN
Commissioner of Reclamation

By _____
Chief Clerk

CB:EK

14881



IDAHO POWER COMPANY
BOISE, IDAHO

81-14-1

June 6, 1925.

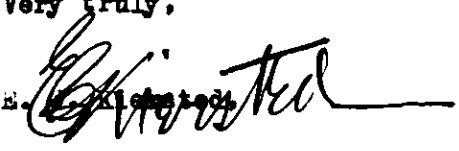
Department of Reclamation,
Boise, Idaho.

Gentlemen:

Enclosed please find, in duplicate, Notices for Publication in Proof of Completion of works and in Proof of Application to Beneficial Use of Snake River waters under Permit No. 14881, the said Proofs to be made on August 24, 1925.

The notices, or your combination of them, may be published at our expense in ~~The~~ North Side News of Jerome, Idaho, which is located in the county in which the points of diversion and use are located.

Very truly,


~~E. J. Husted~~

Special Agent.

ECH/S

14881

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

Notice is hereby given that at 10 A. M. on the 24th day of August, 1925, at Boise, County of Ada State of Idaho, before M. E. Hughes, Notary Public. proof will be submitted of the completion of works for the diversion of 1,000 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. 14881, 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, Boise, Ada County, 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 1,000 cubic feet per second.

3. The use to which said water has been applied is irrigation and domestic power purposes and the amount applied to beneficial use is 1,000 cubic feet per second.

4. The place where said water is used is Shoshone Falls Power Station, in Sec. 36, Twp. 9 South, Range 17 E., B.M.

5. The date of priority which said user is prepared to establish is August 9, 1920.

W. G. Swendsen,
Commissioner of Reclamation.

div - Lot 9 - (only) Rec 31 - 93 - 182
Jerome 10 Falls Co.
- 46 -

North Side News - Jerome

14881

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Idaho Power Co.
Boise, Idaho

May 6, 1925 Boise, Idaho,

DEAR SIR:

I enclose herewith blank Form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. **14881**

This form should be filled out and mailed to the Department of Reclamation, at least 60 days before the date upon which proof is to be submitted, which proof MUST be on or before **Aug. 24, 1925**. Upon receipt of the blank, properly filled out, notice for publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

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

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

Very truly yours,

W. C. SWENDSEN
Commissioner of Reclamation.

14881

IDAHO POWER COMPANY

BOISE, IDAHO

IN REPLY PLEASE REFER
TO FILE NO. 81-14-1

September 17, 1920.

Department of Reclamation,
Boise, Idaho.

Gentlemen:

Pertaining to Water Permit No. 14881, please find
enclosed herewith National Surety Company bond, dated September
7, 1920, in amount of \$2,000.00, which is submitted to you
for filing with the said permit.

Very truly,



Special Agent.

ECK/H

14881

BOND

H. G. Hornum

KNOW ALL MEN BY THESE PRESENTS, That IDAHO POWER COMPANY
 of BOISE, IDAHO, as principal, and NATIONAL SURETY COMPANY
 of NEW YORK ~~and~~
~~of~~ as sureties, are held and firmly bound unto the State of Idaho in the full
 and just sum of TWO THOUSAND AND NO/100 (\$2000.00) Dollars,
 lawful money of the United States, to the payment of which sum, well and truly to be made, said principal
 and sureties bind themselves, their heirs, administrators, executors and assigns, jointly and severally, un-
 der the terms and conditions hereinafter set forth.

The terms of this obligation are such that, whereas the above named principal on the 9th
 day of August, 19 20, filed in the office of the State Engineer 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. 21172, in accordance with which said application the State Engineer
 granted and issued to the said principal herein a certain permit numbered No. 14881, a full, true and
 complete copy of which application No. 21172 and permit No. 14881, is of record in the office of
 the State Engineer, in Book 52 of Permits, at page 14881

Now, if the above bounden principal shall faithfully carry to completion the said works of diversion
 as specified in said application No. 21172 and permit No. 14881, in the manner and form pre-
 scribed therein and within the time therein allowed, then the above obligation to be void otherwise to re-
 main in full force and effect.

IN WITNESS WHEREOF, The said principal and sureties have hereunto set their hands and seals,
 this Seventh day of September, 19 20

WITNESSES:

Attest: Lawrence L. Ware
Secy.

IDAHO POWER COMPANY (SEAL)

BY *W. J. Putnam* (SEAL)
Vice President

NATIONAL SURETY COMPANY (SEAL)

BY *W. J. Putnam*
Attorney-in-Fact.

STATE OF IDAHO

County of _____ ss.

_____ of _____ 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____

14881

State of Idaho
ENGINEERING DEPARTMENT
BOISE

Permit No. 14881
E. C. Kiersted
Box 910, Boise, Idaho.

NOTE

Aug. 28, 1920.

That in order to keep this permit in force a bond in the sum of \$2000.00 must be filed in the office of the State Engineer on or before October 23, 1920 conditioned upon faithfully carrying to completion the works of diversion as specified in said permit and in the application therefor.

W. G. Swendsen

~~J. H. SMITH~~
Commissioner of Reclamation
~~State Engineer.~~

14881

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 14881
E. C. Kiersted
Box 910,
Boise, Idaho.
Dear Sir:

Boise, Idaho,

Aug. 28, 1920.

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

W. G. Swendsen

Commissioner of Reclamation.

14881

PAUL S. HADDOCK
ATTORNEY AND COUNSELOR AT LAW
IRRIGATION LAW A SPECIALTY
SHOSHONE, IDAHO

August 5, 1920

Commissioner of Reclamation

Boise, Idaho

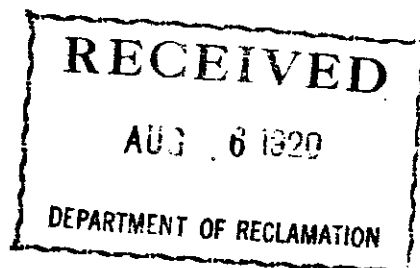
Dear Sir:

I am here returning Application for Permit, no. 21142, Frank Mason, which Mr. Mason has signed as per your request under date of August 3rd.

Yours respectfully,

Paul S. Haddock.

PSH/LJ



14877